

[Cite as *Jackson v. Ohio Bur. of Motor Vehicles*, 2003-Ohio-5289.]

IN THE COURT OF CLAIMS OF OHIO

PERRY C. JACKSON :

Plaintiff :

v. :

CASE NO. 2003-01318-AD

BUREAU OF MOTOR VEHICLES :

ENTRY OF DEFAULT
JUDGMENT

Defendant :

: : : : : : : : : : :

{¶1} THE COURT FINDS THAT:

{¶2} 1) On January 10, 2003, plaintiff, Perry Jackson, filed a complaint against defendant, Bureau of Motor Vehicles. Plaintiff alleges on December 16, 2002, he was stopped by a Bedford Police officer for failing to stop at a red light. The subsequent check of his record through defendant's data base revealed that he was operating the vehicle in violation of 4507.02, no car insurance. The vehicle was subsequently towed and impounded and plaintiff was required to appear in court due to his alleged violation of 4507.02. Plaintiff alleges defendant's negligence in not listing his insurance carrier on its data base resulted in the towing/storage fees, court costs, travel expenses, and lost wages. Plaintiff seeks damages in the amount of \$481.64. Plaintiff submitted the filing fee on January 22, 2003;

{¶3} 2) Plaintiff presented evidence that he had insurance coverage on the date he was stopped. Plaintiff's evidence indicates his coverage with Progressive Insurance began on October 14, 2002. Plaintiff submitted a receipt from Interstate Wrecker Service, Inc. in the amount of \$160.00 for towing/storage fees. Plaintiff also submitted evidence showing the amount of court costs which were attributable to the R.C. 4507.02 violation. These expenses amounted to \$38.00. While plaintiff asserts he

incurred lost wages in the amount of \$147.64 and travel expenses in the amount of \$80.00, he has presented no documentation to support these damages;

{¶4} 3) On June 11, and July 17, 2003, this court issued entries requiring defendant to submit the investigation report. Defendant has failed to comply with these entries;

{¶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;

{¶6} 5) Defendant has not responded to the judge's entry of August 15, 2003.

{¶7} THE COURT CONCLUDES THAT:

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

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

{¶10} 2) 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;

{¶11} 3) Plaintiff has suffered damages in the amount of \$198.00, 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. Plaintiff failed to establish damages for the remainder of court costs, lost wages and travel expenses in accordance with Civ. R. 55(D).

{¶12} IT IS ORDERED THAT:

{¶13} Having considered all the evidence in the claim file and for the reasons set forth above, judgment is rendered in favor of plaintiff in the amount of \$223.00, 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:

Perry C. Jackson
6645 Dunham Road
Walton Hills, Ohio 44146

Plaintiff, Pro se

Bureau of Motor Vehicles
1970 West Broad Street
P.O. Box 182081
Columbus, Ohio 43218-2081

Defendant

DRB/laa
9/4
Filed 9/10/03
Sent to S.C. reported 10/3/03