


IN THE MUNICIPAL COURT OF CLARK COUNTY, OHIO
CIVIL DIVISION

FILED
2016 NOV 18 PM 3:23
GUY A. FERGUSON, CLERK
MUNICIPAL COURT
BY  DEPUTY

Eric & Theresa Crow

: CASE NUMBER: 15 CVF 02981

Plaintiff

vs.

Margaret Baldino


:

RESPONSE TO DEFENDANT'S
MOTION TO DISMISS

Defendant

Defendant has moved this Court to dismiss the Plaintiff's complaint for damages done to the rental unit as described in the Plaintiff's complaint on the basis that Defendant has insurance on the property. To the best of Plaintiffs' knowledge, Defendant has not filed a claim with her insurance carrier. If the Defendant has insurance that will cover the damages done which are the subject of the complaint, Defendant should file a claim on her policy. Plaintiffs cannot make a claim on the Defendant's insurance policy unilaterally. Until such time that Defendant's insurance covers the damages, Plaintiffs have a valid complaint entitled to be heard by the Court.

Respectfully submitted,



Andrew H. Elder, Attorney for
Eric & Theresa Crow

CERTIFICATE OF SERVICE

Plaintiff served the foregoing Response to Defendant's Motion to Dismiss to the Defendant at her address of record, 1734 Yardley Circle, Centerville, OH 45459, by regular U.S. Mail this 1st day of November, 2016.

ELDER & ELDER



Andrew H. Elder, ID #0030235

Attorney for Plaintiffs

2233 N. Limestone Street

Springfield, Ohio 45503

Telephone: (937) 399-9709