

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

MARY MALICK

Plaintiff

v.

OHIO DEPARTMENT OF
TRANSPORTATION

Defendant

Case No. 2009-04441-AD

Deputy Clerk Daniel R. Borchert

ENTRY OF DISMISSAL

{¶ 1} On July 1, 2009, defendant filed a motion to dismiss, stating this claim was paid by The Shelly Company. On July 6, 2009, payment was made in the amount of \$361.85, and 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.

DANIEL R. BORCHERT
Deputy Clerk

cc:

Mary Malick
841 E. 216th Street
Euclid, Ohio 44119

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

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ENTRY

DRB/laa

8/6

Filed 9/3/09

Sent to S.C. reporter 1/5/10