

IN THE COURT OF CLAIMS OF OHIO

DOUGLAS MAZANEC

:

Plaintiff

:

v.

:

CASE NO. 2002-10526-AD

BUREAU OF MOTOR VEHICLES

:

MEMORANDUM
DECISION

Defendant

:

: : : : : : : : : : :

{¶1} THE COURT FINDS THAT:

{¶2} 1) On December 4, 2002, plaintiff, Douglas Mazanec, filed a complaint against defendant, Bureau of Motor Vehicles. Plaintiff alleges on June 27, 2002, he was stopped by the Shaker Heights Police for a traffic violation. When the police checked his records with defendant, it appeared his license was under suspension and, consequently, his vehicle was towed. He asserts he incurred damages in the amount of \$139.00 for towing/storage fees and court costs. Plaintiff submitted the filing fee with the complaint;

{¶3} 2) Plaintiff presented documentation that his driver's license had been suspended due to a computer error made by defendant. He also presented a receipt from Shaker Auto Hospital in the amount of \$119.00 for towing and storage charges related to the incident. Finally, he presented evidence he incurred a \$20 charge for court costs related to his required court appearance;

{¶4} 3) On March 5, April 25, June 11, and July 17, 2003, this court issued entries ordering defendant to file an investigation report. Defendant refused to comply.

{¶5} 4) On August 15, 2003, a judge of the Court of Claims issued an entry authorizing the deputy clerk to order appropriate sanctions against defendant including default judgment in favor of plaintiff.

{¶6} 5) On August 22, 2003, defendant filed the investigation report admitting liability but asserting it had no knowledge regarding plaintiff's claimed expenses.

{¶7} THE COURT CONCLUDES THAT:

{¶8} 1) I find, by a preponderance of the evidence, negligence by defendant has been shown. *Baisden v. Southern Ohio Correctional Facility* (1977), 76-0617-AD; *Stewart v. Ohio National Guard* (1979), 78-0342-AD;

{¶9} 2) Plaintiff has suffered damages in the amount of \$139.00, plus the \$25.00 filing fee, which may be reimbursed as compensable damages pursuant to the holding in *Bailey v. Ohio Department of Rehabilitation and Correction* (1990), 62 Ohio Misc. 2d 19.

{¶10} Having considered all the evidence in the claim file and, for the reasons set forth in the memorandum decision filed concurrently herewith, judgment is rendered in favor of plaintiff in the amount of \$164.00, which includes the filing fee. Court costs are assessed against defendant. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

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Plaintiff, Pro se

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For Defendant

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9/4
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