

[Cite as *Quigley v. Ohio Dept. of Transp.*, 2005-Ohio-2036.]

IN THE COURT OF CLAIMS OF OHIO

KEVIN QUIGLEY :
Plaintiff :
v. : CASE NO. 2004-10132-AD
OHIO DEPT. OF TRANSPORTATION : ENTRY OF DISMISSAL
Defendant :
:.....

{¶1} On November 8, 2004, plaintiff filed a complaint against defendant, Department of Transportation. Plaintiff alleges on September 4, 2004, defendant's contractor, Griffin Pavement, sprayed paint on his vehicle while conducting a line painting operation.

{¶2} On February 3, 2005, plaintiff submitted a letter stating he wishes to dismiss his claim because "[t]he insurance company for Griffin Pavement has paid me the \$500 insurance deductible so I can get the paint off of my truck."

{¶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. Accordingly, plaintiff's letter is considered a motion for voluntary dismissal and is GRANTED. Plaintiff's case is DISMISSED.

The court shall absorb the court costs for this claim in excess of the filing fee. The clerk shall serve upon all parties notice of this entry of dismissal and its date of entry upon the journal.

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DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Kevin Quigley
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Plaintiff, Pro se

Ohio Dept. of Transportation
1980 West Broad Street
Columbus, Ohio 43223

Defendant

DRB/laa
3/23
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