

IN THE MUNICIPAL COURT OF CLARK COUNTY, OHIO  
CIVIL DIVISION

FILED

2016 NOV 28 PM 2:14

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,

Motion to dismiss 3 photos

M-4 Ceiling Tiles

-v-

Margaret Baldino  
1734 Yardley Circle  
Centerville, Ohio 45459  
Defendant,

In re: Case No. 15CVF02981

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

**Exhibit M-4**

Attached herein are an exhibit comprised of three photos tendered originally by the Plaintiffs and labeled by the Defendant as **Exhibit M-4** collectively.

1.) Exhibit M-4 is the Plaintiffs' three Photos of ceiling tiles. Two of the three submitted photos show repairs. The Defendant asserts that the repaired ceiling tiles were repaired by the Defendant.

2.) The Defendant asserts that the Plaintiffs were/are fully aware of the damages caused by the Plaintiffs' negligence of their plumbing skills, namely the damages that resulted from the numerous leaks and floods from the upstairs tenant, which is a separate tenant than the Defendant.

3.) Plaintiffs have submitted the computer-generated photos, some of which have words placed within the photos. One of the photos states,

**" Damage to ceiling tiles in front room facing N Limestone St. Tiles will need to be replaxed (sic) x6 tiles"**

### **Exhibit DVD; Video #1**

The Defendant refutes the claim written within the photo of three ceiling tiles, made by the Plaintiffs, with the DVD video, herein attached.

In regards to the "Front Room @ N. Limestone St."

The video can be seen here on Youtube:

<https://youtu.be/ZiQIepK1ME>

\*A Copy of this video in 6 different formats is also attached herein.

4.) The aforementioned video shows the approximate date of the video. For instance, the stain in the hallway shows that the particular video must have been created after the some of the floods from the upstairs tenant's plumbing. Other indications of the date of the video are the state of the walls within the video, which show Defendant having filled all holes made by thumbtacks, and that the thumbtack holes are no longer present.

5.) The damage to the ceiling tiles within the Defendant's Leased space are due to another tenant's plumbing, which the defendant asserts had undergone repeated attempts by the Plaintiffs for repair.

6.) There are numerous floods recorded by the Defendant, some of which are already on Youtube, and yet still other videos are already submitted into evidence through previous motions and memorandums to the Court already.

7.) Defendant's video/audio evidence shows damaging occurrences beyond the Defendant's control.

### **Exhibit DVD; Video #2**

8.) The following video is another rendition, also on youtube as:

<https://youtu.be/Csb9RwHvSME>

\*A Copy of this video in 6 different formats is also attached herein.

In this video, the leaking surprises the Defendant as the dripping from the ceiling above were not expected since the Plaintiffs had claimed to have "fixed" the problem. Again, it is an obvious failed attempt to the repair of the Plaintiffs' plumbing not belonging to the Defendant. Defendant would have appreciated Plaintiffs having obtained a licensed plumber at some point in the disasters, said disasters affected the Defendant's normal planned movement and functions throughout various days and nights.

9.) The Defendant did repair, or attempted repair, of a few of the damaged ceiling tiles, as seen in the photos submitted by the Plaintiffs. However, it is not the obligation of the Defendant to do said repairs. The repairs were done without cost to the Plaintiffs, whereas the compound for said repairs were of cost to the Defendant.

### **Exhibit DVD; Video #3**

10.) Other videos that show Defendant as blameless are on youtube:

<https://youtu.be/ftU5t1aIz9A>

\*A Copy of this video in 6 different formats is also attached herein.

**Exhibit DVD; Video #4**

This video, within the **start/beginning** of the attached video clip, shows the state of the front room's ceiling tiles, which clearly refute the allegation of the Plaintiffs concerning that room's ceiling tiles:

[https://youtu.be/x\\_ZoGpEqIM4](https://youtu.be/x_ZoGpEqIM4)

\*A Copy of this video in 6 different formats is also attached herein.

*The Defendant asserts that the Plaintiffs have no just cause for claim against the Defendant, and the Defendant moves the Court for dismissal of the Plaintiffs' Ceiling Tile Photos. Further, the Defendant motions the Court to dismiss the Plaintiffs' unsubstantiated Claim against the Defendant for damages to property belonging to the Plaintiffs.*

Respectfully,



Margaret Baldino  
1734 Yardley Circle  
Centerville, Ohio 45459  
(727) 385-6007

**CERTIFICATE OF SERVICE**

A Copy of this Notice was mailed to the Plaintiff  
and their Attorney on the 28 day of November 2016

Attached herein are:

One M-4 exhibit comprised of three of Plaintiffs' formerly filed photos

One DVD comprised of four folders each holding a video in 6 formats