

[Cite as *Darling v. Ohio Dept. of Transp.*, 2005-Ohio-5414.]

IN THE COURT OF CLAIMS OF OHIO

JOSEPH DARLING	:	
Plaintiff	:	
v.	:	CASE NO. 2005-07861-AD
DEPARTMENT OF TRANSPORTATION	:	<u>ENTRY OF DISMISSAL</u>
Defendant	:	

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{¶ 1} On August 5, 2005, defendant filed a motion to dismiss, stating this claim was paid by the insurance carrier of Mike Pusateri Excavating, Inc. On August 2, 2005, check no. 22966 in the amount of \$281.86, was sent to plaintiff as a full and final release of the claim against defendant. Plaintiff has not responded to defendant's motion to dismiss. R.C. 2743.02(D) in pertinent part states: "Recoveries against the state shall be reduced by the aggregate of insurance proceeds, disability award, or other collateral recovery received by the claimant." Upon review, the court finds that the money received by plaintiff is a recovery from a collateral source. Accordingly, defendant's motion is GRANTED and plaintiff's case is DISMISSED. The court shall absorb the court costs for this claim in excess of the filing fee. The clerk shall serve upon all parties notice of this entry of dismissal and its date of entry upon the journal.

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DANIEL R. BORCHERT  
Deputy Clerk

Entry cc:

Joseph Darling  
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Amsterdam, Ohio 43903

Plaintiff, Pro se

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For Defendant

DRB/laa  
9/9  
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