

[Cite as *Clockwork Courier, Inc. v. Blue Jay, Inc.*, 2005-Ohio-2189.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 85117

CLOCKWORK COURIER, INC.,	:	
ET AL.,	:	ACCELERATED
	:	
Plaintiffs-Appellants	:	
	:	JOURNAL ENTRY
vs.	:	and
	:	OPINION
BLUE JAY, INC., ET AL.,	:	
	:	
Defendants-Appellees	:	

DATE OF ANNOUNCEMENT OF DECISION	:	MAY 5, 2005
-------------------------------------	---	-------------

CHARACTER OF PROCEEDING:	:	Civil appeal from
	:	Common Pleas Court
	:	Case No. 523807

JUDGMENT	:	REVERSED AND REMANDED.
----------	---	------------------------

DATE OF JOURNALIZATION	:	
------------------------	---	--

APPEARANCES:

For plaintiffs-appellees,	Blue Jay, Inc.
Blue Jay, Inc. and	and
Red Rose International:	Red Rose International
	4550 Ziebart Place
	Las Vegas, Nevada 89103

For defendants-appellants:	Eric J. Moore, Esq.
	183 W. Aurora Road
	Northfield, Ohio 44067

[Cite as *Clockwork Courier, Inc. v. Blue Jay, Inc.*, 2005-Ohio-2189.]
MICHAEL J. CORRIGAN, J.:

{¶1} This case came to be heard upon the accelerated calendar pursuant to App.R. 11.1 and Loc.R. 11.1, the record from the Cuyahoga County Court of Common Pleas and appellant's brief. A group of plaintiffs led by Clockwork Courier, Inc., filed this action against defendants Blue Jay, Inc. and Red Rose International, Ltd., alleging that they had sent unsolicited facsimile transmissions (faxes) in violation of the Telephone Consumer Protection Act (TCPA), Title 47, U.S. Code Section 227, and that each fax transmission constituted a separate violation of the Ohio Consumer Sales Practices Act, R.C. 1345.02(A). Although properly served with notice of the complaint, the defendants did not answer or otherwise appear in the action. The court then granted Clockwork's motion for a default judgment, but rendered judgment in amounts less than those prayed for in the complaint and refused to grant attorney fees. The assigned errors contest these and other aspects of the court's default judgment.

{¶2} The assigned errors are sustained on authority of *Bransky v. Sharokhi*, Cuyahoga App. No. 84262, 2005-Ohio-97. The matter is remanded consistent with that opinion for a redetermination of all damages, along with reasonable attorney fees.

Reversed and remanded.

[Cite as *Clockwork Courier, Inc. v. Blue Jay, Inc.*, 2005-Ohio-2189.]

This cause is reversed and remanded for proceedings consistent with this opinion.

It is, therefore, ordered that said appellants recover of said appellees their costs herein taxed.

It is ordered that a special mandate be sent to said court to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

MICHAEL J. CORRIGAN
JUDGE

FRANK D. CELEBREZZE, JR., P.J., and

MARY EILEEN KILBANE, J., CONCUR.

N.B. This entry is an announcement of the court's decision. See App.R. 22(B), 22(D) and 26(A); Loc.App.R. 22. This decision will be journalized and will become the judgment and order of the court pursuant to App.R.22(E) unless a motion for reconsideration with supporting brief, per App.R. 26(A), is filed within ten (10) days of the announcement of the court's decision. The time period for review by the Supreme Court of Ohio shall begin to run upon the journalization of this court's announcement of decision by the clerk per App.R. 22(E). See, also, S.Ct.Prac.R. II, Section 2(A)(1).

