

CRAWFORD COUNTY COMMON PLEAS COURT
112 E. Mansfield Suite 204
Bucyrus, OH 44820

419-562-2766

NOTICE OF JUDGMENT ENTRY FILING

MARSTON, SUSAN

v DONLEY FORD OF GALION INC

ETAL 10-CV-0193

To: GREGORY S REICHENBACH
ATTORNEY AT LAW

Enclosed is a copy of the Judgment Entry filed in the above-referenced case on
the 6TH day of JANUARY, 2012 .

1/10/12

Clerk of Courts: Sue Seevers

Deputy

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SUE BLAIR
CRAWFORD COUNTY

COURT OF COMMON PLEAS
CRAWFORD COUNTY, OHIO

Susan Marston,

Plaintiff

vs.

Donley Ford of Galion, Inc., *et al.*,

Defendants

) Case No.: 10 CV 0193

) JUDGE: Wiseman

) **JUDGMENT ENTRY ON JURY**
) **VERDICT**

* * *

This cause came on for trial on November 29, 30, and December 1, 2011. The jury rendered the following verdicts and interrogatories:

1. Defendant Donley Ford of Galion, Inc. violated the Consumer Sales Practices Act.
 - (a) Donley Ford of Galion, Inc. committed an unfair, deceptive or unconscionable act by telling Plaintiff she had to bring the car back or they would report the vehicle to the police as stolen.
 - (b) Donley Ford of Galion, Inc. committed an unfair, deceptive or unconscionable act by reporting the vehicle to the police as stolen.
 - (c) Donley Ford of Galion, Inc. committed an unfair, deceptive or unconscionable act by informing Plaintiff that Capital One Auto Finance had approved her financing.
 - (d) Plaintiff did not file or maintain this lawsuit in bad faith and her lawsuit is not groundless.

205

(e) Donley Ford of Galion, Inc. is not liable to Plaintiff for any actual damages caused by Donley Ford of Galion, Inc.'s unfair or deceptive acts or practices.

(f) Donley Ford of Galion, Inc. is not liable to Plaintiff for any punitive damages.

(g) Donley Ford of Galion, Inc.'s unfair or deceptive acts or practices were the result of a "bona fide error," notwithstanding the maintenance of procedures adopted to avoid the error.

(h) Donley Ford of Galion, Inc.'s unfair or deceptive acts or practices were committed knowingly.¹

2. Plaintiff did not fraudulently misrepresent or conceal any fact which was material to the transaction, upon which Donley Ford justifiably relied on and which caused Donley Ford damage or injury.

The Court hereby adopts the findings of the jury, except the jury's finding that the violations were committed knowingly.

Costs shall be paid by Defendant Donley Ford of Galion, Inc. This is a final appealable order.

Judge

cc: Attorneys of record

¹ This finding was made on Jury Interrogatory #7. The jury, in its initial report of its findings, did not complete Interrogatory #7, based on its finding that any unfair and deceptive acts were the result of a "bona fide error." The Court erroneously instructed the jury to complete Interrogatory #7. For this reason, the Court declines to adopt the jury's finding that the violations were committed knowingly.

Approved as to form only:

Gregory S. Reichenbach (0077876)

Attorney for Plaintiff

Erin N. Poplar, Esq. (0071312)
Erin Poplar Law LLC

Attorney for Defendants

Approved via email as to form only on 12-9-2011
Constance A. Snyder, Esq. (0006936) *ENP*

Attorney for Defendants