

[Cite as *Ken & Son Towing, Inc. v. Ohio State Hwy. Patrol*, 2005-Ohio-6814.]

IN THE COURT OF CLAIMS OF OHIO

KEN & SON TOWING, INC.	:	
Plaintiff	:	
v.	:	CASE NO. 2005-09499-AD
OHIO STATE HIGHWAY PATROL	:	<u>MEMORANDUM DECISION</u>
Defendant	:	

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FINDINGS OF FACT

{¶ 1} Plaintiff, Ken & Son Towing, Inc., filed a complaint seeking to recover towing and storage fees imposed for a vehicle ordered impounded by defendant, Ohio State Highway Patrol ("OSHP"). The vehicle was impounded incident to an OMVI charge against the vehicle's driver. The charged driver was subsequently found not guilty of the OMVI offense in the Ashland Municipal Court. Upon motion, Judge Jacob M. Fridline of the Ashland Municipal Court ordered that the fees for towing and storage of the impounded vehicle be paid by OSHP. Based on this court order plaintiff seeks \$2,195.00 in damages for towing and storage fees. The filing fee was paid.

{¶ 2} OSHP filed an investigation report agreeing to reimburse plaintiff \$2,195.00, pursuant to the order issued by the Ashland Municipal Court.

CONCLUSIONS OF LAW

{¶ 3} Sufficient proof of liability on the part of defendant has been shown. *Lockhart v. State Highway Patrol-Ohio*, 2005-07356-AD, 2005-Ohio-5396; *Moro v. Ohio State Highway Patrol*, 2002-04429-AD,

2002-Ohio-4635; *Vastine v. State Highway Patrol*, 2002-10305-AD, 2003-Ohio-1681.

{¶ 4} Plaintiff suffered damages in the amount of \$2,195.00, plus the \$25.00 filing fee. *Bailey v. Ohio Department of Rehabilitation and Correction* (1990), 62 Ohio Misc. 2d 19.

IN THE COURT OF CLAIMS OF OHIO

KEN & SON TOWING, INC.	:	
Plaintiff	:	
v.	:	CASE NO. 2005-09499-AD
OHIO STATE HIGHWAY PATROL	:	<u>ENTRY OF ADMINISTRATIVE</u>
Defendant	:	<u>DETERMINATION</u>

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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 \$2,220.00, which includes the filing fee. Court costs are assessed against defendant. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Michael Sullivan
10 East Main Street
Ashland, Ohio 44805

Attorney for Plaintiff

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For Defendant

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RDK/laa

11/29

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