

[Cite as *Ford Motor Credit Co. v. Agrawal*, 2014-Ohio-920.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 96413

FORD MOTOR CREDIT COMPANY

PLAINTIFF-APPELLANT

vs.

SUDESH AGRAWAL

DEFENDANT-APPELLEE

JUDGMENT:
REVERSED AND REMANDED

Civil Appeal from the
Cuyahoga County Court of Common Pleas
Case No. CV-536588

BEFORE: Celebrezze, P.J., Jones, J., and E.A. Gallagher, J.

RELEASED AND JOURNALIZED: March 13, 2014

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

{¶1} This cause is before us on remand from the Ohio Supreme Court for further review of our decision released December 15, 2011.¹

{¶2} On review of appellant Ford Motor Credit Company's proposition of law that

[c]laims for breach of contract, fraud, and nondisclosure involving a standardized contract cannot be certified as a class action when individualized inquiries are necessary to determine (a) whether each claimant's contract was actually violated or misrepresented, and (b) whether each claimant suffered economic harm as a result,

the Ohio Supreme Court reversed our decision based on their recent holding in *Cullen v. State Farm Mut. Auto Ins. Co.*, 137 Ohio St.3d 373, 2013-Ohio-4733, 999 N.E.2d 614.

{¶3} We therefore reverse the judgment of the trial court granting class certification and remand this cause to the trial court for further proceedings in accordance with the holding in *Cullen*.

{¶4} Judgment reversed and remanded.

It is ordered that appellant recover of said appellee costs herein taxed.

The court finds there were reasonable grounds for this appeal.

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.

¹ *Ford Motor Credit Co. v. Sudesh Agrawal*, 8th Dist. Cuyahoga No. 96413, 2011-Ohio-6474.

FRANK D. CELEBREZZE, JR., PRESIDING JUDGE

LARRY A. JONES, SR., J., and
EILEEN A. GALLAGHER, J., CONCUR