

Court of Claims of Ohio

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614.387.9800 or 1.800.824.8263
www.cco.state.oh.us

MAXWELL TOWING SERVICES, INC.

Plaintiff

v.

OHIO STATE HIGHWAY PATROL

Defendant

Case No. 2006-04059-AD

Daniel R. Borchert

Deputy Clerk

MEMORANDUM DECISION

FINDINGS OF FACT

{¶ 1} 1) Plaintiff, Maxwell Towing Services, 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 a driving under suspension charge against the vehicle’s driver. Upon motion, Judge D. William Evans of the Municipal Court of Wayne County, ordered that the fees for towing and storage of the impounded vehicle be paid by OSHP. Based on this court order plaintiff seeks \$1,240.00 in damages for towing and storage fees. The filing fee was paid.

{¶ 2} 2) OSHP filed an investigation report agreeing to reimburse plaintiff \$1,240.00, pursuant to the order issued by the Municipal Court of Wayne County.

CONCLUSIONS OF LAW

{¶ 3} 1) 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; *Ken & Son Towing, Inc. v. Ohio State Highway Patrol* 2005-09499-AD, 2005-Ohio-6814.

{¶ 4} 2) Plaintiff suffered damages in the amount of \$1,240.00, plus the \$25.00 filing fee. *Bailey v. Ohio Department of Rehabilitation and Correction* (1990), 62 Ohio Misc. 2d 19.

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ENTRY OF ADMINISTRATIVE
DETERMINATION

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 \$1,265.00, 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:

J. Douglas Drushal
225 North Market Street
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Attorney for Plaintiff

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For Defendant

RDK/laa

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