

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

CITY OF CINCINNATI,	:	APPEAL NO. C-150319
	:	TRIAL NO. 13CV-28947
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
TERRY BROWN,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

In one assignment of error, defendant-appellant Terry Brown claims that the trial court erred when it granted the motion for summary judgment filed by plaintiff-appellee city of Cincinnati. We review a trial court's grant of summary judgment de novo. *See Grafton v. Ohio Edison Co.*, 77 Ohio St.3d 102, 105, 671 N.E.2d 241 (1996). Summary judgment is appropriately granted when no genuine issues of material fact exist, the moving party is entitled to judgment as a matter of law, and the evidence, when viewed in favor of the nonmoving party, permits only one reasonable conclusion that is adverse to that party. *See State ex rel. Howard v. Ferreri*, 70 Ohio St.3d 587, 589, 639 N.E.2d 1189 (1994).

Cincinnati commenced this collection action against Brown for nonpayment of his water bill. It then filed a motion for summary judgment. Brown claimed that the amount had been discharged in bankruptcy, but presented no documentary evidence to support this other than a printout of the parties to his 2011 bankruptcy proceeding. The trial court accepted that the amount that had accumulated through August 2011 had been discharged and awarded Cincinnati the adjusted total of \$607.12. Cincinnati has not appealed this adjusted award.

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To establish a prima facie case for money owed on an account, a plaintiff must show an account in the name of the party charged which contains: (1) a beginning balance of zero, or a sum that can qualify as an account stated, or some other provable sum; (2) listed items, or an item, dated and identifiable by number or otherwise, representing charges, or debits, and credits; and (3) summarization by means of a running or developing balance, or an arrangement of beginning balance and items that permits the calculation of the amount claimed to be due. *Great Seneca Fin. v. Felty*, 170 Ohio App.3d 737, 2006-Ohio-6618, 869 N.E.2d 30, ¶ 6 (1st Dist.).

Cincinnati provided the trial court with the evidence required to establish that Brown owed the money on the account. The trial court properly granted its motion for summary judgment. We overrule Brown's sole assignment of error and affirm the judgment of the trial court.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**DEWINE, P.J., MOCK and STAUTBERG, JJ.**

To the clerk:

Enter upon the journal of the court on March 2, 2016  
per order of the court \_\_\_\_\_.  
Presiding Judge