

[Cite as *Karshner v. Ohio Dept. of Motor Vehicles*, 2003-Ohio-4913.]

IN THE COURT OF CLAIMS OF OHIO

DAVID T. KARSHNER :
Plaintiff :
v. : CASE NO. 2002-09129-AD
OHIO DEPT. OF MOTOR VEHICLES : ENTRY OF DEFAULT
Defendant : JUDGMENT

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{¶1} THE COURT FINDS THAT:

{¶2} 1) On October 10, 2002, plaintiff, David Karshner, filed a complaint against defendant, Bureau of Motor Vehicles. Plaintiff alleges on September 23, 2002, he was stopped by a Franklin County Sheriff’s deputy for a turn signal violation. Incident to the stop, the deputy ran a check of plaintiff’s driver’s license assessing defendant’s computer data. Defendant’s data indicated plaintiff’s license was suspended pursuant to R.C. 4507.05(B)(1) (12 point suspension). Consequently, plaintiff’s vehicle was towed and impounded. Plaintiff asserted defendant’s records were erroneous which resulted in the impounding of his vehicle. Subsequently, plaintiff was required to attend a court hearing wherein he was found guilty of a turn signal violation pursuant to R.C. 4511.39. However, the driving under suspension charge was dismissed since plaintiff produced a letter from defendant dated September 25, 2002, which revealed plaintiff has a valid driver’s license at the time of the traffic stop and the license was not under suspension or revocation. The letter stated “there was a computer error at the BMV.” Plaintiff seeks damages in the amount of \$465.50, which represents \$85 for the towing/impound fee, \$25 for

reimbursement of the filing fee, \$45 for municipal court costs, \$10.50 for a court parking fee and \$300.00 for lost wages caused by having to make a court appearance;

{¶3} 2) On January 22, March 5, April 24, and June 24, 2003, this court issued entries requiring defendant to submit an investigation report. Defendant failed to comply;

{¶4} 3) On August 1, 2003, a Judge of the Court of Claims issued an entry which authorized the deputy clerk to order appropriate sanctions against the defendant including default judgment in favor of the plaintiff;

{¶5} 4) Sufficient evidence is contained in the claim file so a grant of default judgment can be sustained.

{¶6} THE COURT CONCLUDES THAT:

{¶7} 1) Civ. R. 55(D) in pertinent part states:

{¶8} “No judgment by default shall be entered against this state . . . or agency . . . unless the claimant establishes his claim or right to relief by evidence satisfactory to the court.”;

{¶9} 2) Plaintiff has proven by a preponderance of the evidence that he sustained damages in the amount of \$465.50. The damages included a towing/impound fee and reimbursement of the \$25 filing fee. Plaintiff’s expenses for court costs parking fee and work loss are also related to defendant’s negligence since plaintiff would not have had to appear in court but for the erroneous suspension of his license based on defendant’s records. *Baisden v. Southern Ohio Correctional Facility* (1977), 76-0617-AD; *Stewart v. Ohio National Guard* (1979), 78-0342-AD.

{¶10} IT IS ORDERED THAT:

{¶11} Plaintiff is GRANTED default judgment in the amount of \$465.50. Court costs are assessed against defendant. The clerk shall serve upon all parties notice of this default judgment and its date of entry upon the journal.

DANIEL R. BORCHERT
Deputy Clerk

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ENTRY

Entry cc:

David T. Karshner
18740 SR 56
Laurelville, Ohio 43135

Plaintiff, Pro se

Ohio Dept. of Motor Vehicles
1970 W. Broad Street
Columbus, Ohio 43223

Defendant

DRB/laa
8/20
Filed 8/28/03
Sent to S.C. reporter 9/9/03