

IN THE COURT OF CLAIMS OF OHIO

CASSANDRA HENSLEY	:	
4100 Skyview Drive #170	:	
Brunswick, Ohio 44212	:	Case No. 2002-02566-AD
Plaintiff	:	ORDER GRANTING
	:	DEFAULT JUDGMENT
v.	:	TO PLAINTIFF
BUREAU OF MOTOR VEHICLES	:	
Defendant	:	

: : : : : : : : : : : : : : : :

For Defendant: Bureau of Motor Vehicles
P.O. Box 16520
Columbus, Ohio 43266-0020

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{¶1} THE COURT FINDS THAT:

{¶2} 1) On August 14, 2002, the judge of the Court of Claims found defendant has failed to file an investigation report even though it had been ordered on previous occasions to do so. Accordingly, the judge held " . . . the deputy clerk is authorized to grant default judgment in favor of the plaintiff.";

{¶3} 2) A review of the file reveals plaintiff submitted a financial responsibility insurance certificate from her insurance carrier, American Standard Insurance Co. of Ohio, which indicates plaintiff had insurance coverage at the time of the incident and a bill in the amount of \$119.50 for towing charges which proves her damages. Plaintiff also submitted a judgment entry pretrial seizure appeal or transfer of location dated January 30, 2002 and signed by the Mayor of Brunswick, Ohio which stated in pertinent part: "Charges were nollod. BMW error".

{¶4} THE COURT CONCLUDES THAT:

{¶5} 1) Civ. R. 55(D) in pertinent part states:

{¶6} "No judgment by default shall be entered against this state . . . or agency . . . unless the claimant establishes his claim . . . by evidence satisfactory to the court";

{¶7} 2) Plaintiff has presented sufficient evidence to establish she has sustained damages in the amount of \$119.00 as a result of defendant's negligence.

{¶8} IT IS ORDERED THAT:

{¶9} 1) Default judgment is GRANTED in favor of the plaintiff;

{¶10} 2) Defendant (Bureau of Motor Vehicles) pay plaintiff (Cassandra Hensley) \$119.00 and such interest as is allowed by law;

{¶11} 3) Court costs are assessed against defendant.

DANIEL R. BORCHERT
Deputy Clerk