

STATE OF OHIO)
) ss:
COUNTY OF CUYAHOGA)

IN THE COURT OF COMMON PLEAS
CASE NO. CV 11 767279

CLASSIE FREEMAN)
)
)
) Plaintiff)
)
)
) vs.)
)
)
) TAMMY PEDRICK, *et al.*)
)
)
) Defendants)

OPINION

Shirley Strickland Saffold, Judge:

I. FACTUAL & PROCEDURAL OVERVIEW

This matter arises from a motor vehicle accident occurring on or about October 22, 2009 on St. Clair Avenue. On said date, Defendant, Tammy Pedrick (hereinafter “Defendant”), allegedly negligently, carelessly, and recklessly operated her motor vehicle striking the rear of the vehicle operated by the Plaintiff, Classie Freeman (hereinafter “Plaintiff”). The force of the impact allegedly sent the Plaintiff’s car into the vehicle directly in front of her own.

Plaintiff further alleges that as a direct and proximate result of Defendant’s negligent actions, Plaintiff was severely and permanently injured, suffered great pain, and will continue to suffer said pain well into the future, suffered mental anguish, and incurred extensive hospital and medical expenses.

On October 20, 2011 Plaintiff filed suit before this Honorable Court against the Defendant and Plaintiff’s own insurance carrier, The Hartford, pursuant to her underinsured/uninsured motorist coverage. Plaintiff subsequently reached a settlement with The Hartford for her policy limits of \$50,000.00, and proceeded against Defendant. Defendant, after

being properly served, failed to answer Plaintiff's Complaint. On February 27, 2012, Plaintiff filed a Motion for Default Judgment. A hearing on the Motion was held April 5, 2012. Counsel for the Plaintiff appeared, however, Defendant failed to appear. As such, and pursuant to this Honorable Court's order dated March 8, 2012, default judgment was rendered in favor of the Plaintiff. A hearing on damages was held May 22, 2012.

II. LAW & ANALYSIS

At the hearing on May 22, 2012, Defendant again failed to appear. Plaintiff was afforded an opportunity to present evidence and to testify. Plaintiff testified that although she had a history of knee problems over the years, the problems did not negatively impact her quality of life until the motor vehicle accident in question here exacerbated her pre-existing condition.

In a report dated November 18, 2009, Daniel J. Single, M.D. opined, "...Her symptoms are related to her motor vehicle accident currently and she was not having pain up until the accident...It is affecting her quality of life."

Plaintiff presented evidence establishing that she incurred \$93,517.10 in medical bills following the motor vehicle accident. Included in these bills were numerous doctor visits, MRI's, x-rays, and even a surgery. Due to the Defendant's failure to appear the bill amounts are uncontroverted. As such, it is the opinion of this Honorable Court that the Plaintiff is entitled to recover the cost of her medical bills from the Defendant.

III. CONCLUSION

As such, this Honorable Court is satisfied with the testimony and evidence presented at the hearing on May 22, 2012, that the Plaintiff suffered serious bodily injury due to the

negligence and recklessness of the Defendant. As such, the Plaintiff is hereby awarded \$93,517.10 in damages against Defendant, Tammy Pedrick.

IT IS SO ORDERED.

 6/12/12

SHIRLEY STRICKLAND SAFFOLD, JUDGE

Date: 6/11, 2012

CERTIFICATE OF SERVICE

A true copy of the foregoing Opinion was forwarded to the following via regular mail service on this 11 day of June, 2012:

Joseph T. Joseph, Jr. Esq.
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Defendant

 6/11/12

Judge Shirley Strickland Saffold