

[Cite as *Petretti v. Ohio Dept. of Transp.*, 2003-Ohio-837.]

IN THE COURT OF CLAIMS OF OHIO

KATHLEEN PETRETTI	:	
20133 Jefferson Court	:	
Strongsville, Ohio 44149	:	Case No. 2002-08840-AD
Plaintiff	:	ORDER DISMISSING
	:	PLAINTIFF'S CASE
v.	:	
OHIO DEPARTMENT OF	:	
TRANSPORTATION	:	
Defendant	:	
	:	
	:	

For Defendant: Lisa J. Conomy, Chief Counsel
 Department of Transportation
 1980 West Broad Street
 Columbus, Ohio 43223

{¶1} THE COURT FINDS THAT:

{¶2} 1) On September 27, 2002, plaintiff, Kathleen Petretti, filed a complaint against defendant, Department of Transportation;

{¶3} 2) On January 3, 2003, defendant filed a motion to dismiss stating this claim was paid by Karvo Paving Company;

{¶4} 3) On December 26, 2002, Check Number 039923, in the amount of \$227.91, was sent to plaintiff as a full and final release of the claim against defendant;

{¶5} 4) Plaintiff has not responded to defendant's motion to dismiss.

{¶6} THE COURT CONCLUDES THAT:

{¶7} 1) R.C. 2743.02(D) in pertinent part states: "Recoveries against the state shall be rendered by the aggregate of insurance proceeds, disability awards, or other collateral recovery

received by the claimant.”;

{¶8} 2) The money received from Karvo Paving Company is a recovery from a collateral source.

{¶9} IT IS ORDERED THAT:

{¶10} 1) Defendant’s motion to dismiss is GRANTED;

{¶11} 2) Plaintiff’s case is DISMISSED;

{¶12} 3) The court shall absorb the court costs for this case in excess of the filing fee.

DANIEL R. BORCHERT
Deputy Clerk

DRB/laa
1/21
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