

IN THE MUNICIPAL COURT OF CLARK COUNTY, OHIO  
CIVIL DIVISION

FILED

16 NOV 21 PM 2:01

GUY A. FERGUSON, CLERK  
MUNICIPAL COURT

BY \_\_\_\_\_ 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,

-v-

Memo in dispute of the holes  
alleged by Plaintiffs' Contractor

Margaret Baldino, et al.  
Defendant(s),

In re: Case No. 15CVF02981

The Defendant(s) in this case, offers up for evidence, and states:

1.) The Defense offers up for exhibit, attachment 43.2a. Plaintiffs' wrongful claim to Defendant's handiwork (repair picture).

a.) Plaintiffs submitted a bill from George's Remodeling which claims (verbatim):

**"Fill in all holes in walls, sand holes, Prime & Repaint Entire Apartment. This is the worst case of damage that I have seen in a long time. We will wood putty & Dowel holes in casing through exterior door Casing where Solar Cable were run Through. Paint ceiling."**

b.) Defendant contests the allegations, firstly, of Plaintiffs' Contractor George as having had ANY holes to fill. Defendant would request for proof that the Defendant missed a hole by providing a "BEFORE" photo. Defendant offers the BEFORE photo in its defense (attached herein).

c.) Defendant offers video evidences that all holes were already filled prior to Defendant having vacated the Plaintiffs' Property. In one of the videos, the authentic hole-filler is seen filling ALL holes (even holes that Defendant hadn't any involvement or fault in).

The "hole" videos can be seen on youtube:

Video 1: <https://youtu.be/f9U0CfARw4k>

Video 2: <https://youtu.be/pmjyWUXspf0>

\*More repair videos will be submitted AS they are found within Defendant's Archive.

d.) In the event youtube cannot be reached, Defendant has included herein a DVD containing a myriad of formats, one or more of which should play just fine regardless of which operating system is being used. The DVD is arranged with two folders containing their respective video/audios.

c.) Plaintiffs' Contractor states, "...**This is the worst case of damage that I have seen in a long time. ...**", yet videos show no such validation to the statement **UNLESS** of course, the Contractor is referring to the carpet and ceiling damage caused by the upstairs plumbing, upstairs air conditioners, upstairs bath/shower (not in control of the Defendant).

d.) As for the Plaintiffs <sup>having</sup> ~~have~~ had to pay for painting, Defendant challenges the Plaintiff to bring to light the **LAST** time the Plaintiffs' property had been painted. Defendant believes it to be approximately three tenants **PRIOR** to Defendant / Plaintiffs' Lease in the present Case (approximately the time that Sarah Crow Photography, Daughter of the Plaintiffs, had been a tenant at the Property in this present Case).

2.) The Defendant offers up for exhibit, attachment 43.2b. Plaintiffs' claim that Defendant's repair was as pictured.

a.) Plaintiff submitted a photo of somebody else's workmanship and Defendant vehemently denies involvement with that which is depicted in the photo.

b.) However, Defendant does offer it's version of the repair, also contained in the aforementioned videos copied here:

Video 1: <https://youtu.be/f9U0CfARw4k>

Video 2: <https://youtu.be/pmjyWUXspf0>

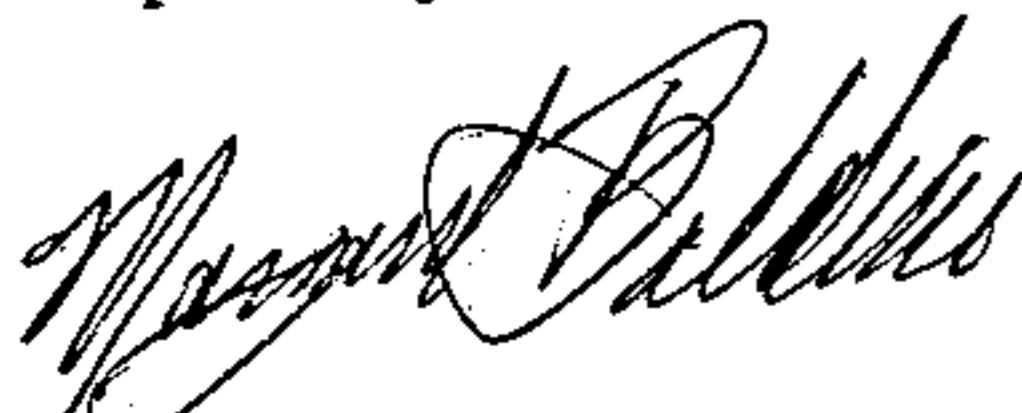
\*More repair videos will be submitted AS they are found within Defendant's Archive.

c.) In the event youtube cannot be reached, Defendant has included herein a DVD containing a myriad of formats, one or more of which should play just fine regardless of which operating system is being used. The DVD is arranged with two folders containing their respective video/audios.

3.) Defendant will be sure to have real witnesses to refute the Claims herein mentioned and made by the Plaintiffs and the Plaintiffs' depictions.

*In closing, the Plaintiff has no just cause for Claim against the Defendant, and the Defendant moves the Court for the dismissal of the "holes" allegation and the unfounded, unsubstantiated opinion contained within the receipt presented to the Court from the Plaintiffs' "Contractor".*

Respectfully,



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

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**CERTIFICATE OF SERVICE**

*A Copy of this Notice was mailed to the Plaintiff and their Attorney on the 21 day of November 2016*

*Attached are:*

*1 DVD*

*1 Photo of hole in Door casing originally produced by Plaintiffs*

*1 Photo of hole in Customer Waiting area originally produced by Plaintiffs*

*1 Collage of photos containing 1 photo of Plaintiffs amidst a few others belonging to Defendant's  
(to show one of these pictures just doesn't quite fit)*