

IN THE MUNICIPAL COURT OF CLARK COUNTY, OHIO
CIVIL DIVISION

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 photos
in defense of the Plaintiff
A-4 & A-5

-v-


Margaret Baldino
1734 Yardley Circle
Centerville, Ohio 45459
Defendant,

In re: Case No. 15CVF02981

Margaret Baldino, Defendant in this case, state as follows:

Attached herein are two exhibits tendered originally by the Plaintiff and labeled by the Defendant as A-4 and A-5

- 1.) Exhibit A-4 is the Plaintiffs' Photo of a door with a repair made by the Defendant.
- 2.) There are computer-generated words contained within the A-4 exhibit which were made by the Plaintiff that state,
“ Additional holes drilled through to exterior in front door facing N Limestone “
- 3.) Plaintiff has a photo that shows only one hole (which was repaired), yet Plaintiff has stated “holes” in the plural.
- 4.) The repair is surrounded by years of decay and negligence evidenced by the peeling paint, cracked wood, water-damaged carpet, all of which could not have possibly been the fault of the Defendant.
- 5.) Since the Plaintiff cannot show having ever painted between tenants in a VERY long time, it is requested that the Court dismiss this Photograph as evidence for the Plaintiff.

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6.) It is further requested of the Court that the A-4 photo be accepted into evidence in behalf of the Defendant to show Plaintiffs' negligence in common property maintenance and/or Landlord / Tenant expectations and the Code that applies.

7.) Exhibit A-5 contains two of Plaintiffs' Photos of two separate side windows. For clarification, the Plaintiff has referred to the side windows collectively as a door. A door has hinges and usually comes with a door knob. There is no such hardware to these side windows.

8.) In addressing the topmost photo, there are computer-generated words contained which state,

“Additional damage to exterior of front door facing N Limestone”

and the bottommost photo has the words,

“Hole on exterior of front door facing limestone caused by tenant. Will require repair from professional contractor”

9.) Firstly, it should be noted the holes were repaired by Defendant. Caulked and sponged and were actually unnoticeable in contrast to the surrounding decay and neglect as seen in the photo. The Defendant asserts that the holes were authorized by the Plaintiff, which will be supported by witness testimony from two of the Defendant's witnesses during Trial. The holes were to allow for security cameras to be placed to combat the crime in the area (mostly due to the Plaintiffs' choice of upstairs Tenants which had been caught on two separate occasions stealing a hibachi and a bag of groceries. The groceries were returned later with a couple of items missing when confronted by the Defendant).

10.) The repair is surrounded by years of decay and negligence evidenced by the peeling paint, cracked and water-damaged wood, all of which could not have possibly been the fault of the Defendant.

11.) Since the Plaintiff cannot show having ever painted between tenants in a VERY long time, it is requested that the Court dismiss these Photographs as evidence for the Plaintiff.

12.) It is further requested of the Court that the A-5 photos be accepted into evidence in behalf of the Defendant to show Plaintiffs' negligence in common property maintenance and/or Landlord / Tenant expectations and the Code that applies.

The Defendant asserts that the Plaintiff has no just cause for claim against the Defendant, and the Defendant moves the Court for dismissal of the Plaintiff's unsubstantiated Claim in reference to these photos, and to allow the photos as evidence on the Defendant's behalf in the Defendant's Counter-Suit.

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 23 day of November 2016

Attached herein are:

Total two exhibits comprised of three photos