



*Ankney v. Bureau of Motor Vehicles* (1998), 97-11045-AD; *Serbanescu v. Bureau of Motor Vehicles* (1994), 93-15038-AD; *Black v. Bureau of Motor Vehicles* (1996), 95-01441-AD. In the instant action, plaintiff has proven, by a preponderance of the evidence, that his driver's license was improperly suspended by defendant. *McGee v. Ohio Bureau of Motor Vehicles* (1997), 97-03999-AD.

{¶ 4} Emotional distress, embarrassment and humiliation are recognized elements of damages and, thus, compensable by this court. *Ankney, Id.*; *Hodge v. Ohio Bureau of Motor Vehicles* (1999), 99-08475-AD; *Goldsmith v. Bureau of Motor Vehicles* (2000), 99-13444-AD; *Snedeker v. Ohio Bureau of Motor Vehicles* (2000), 2000-08133-AD; *Miller v. Ohio Bureau of Motor Vehicles* (2001), 2001-09427-AD; *Bumpus v. Bureau of Motor Vehicles*, 2004-01117-AD, 2004-Ohio-4589.

{¶ 5} Defendant is liable to plaintiff for damages plaintiff can prove resulted from defendant's failure to provide correct information. *Partlow v. Bureau of Motor Vehicles* (1997), 97-07820-AD. The assessment of damages is a matter within the province of the trier of fact. *Litchfield v. Morris* (1985), 25 Ohio App. 3d 42. Where the existence of damage is established, the evidence need only tend to show the basis for the computation of damages to a fair degree of probability. *Brewer v. Brothers* (1992), 82 Ohio App. 3d 148. Only reasonable certainty as to the amount of damages is required, which is that degree of certainty of which the nature of the case admits. *Bemmes v. Pub. Emp. Retirement Sys. Of Ohio* (1995), 102 Ohio App. 3d 782. Defendant is liable to plaintiff for his towing expenses, impound fees, and emotional distress, which the trier of fact has calculated at \$250.00. Defendant is also liable to plaintiff for the 25.00 filing fee, pursuant to the holding in *Bailey v. Ohio Department of Rehabilitation and Correction* (1990), 62 Ohio Misc. 2d 19.

