

IN THE MUNICIPAL COURT OF CLARK COUNTY, OHIO
CIVIL DIVISION

FILED

16 OCT -5 PM 12:48

GUY A. FERGUSON, CLERK
MUNICIPAL COURT

BY PS 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,



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

95-B8-T586-4 006977

STATE FARM FIRE AND CASUALTY COMPANY
A STOCK COMPANY WITH HOME OFFICES IN BLOOMINGTON, ILLINOIS

1440 Granville Road
Newark, OH 43093-0001

M-16-1365-FA47 F Z

Named Insured

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

INLAND MARINE ATTACHING DECLARATIONS

Policy Number	95-B8-T586-4	
Policy Period	Effective Date	Expiration Date
12 Months	NOV 27 2013	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 Nellesen
1601 N Limestone St
Springfield, OH 45503-2623
Phone: (937)399-5432
Email: ray.nellesen.b1xp@statefarm.com

Phone:

Quote Effective Date: 11/27/2012

Quote Results

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
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
Years in Business Discount

Extensions of Coverage

Accounts Receivable (Off Premises)
Accounts Receivable (On Premises)
Additional Insured - Owners, Lessees, or Contractors (Scheduled)
Arson Reward
Back-Up of Sewer or Drain
Collapse
Damage To Non-Owned Buildings From Theft, Burglary Or Robbery
Debris Removal
Dependent Property - Loss of Income
Employee Dishonesty
Equipment Breakdown
Fire Department Service Charge
Fire Extinguisher Systems Recharge Expense

Limit Premium

50,000 - Replacement Cost	558.00
Actual Loss Sustained - 12 Months	
300,000	172.00
600,000	
600,000	
300,000	
5,000	
1,000	(2.00)
250	
250	
1,000	
500	
250	
	75.00
	(28.00)
	(36.00)
5,000	
10,000	
	55.00
5,000	
15,000	
Included	
Coverage B Limit	
25% of covered loss	
5,000	
10,000	
Included	
2,500	
5,000	
10,000	

Exhibit B