



Chicago attorney secures class standing in Ohio ticket dispute

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Thomas A. Zimmerman Jr.

With a Chicago plaintiff's lawyer on the case, an Ohio judge certified a class of ticketed highway motorists in a suit against a small city and its speed-enforcement system.

Trumbull County Judge Andrew D. Logan greenlighted the plaintiffs' motion for certification on behalf of more than 7,700 drivers who were issued \$100 fines for speeding in a purported construction zone on a stretch of Interstate 80 in Girard, just northeast of Youngstown. The plaintiffs allege the speed limit should have been changed when construction was completed one month earlier.

Thomas A. Zimmerman Jr. of Zimmerman Law Offices P.C. in Chicago and Marc Dann of DannLaw in Cleveland have been named class counsel.

In an order issued July 12, Logan determined a class-action lawsuit was the appropriate way to litigate the numerous claims.



plaintiffs may not have the knowledge or resources available to pursue any legal action.”

The class-action lawsuit, filed in July 2018 in the Trumbull County Court of Common Pleas, alleges the city of Girard issued speeding tickets to motorists who were driving over a 55 mph construction zone speed limit between Dec. 7, 2017, and Jan. 7, 2018.

Construction was completed on Dec. 7, but the speed limit was not changed back to 65 mph until Jan. 7, making the citations issued during the one-month period invalid and unconstitutional, Zimmerman contends.

The group also includes a subclass of drivers who may have already paid any fines, penalties or fees as well as those who have not or were found not liable at a hearing, according to court documents.

Defendants Girard and Blue Line Solutions, its photo enforcement vendor, objected to the plaintiffs’ motion for certification, arguing the plaintiffs did not meet the requirements necessary to justify a class action.

The defense argued the class definition is overly broad because even if the city had disregarded the 55 mph speed limit and enforced what plaintiffs allege to be the correct speed limit of 65 mph, there were several drivers traveling as fast as 92 mph, and they should not be included in the class, according to court documents.

The defense also contended those who received tickets and did not contest them through an administrative hearing should be deemed liable. Only 66 motorists timely sought a hearing and did not have their fines entirely reduced, court documents stated.

Logan disagreed with the defense, finding “the joinder of over 7,700 individual plaintiffs would cause a disservice to the administration of justice in this case resulting in unnecessary delay.”

Logan also found the class has both common questions of law or fact as well as common claims or defense.

“The questions of fact for each might be substantially different as to speed, location and response to receipt of the citation,” Logan wrote. “However, the [p]laintiffs’ proposed subclasses have divided the groups into those who paid the citation in some manner and those that did not.”

Zimmerman said the city should declare the specified speeding tickets invalid and refund those issued tickets for a total of more than \$692,000 in fines, penalties and fees.

Also representing the plaintiffs is Nickolas J. Hagman of Zimmerman Law Offices P.C.

Robert E. Cahill of Sutter O’Connell Co. in Cleveland represents the city of Girard. He deferred comment to the city’s Law Director, Brian Kren, who could not be reached.

Robert S. Yallech, of Reminger Co. LPA, in Youngstown, represents Blue Line Solutions. Yallech said they are deciding whether to appeal the judge’s order.