

Court of Claims of Ohio

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614.387.9800 or 1.800.824.8263
www.cco.state.oh.us

LAUREN C. FELDMAN

Plaintiff

v.

OHIO BUREAU OF MOTOR VEHICLES

Defendant

Case No. 2007-01975-AD

Deputy Clerk Daniel R. Borchert

MEMORANDUM DECISION

FINDINGS OF FACT

{¶1} 1) On February 9, 2007, plaintiff, Lauren C. Feldman, filed a complaint against defendant, Bureau of Motor Vehicles ("BMV"), alleging her driver's license was suspended by BMV. Plaintiff's automobile was towed and impounded as a result of BMV's error in recording her driving status. Plaintiff seeks damages in the amount of \$181.05 for towing and storage fees. The filing fee was paid.

{¶2} 2) On April 11, 2007, defendant filed an investigation report admitting error in recording plaintiff's license status.

{¶3} 3) On July 9, 2007, plaintiff filed a response.

CONCLUSIONS OF LAW

{¶4} 1) Resulting damages may be recovered when a plaintiff proves, by a preponderance of the evidence, her driver's license was erroneously listed as suspended by defendant. *Ankney v. Bureau of Motor Vehicles* (1998), 97-11045-AD; *Black v. Bureau of Motor Vehicles* (1996), 95-01441-AD.

{¶5} 2) Plaintiff has proven, by a preponderance of the evidence, that her driver's license was improperly listed as suspended by defendant. *McGee v. Ohio Bureau of Motor Vehicles* (1997), 97-03999-AD.

{¶6} 3) Defendant is liable to plaintiff for damages plaintiff can prove resulted from defendant's negligence. *Partlow v. Bureau of Motor Vehicles* (1997), 97-07820-AD. Plaintiff has proven that she suffered all damages claimed in the complaint, plus the \$25.00 filing fee which may be reimbursed as compensable damages pursuant to R.C. 2335.19. See *Bailey v. Ohio Department of Rehabilitation and Correction* (1990), 62 Ohio Misc. 2d 19, 587 N.E. 2d 990.

Court of Claims of Ohio

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614.387.9800 or 1.800.824.8263
www.cco.state.oh.us

LAUREN C. FELDMAN

Case No. 2007-01975-AD

Plaintiff

Deputy Clerk Daniel R. Borchert

v.

OHIO BUREAU OF MOTOR VEHICLES

ENTRY OF ADMINISTRATIVE
DETERMINATION

Defendant

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 \$206.05, which includes the filing fee. Court costs are assessed against defendant.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Lauren C. Feldman
6949 South Dwyer Road
Okeana, Ohio 45053

John R. Guldin
Associate Legal Counsel
Ohio Department of Public Safety
Legal Services
1970 West Broad Street
P.O. Box 182081
Columbus, Ohio 43218-2081

RDK/laa
7/11
Filed 7/26/07
Sent to S.C. reporter 9/20/07