

[Cite as *Qualls v. Ohio Dept. of Transp.*, 2005-Ohio-2033.]

IN THE COURT OF CLAIMS OF OHIO

SHERRI QUALLS :
 :
 Plaintiff :
 :
 v. : CASE NO. 2004-09622-AD
 :
 OHIO DEPARTMENT OF : ENTRY OF DISMISSAL
 TRANSPORTATION :
 :
 Defendant :
 :
 :::::::::::::::

{¶1} On February 10, 2005, defendant filed a motion to dismiss stating this claim was settled by defendant's contractor, Trafftech, Inc. A letter from plaintiff dated January 24, 2005, stated that Trafftech, Inc. had removed the paint from her vehicle which resulted from the incident of September 28, 2004, which was the subject of her complaint.

{¶2} R.C. 2743.02 in pertinent part states:

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

{¶4} The resolution of her damage claim by Trafftech, Inc. is a collateral recovery. Accordingly, defendant's motion 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 the date of entry upon the journal.

DANIEL R. BORCHERT
Deputy Clerk

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Entry cc:

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3/23
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