

**IN THE COURT OF APPEALS OF OHIO  
SECOND APPELLATE DISTRICT  
DARKE COUNTY**

DAYTON HEAD & NECK  
SURGEONS, INC.

Plaintiff-Appellant

**V.**

GREG L. MAITLEN, et al.

## Defendant-Appellees

Appellate Case No. 08-CA-1732

Trial Court No. 07-CVF-001-1091

(Civil Appeal from County Court)

## OPINION

Rendered on the 13<sup>th</sup> day of February, 2009.

STEPHEN E. KLEIN, Atty. Reg. #0014351, 240 Bohanan Drive, Vandalia, Ohio 45377  
Attorney for Plaintiff-Appellant

GREG L. MAITLEN and TAMMY J. MAITLEN, 803 Spring Street, Greenville, Ohio  
45331

Defendant-Appellees, *pro se*

PER CURIAM:

{¶ 1} Dayton Head & Neck Surgeons, Inc., appeals from the judgment of the Darke County Court which failed to award it pre-judgment interest on the claim for payment of professional services rendered to defendants Greg and Tammy Maitlen.

{¶ 2} The trial court granted the Appellant a default judgment when the Maitlens

failed to answer the plaintiff's complaint. The trial court granted Appellant judgment in the amount of \$1,351.98 plus post-judgment interest, but denied pre-judgment interest.

{¶ 3} Appellant argues the trial court erred in failing to award it pre-judgment interest on its contract claim which was not contested, and we agree. See *Royal Elec. Consts. Corp. v. Ohio State Univ.*, 73 Ohio St.3d 110, 1995-Ohio-131; *Dayton Securities Assoc. v. Avutu* (1995), 105 Ohio App.3d 559, 566. The assignment of error is Sustained.

{¶ 4} The judgment of the trial court is Reversed and the matter Remanded to the trial court to enter a judgment in the appropriate amounts.

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Judges Brogan, Fain and Grady concur.

Copies mailed to:

Stephen E. Klein  
Greg L. Maitlen  
Tammy J. Maitlen  
Hon. Julie L. Monnin