

[Cite as *Carlisle v. Dept. of Transp.* , 2004-Ohio-5617.]

IN THE COURT OF CLAIMS OF OHIO

MARIE C. CARLISLE	:	
	:	
Plaintiff	:	
	:	
v.	:	CASE NO. 2004-06585-AD
	:	
DEPT. OF TRANSPORTATION,	:	<u>ENTRY OF DISMISSAL</u>
DISTRICT 4	:	
	:	
Defendant	:	
	:	
.....	:	

{¶ 1} September 17, 2004, defendant filed a motion for extension of time to file the investigation report. On September 22, 2004, defendant filed a motion to dismiss stating this claim was paid by Howard Concrete Pumping Co., Inc. On September 21, 2004, check no. 016107 in the amount of \$242.90 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 for extension of time is MOOT, defendant’s motion to dismiss is GRANTED and plaintiff’s case is DISMISSED. The court shall absorb the court costs of 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.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Marie C. Carlisle
8848 State Route 800 S.E.
Uhrichsville, Ohio 44683

Plaintiff, Pro se

Thomas P. Pannett, P.E.
Assistant Legal Counsel
Department of Transportation
1980 West Broad Street
Columbus, Ohio 43223

Defendant

DRB/laa
9/28
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