

Court of Claims of Ohio

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614.387.9800 or 1.800.824.8263
www.cco.state.oh.us

CHRIS HICKS

Plaintiff

v.

OHIO DEPARTMENT OF TRANSPORTATION

Defendant

Case No. 2010-11030-AD

Clerk Miles C. Durfey

MEMORANDUM DECISION

FINDINGS OF FACT

{¶ 1} Plaintiff, Chris Hicks, filed this action against defendant, Department of Transportation (ODOT), contending that his 2001 Honda Civic was damaged as a proximate cause of negligence on the part of ODOT in maintaining a hazardous condition in a construction area on Interstate 75 in Warren County. Plaintiff requested damages in the amount of \$461.85, plus filing fee reimbursement of \$25.00. The filing fee was paid.

{¶ 2} ODOT filed an investigation report requesting that plaintiff's claim be dismissed, advising that the claim was paid and settled by ODOT contractor, John R. Jurgensen Company. Defendant provided a copy of check number 00499119 issued to plaintiff by John R. Jurgensen Company in the amount of \$486.85.

CONCLUSIONS OF LAW

{¶ 3} 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.



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ENTRY OF ADMINISTRATIVE DETERMINATION

Having considered all the evidence in the claim file and, for the reasons set forth in the memorandum decision filed concurrently herewith, plaintiff's claim is DISMISSED. The court shall absorb the court costs for this claim in excess of the filing fee.

MILES C. DURFEY

Clerk

Entry cc:

Chris Hicks
269 Village Drive
Springboro, Ohio 45066

Jerry Wray, Director
Department of Transportation
1980 West Broad Street
Columbus, Ohio 43223

RDK/laa
3/2
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