

IN THE COMMON PLEAS COURT OF COSHOCTON COUNTY, OHIO

James Babcock, Jr., et al., :

Plaintiffs :

vs. :

Raymond Milligan, et al., :

Defendants :

Case No. 99-CI-420

JUDGMENT ENTRY

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Pursuant to the mandate of the Court of Appeals for Coshocton County, Ohio, Fifth Appellate District, as filed May 3, 2002, this court has reviewed the evidence from the bench trial held February 15, 2001, and the findings made as a result of that trial, and hereby amends its award of punitive damages payable from the defendants, jointly and severally, to the plaintiffs, to the amount of \$250.00. In so doing, the court has attempted to make a reasoned determination of an amount that fairly punishes these defendants, given their financial circumstances as established at trial, for any malicious activity and that will be adequate to deter any others from similar conduct.

The award of \$250.00 is 298% of the filing fee for a forcible entry and detainer action in this court. Such award will be sufficient to deter not only these defendants, but all others that are similarly situated from engaging in any contemplated "self-help" eviction contrary to statutory regulation. The court finds this award of punitive damages to be sufficient to satisfy both the retributive and deterrent functions of punitive damages as they relate to not only these

defendants but also to all other similarly situated landlords in this county.

In all other respects, the judgment entry of April 27, 2002, is hereby restated and confirmed.

IT IS SO ORDERED.

INSTRUCTIONS TO THE CLERK

The Clerk of Courts is directed to comply with the rules imposed by *Atkinson v. Grumman Ohio Corp.* (1988), 37 Ohio St. 3d 80 and Civil Rule 58.


Date: 7/19/02



RICHARD I. EVANS, JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Judgment Entry was served upon Michael F. Harrington/James Daniels, Attorneys for Plaintiffs, 332 West High Avenue, New Philadelphia, Ohio 44663, by regular U.S. Mail, postage prepaid, and upon Van Blanchard, II, Attorney for Defendants, 402 Main Street, Coshocton, Ohio 43812, by placing a copy in his office mail box in the Clerk of Courts' office, this 19 day of July, 2002.



Deputy Clerk