

IN THE MUNICIPAL COURT OF CLARK COUNTY, OHIO

FILED
2016 NOV 28 AM 8:33

ERIC R. CROW, et al.

Plaintiffs,

v.

MARGARET BALDINO

Defendant.

GUY A. FERGUSON, CLERK
MUNICIPAL COURT CASE NO. 15CVF02981

BY:  DEPUTY

ENTRY

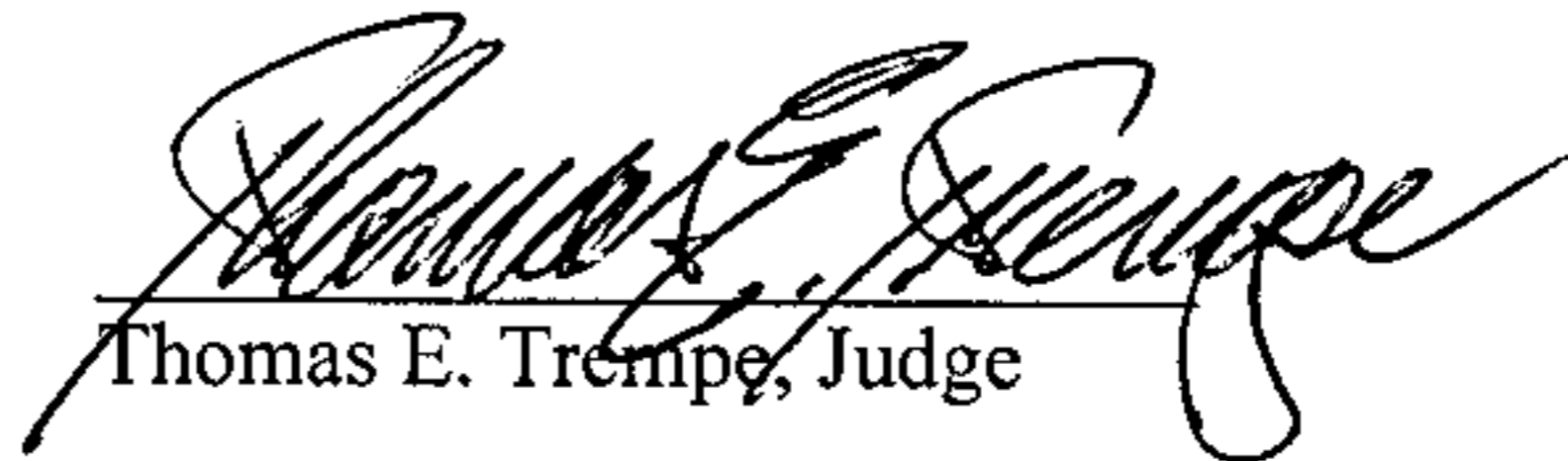
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This matter came before the Court on the defendant's "Motion for Order Compelling Discovery and Notice of Counter-Claim", filed November 18, 2016.

Rule 37 of the Ohio Rules of Civil Procedure authorizes the filing of a motion for an order to compel discovery. Rule 37(E) imposes a duty upon the party seeking the order to compel discovery to make a reasonable effort to resolve the discovery dispute through discussion with the attorney for the party from whom discovery is sought. A statement reciting the efforts made to resolve the discovery dispute must accompany the motion seeking an order to compel discovery. Rule 37(E).

The defendant's motion for an order to compel discovery is not accompanied by any statement reciting the efforts, if any, undertaken by the defendant to resolve the disputed discovery through discussion with the plaintiffs' attorney. The defendant's motion for an order to compel discovery is denied, for the reason that the defendant has not complied with Rule 37(E) of the Ohio Rules of Civil Procedure.

The counter-claim asserted by the defendant in her filing of November 18, 2016 is dismissed for the reason that it has not been timely filed and has been filed without leave of court. Rule 13, Ohio Rules of Civil Procedure.


Thomas E. Trempe, Judge

cc: Andrew Elder, Attorney for Plaintiffs
Margaret Baldino, *Pro se* Defendant

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JUDGE THOMAS E. TREMPE
CLARK COUNTY MUNICIPAL COURT