

OHIO COURT OF APPEALS, SIXTH APPELLATE DISTRICT, LUCAS COUNTY

Ranazzi v. Fire Recovery USA, L.L.C.

2023-Ohio-3281 (Ohio Ct. App. 2023) · No. L-23-1024 · Decided September 15, 2023

SUMMARY

The Sixth District Court of Appeals of Ohio affirmed the Sylvania Municipal Court’s grant of summary judgment to Fire Recovery USA, LLC, concerning an unpaid balance for emergency services provided after a motor vehicle accident. The court held that supporting affidavits from fire department personnel satisfied Ohio Civil Rule 56(E)’s personal-knowledge requirements and that the trial court properly denied the motion to strike. The court also concluded that the evidence established the fire department responded to the accident and performed emergency services, with no genuine issue of material fact.

CASE DETAILS

COURT	Ohio Court of Appeals, Sixth Appellate District, Lucas County
WRITING FOR THE COURT	Thomas J. Osowik, J.; Gene A. Zmuda, J.; Christine E. Mayle, J.
JURISDICTION	Ohio
DECIDED	September 15, 2023
DOCKET	L-23-1024
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appellant appealed the Sylvania Municipal Court's judgment granting appellee's motion for summary judgment and denying appellant's motion to strike the supporting affidavits.
STANDARD OF REVIEW	Summary judgment is reviewed de novo under the same standard applied by the trial court. A motion to strike summary-judgment affidavits is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals decision
PARTIES	Andrew Ranazzi v. Fire Recovery USA, LLC

TOPICS

- summary judgment
- evidence
- standard of review
- civil procedure
- municipal law

PRACTICE AREAS

civil procedure

evidence

municipal law

insurance

QUESTIONS PRESENTED

1. Whether the trial court erred in granting summary judgment to Fire Recovery USA when Ranazzi did not file a brief in opposition and the evidence showed that fire-department personnel responded and performed emergency services.
2. Whether the affidavits supporting summary judgment complied with Civ.R. 56(E)'s personal-knowledge and admissibility requirements.
3. Whether the trial court abused its discretion by denying Ranazzi's motion to strike the supporting affidavits.

HOLDINGS

1. The trial court properly granted summary judgment to Fire Recovery USA because the unrefuted evidence established that Pittsfield fire-department personnel responded to the accident and performed emergency services, and Ranazzi presented no evidence of impropriety in the emergency-services cost-recovery effort.
2. The affidavits of Lieutenant Yurkunas and Chief Gleason were not improper because the nature of the facts stated, combined with the identities and roles of the affiants, created a reasonable inference that they possessed personal knowledge of the matters described.
3. The trial court did not abuse its discretion by denying Ranazzi's motion to strike the affidavits.

KEY QUOTATIONS

“Summary judgment will be granted if the movant demonstrates that there is no genuine issue of material fact, and when construing the evidence most strongly in favor of the nonmoving party, reasonable minds can only conclude that the moving party is entitled to judgment as a matter of law.” (¶ 15)

“the nature of the facts set forth in the affidavits, combined with the identity of the affiants, creates a reasonable inference that the affiants had personal knowledge of the facts.” (¶ 21)

FACTUAL BACKGROUND

On October 5, 2021, Ranazzi backed his vehicle into oncoming traffic in Pittsfield Township, Michigan, causing a collision. Pittsfield fire-department personnel responded, secured the scene, attempted to examine Ranazzi, obtained his signed refusal of medical examination or treatment, and assessed the scene for hazards or cleanup needs. Pittsfield submitted a \$435 emergency-services cost-recovery claim, of which State Farm paid \$250, leaving an \$185 balance that Fire Recovery USA sought from Ranazzi. Ranazzi alleged that no fire-department personnel appeared or rendered assistance, but the crash report, photographs, and affidavits contradicted that allegation, and he presented no evidence that the \$185 charge was excessive or that the collection effort caused the claimed damages.

PROCEDURAL HISTORY

Ranazzi filed a complaint in Sylvania Municipal Court after refusing to pay an \$185 balance allegedly owed for emergency services provided after a motor vehicle accident. Fire Recovery USA moved for summary judgment and submitted affidavits from a fire lieutenant and fire chief. Ranazzi did not file a brief in opposition, but sought an extension and moved to strike the affidavits. On January 30, 2023, the municipal court denied the motion to strike and granted summary judgment for Fire Recovery USA. The Sixth District affirmed.

DISPOSITION

affirmed

CASES CITED

- Lorain Natl. Bank v. Saratoga Apts., 61 Ohio App.3d 127, 572 N.E.2d 198 (9th Dist. 1989)
- Bonacorsi v. Wheeling & Lake Erie Ry. Co., 95 Ohio St.3d 314, 2002-Ohio-2220, 767 N.E.2d 707, ¶ 26
- Fed. Natl. Mtge. Assn. v. Brunner, 2013-Ohio-128, 986 N.E.2d 565, ¶ 12 (6th Dist.)
- Bliss v. Johns Manville, 172 N.E.3d 1146, 2021-Ohio-1673, ¶ 16 (6th Dist.)
- Bank of Am., N.A. v. Hizer, 2013-Ohio-4621, ¶ 16 (6th Dist.)
- State ex rel. Mora v. Wilkinson, 105 Ohio St.3d 272, 2005-Ohio-1509, 824 N.E.2d 1000, ¶ 10