IN THE MUNICIPAL COURT OF CLARK COUNTY, OHIO CIVIL DIVISION

16 OCT -5 PM 10

GUY A. FERGUSON, CLERK
MUNICIPAL COURT

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:

The Plaintiff has invalidated and/or breached his own Agreement, to the injury of the Defendant.

The Plaintiff's Lease Agreement (relevant clause is contained within Plaintiff's exhibit A already submitted to the Court as Exhibit A in the Plaintiff's "Initial Filing"):

Section XIII, Waiver of Claims

"Each of the parties hereto waives all claims for damages against the other arising out of the damage or destruction of property caused by the negligence of the other party to the extent that such claims shall be covered by casualty insurance, unless such waiver would void the coverage of such insurance. To avoid such voiding of this waiver, insurance shall be provided, which allows such waiver of claims."

Exhibit B, attached to this Motion, is Defendant's Proof of Insurance.

In closing, The Plaintiff has knowingly commenced this Action within the Court against the Defendant. the Plaintiff has no just cause for claim against the Defendant for damages alleged to be incurred by the Defendant, the Defendant moves the Court for dismissal of the Plaintiff's Claim.

Respectfully,

乙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 6 day of October 2016

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Secret France

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M-16-1365-FA47 F Z

Named Insured

BALDINO, MARGARET 1335 N LIMESTONE ST 45503-3327 SPRINGFIELD OH

INLAND MARINE ATTACHING DECLARATIONS ...

Policy Number

95-B8-T586-4

Policy Period 12 Months

Effective Date NOV 27 2013

Expiration Date NOV 27 2014

The policy period begins and ends at 12:01 am standard time at the premises location.

State Farm Fire and Casualty Company Home Product Sales Policy

Prepared: November 27, 2012

Prepared for: BALDINO, MARGARET

1335 N LIMESTONE ST

SPRINGFIELD, OH 45503-3327

Prepared by:

Ray Nellessen

1601 N Limestone St

Springfield, OH 45503-2623

Phone:

Phone:

(937)399-5432

Email:

ray.nellessen.b1xp@statefarm.com

Coverages Coverage B - Business Personal Property Loss Of Income And Extra Expense Coverage L - Business Liability - Per Occurrence Coverage L - Business Liability - Annual Aggregate Limit Products / Completed Operations Liability - Annual Aggregate Limit Damage to Premises Rented to You Coverage M - Medical Expenses Policy Deductibles Basic Deductible Business Liability - Property Damage Employee Dishonesty Equipment Breakdown Inland Marine Computer Property Form Money and Securities Discounts and Charges Installation and Repair Protective Devices Discount Extensions of Coverage Accounts Receivable (Off Premises) Extensions of Coverage Accounts Receivable (Off Premises) 508. 508. 509. 609.			•
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