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# Attorneys for Girard traffic-cam suit argue for class-action status

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By [Ed Runyan](#)

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WARREN

The attorneys who filed suit last week in Trumbull County Common Pleas Court seeking return of money paid for purportedly erroneous speeding tickets issued seven months ago in Girard told a judge why the suit should be certified a class action.

Dann Law of Cleveland and Zimmerman Law of Chicago told Judge Andrew Logan the case meets the requirements under law to be a class action, meaning a suit that automatically represents all of the individuals affected unless they opt out.

The suit alleges drivers were cited from traffic cameras when traveling westbound on Interstate 80 for speeds above 55 mph even though the speed limit was 65 mph at the time because construction in the westbound lane had ended.

The suit seeks a declaration the citations issued to drivers during that period are invalid, that the six people filing the suit should be designated representatives of all the class members, and that the Dann and Zimmerman law firms be designated as legal counsel for the class.

The suit should be a class action because the people who sued the city only paid about \$150 each for their tickets, and “hundreds, if not thousands, of citations were issued” during the month of the allegedly erroneous citations, the suit says.

“Class certification is crucial in this case because the citation can have a far-reaching consequence for an individual far beyond the amount of the fine, yet the amounts paid are not large enough to merit individual” lawsuits, the filing says.

Recovery of \$150 is not enough incentive for an individual or law firm to file suit, but a class action “solves this problem by aggregating the relatively paltry potential recoveries into something worth someone’s [usually an attorney’s] labor,” the filing says, quoting from a 1997 U.S. Supreme Court decision.

The filing says Marc Dann is managing partner of Dann Law and also a partner in the Oregon Consumer Law Center in Portland, Ore., which both specialize in representing clients who have been harmed by banks, debt collectors and other financial predators.

Zimmerman Law has a focus on class-action litigation, such as the \$62 million recovery for a nationwide class of consumers who purchased products advertised to reduce cellulite, the firm's biography says.

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**dmacker** • 8 hours ago

This was much like an ambush of unaware travelers passing through Girard on the Interstate. They were being ambushed by police officers from a concealed location, officers who should have known the construction was completed and the construction zone no longer active. It was a "honey hole" which earned the city hundreds of thousands of dollars. After the error was brought to the attention of the city it still refused to return the ill gotten

gains. I hope this law suit teaches them a lesson as well as others cities who would pull the same stunt. This is a modern version of the "speed trap" where the cop hid behind the billboard beside a small sign reducing the speed limit.

2 ^ | v • Reply • Share ›



**walter sobchak** → dmacker • 8 hours ago

While I agree that this was a speed trap (Girard shot me last fall), Girard will win this case on the legal merits. It was still an area inside of a total construction zone and it was 55mph UNTIL signs are erected. Very simply, at the start of construction, they will post signs for a slower speed but may not begin actual work for a week or two. It is still posted lower. In this case, the driver, who has control of the vehicle, has no knowledge that new signs are supposed to be erected. Girard will win the case but lose the war as businesses continue to close. I do not patronize businesses inside the borders.

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**YtownParent** → walter sobchak • 6 hours ago

I'm not sure how much of a defense Girard has. The ORC 5501:2-10 (C) says a traffic zone starts where the first worker or piece of equipment is, so if the construction was finished and there was no workers or equipment on the highway, then there was no construction zone and no work zone speed limit. I find it interesting that Girard is arguing the work zone speed limit was in effect, but they didn't double the speeding fines as if the violation occurred in a construction zone.

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**walter sobchak** → YtownParent • 5 hours ago

Look, I'm not supporting Girard here but the first construction equipment in the work zone is at Route 46 and the last is East of Route 193. I actually don't understand why the speed limits were raised since they keep moving barrels in and out of this area daily. It is dangerous for the construction workers.

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**Linda Drib** → walter sobchak • 4 hours ago



There were no workers in the Girard area where they raised the limit back to 65.

^ | v • Reply • Share ›



**walter sobchak** → Linda Drib • 3 hours ago

Yes, there were workers on the sound walls. Well out of the way of traffic on three 12' lanes but it will be their argument.

^ | v • Reply • Share ›



**Linda Drib** → walter sobchak • 7 hours ago

That's not what happened. The 55 signs were removed and the 65 signs were the only ones visible. Even though construction materials were still there. (but no construction was occurring) Girard is going to lose.

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