

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA, et al.,
Plaintiffs

Case No. 1:02-cv-107
Spiegel, J.
Litkovitz, M.J.

vs

BOARD OF HAMILTON COUNTY
COMMISSIONERS, et al.,
Defendants

**SUPPLEMENTAL ORDER
RE: REQUEST FOR
REVIEW BY VERNON WIETHE**

This matter is before the Court on claimant Vernon Wiethe's response to the Court's Order of December 4, 2012, requesting Mr. Wiethe to submit documentation of any insurance company coverage for damages sustained to his property at 1722 Laurelwood Circle, Cincinnati, Ohio in September 2011. (Doc. 594).

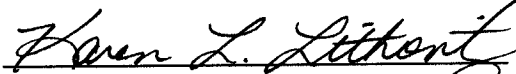
The Court awarded Mr. Wiethe damages of \$6,995.73 subject to a deduction for any insurance policy payments for personal property and structural damage. (Doc. 586). All claims brought under the Sewer Back Up program are subject to the limitations of Ohio Rev. Code § 2744.05, which requires that insurance policy payments for alleged injuries must be disclosed to the Court and subtracted from any award against the Metropolitan Sewer District of Greater Cincinnati. (Consent Decree, Ex. 8 at 3). Mr. Wiethe now presents evidence that after paying a \$1,000.00 insurance deductible, he received from his insurance company payments of \$6,139.11 for personal property damage and \$8,120.28 for structural damage.

Accordingly, Mr. Wiethe's award is adjusted as follows: Mr. Wiethe is awarded damages under the SBU program of \$6,995.73, plus \$1,000.00 for the insurance deductible, less

\$14,259.39 in insurance proceeds received, for a total award of \$0.

IT IS SO ORDERED.

Date: 1/14/2013


Karen L. Litkovitz, Magistrate Judge
United States District Court