



#15CVF02981\*

IN THE MUNICIPAL COURT OF CLARK COUNTY, OHIO  
CIVIL DIVISION

FILED  
16 SEP 27 PM 12:16  
JUSTICE 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