

# 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

ALEXANDER G. PREEDY

Plaintiff

v.

OHIO DEPARTMENT OF TRANSPORTATION, DIVISION 12

Defendant

Case No. 2008-05389-AD

Deputy Clerk Daniel R. Borchert

## ENTRY OF DISMISSAL

{¶ 1} On April 25, 2008, plaintiff, Alexander G. Preedy, filed a complaint against defendant, Department of Transportation. Plaintiff alleges on March 21, 2008 at approximately 10:30 a.m., while traveling along I 90 E., a snowplow dislodged a piece of tarmac which damaged his vehicle. Plaintiff sought damages in the amount of \$165.16.

{¶ 2} On May 23, 2008, defendant filed a motion to dismiss alleging plaintiff lacks standing to bring this action since he was not the owner of the vehicle in question.

{¶ 3} On October 28, 2008, this court issued an entry denying defendant's motion to dismiss since the plaintiff had standing to bring this action since he incurred all the damages. Accordingly, plaintiff was the real party in interest.

{¶ 4} On December 5, 2008, defendant filed a second motion to dismiss. In support of the motion to dismiss, defendant stated in pertinent part:

{¶ 5} "Defendant has established that Timothy Williams is the owner of the car that got a flat tire on I-90 when plaintiff followed a snowplow on March 21, 2008, and the snowplow dislodged some pavement or tarmac. Timothy Williams was paid \$165.16 by the Office of Risk Management on May 19, 2008. A letter from Alexander G. Preedy

explains that he does not want to pursue the claim any further because he received payment from Timothy Williams. (See Exhibit A) . . . In sum, defendant respectfully requests that the present action be dismissed because plaintiff has been fully compensated by a collateral source.”

{¶ 6} R.C. 2743.02(D) in pertinent part states:

{¶ 7} “Recoveries against the state shall be reduced by the aggregate of insurance proceeds, disability awards, or other collateral recovery received by the claimant . . .”

{¶ 8} 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 of this case.

---

DANIEL R. BORCHERT  
Deputy Clerk

Entry cc:

Alexander G. Preedy  
492 Dover Center Road  
Bay Village, Ohio 44140

Thomas P. Pannett  
Department of Transportation  
1980 West Broad Street  
Columbus, Ohio 43223

DRB/laa  
Filed 1/9/09  
Sent to S.C. reporter 3/31/09