



#15CVF02981*

IN THE MUNICIPAL COURT OF CLARK COUNTY, OHIO
CIVIL DIVISION

FILED
16 SEP 27 PM 12:16
JUDITH FERGUSON, CLERK
MUNICIPAL COURT
BY CK DEPUTY

Eric and Theresa Crow
5335 Lehman Road
Springfield, Ohio 45502
Plaintiff's,

and

Andrew H. Elder,
Elder & Elder,
Attorney at Law
2233 N. Limestone Street
Springfield, Ohio 45503
Attorney for Plaintiffs,

MOTION TO DISMISS

-v-

Margaret Baldino
1734 Yardley Circle
Centerville, Ohio 45459
Defendant,

In re: Case No. 15CVF02981

Margaret Baldino, Defendant in this case, state as follows:

¶1.) The Plaintiff's claim is in error:

It was error to claim that the named-Defendant caused damage to the Plaintiff's property.

The action of signing the Plaintiff's Lease Agreement was a temporary formality and is the last of the Defendant's role, action, or involvement with the Plaintiff or the Plaintiff's property.

The named-Defendant never had tenancy and therefore could not cause damage.
The Plaintiff's Agreement became terminated by the subsequent Tenant's Agreement.
The Statute of Limitations (2-years) of complaint against the named-Defendant is grounds for dismissal.

¶2.) The Plaintiff has invalidated his own Agreement, to the injury of the Defendant.

The Plaintiff's Lease Agreement (see Exhibit 1):

Section XIII, Waiver of Claims

"Each of the parties waives all claims for damages against the other arising out of damage or destruction caused by the negligence of the other party"

The Plaintiff has knowingly commenced this Action within the Court against the Defendant.

In closing, the Plaintiff has no just cause for claim against the Defendant, and the Defendant moves the Court for dismissal of the Plaintiff's Claim.

Respectfully,



Margaret Baldino
1734 Yardley Circle
Centerville, Ohio 45459
(727) 278-0954

CERTIFICATE OF SERVICE

A Copy of this Notice was mailed to the Plaintiff
and their Attorney on the 27 day of September 2016