

IN THE MUNICIPAL COURT OF CLARK COUNTY, OHIO

MARKIM PROPERTIES

CASE NO. 01 CVG 04904

PLAINTIFF,

VS.

ANGELA GRAY

ENTRY ORDERS UPON  
REPORT OF MAGISTRATE  
FINAL APPEALABLE ORDER

DEFENDANT,

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THIS MATTER CAME BEFORE THE COURT UPON THE REPORT OF THE MAGISTRATE FILED WITH THE COURT ON THE ABOVE CAPTIONED CASE.

THEREFORE, IT IS ORDERED AND ADJUDGED THAT THE REPORT OF THE MAGISTRATE IS APPROVED, ADOPTED AND INCORPORATED HEREIN AS IF FULLY REWRITTEN HEREIN. IT IS THEREFORE ORDERED THAT THIS MATTER WAS BEFORE THE COURT ON JANUARY 23, 2002. THE COURT HAS REVIEWED THE DECISION ISSUED BY THE MAGISTRATE ON JANUARY 14, 2002 AND WILL FOLLOW THAT DECISION IN WHICH THE MAGISTRATE FOUND THAT PLAINTIFF WAS A CORPORATION FOR THE PURPOSES OF O.R.C. 4705.11.

IT IS FURTHER ORDERED THAT THE CASES CITED IN THAT DECISION WERE FURTHER REVIEWED AND BASED UPON THE SAME, THE CASE IS HEREBY DISMISSED WITHOUT PREJUDICE. THE DISMISSAL IS TO ALL CAUSES.

FILED  
2002 MAR -7 PM 10:16  
GUY A. FERRER, CLERK  
MUNICIPAL COURT  
BY *[Signature]* DEPUTY

*[Signature: Kurt S. Hasselbach]*  
JUDGE

cc: ELBERT SMITH, ATTORNEY FOR PLAINTIFF  
ELLEN STAFFORD, ATTORNEY FOR DEFENDANT

IN THE MUNICIPAL COURT OF CLARK COUNTY, OHIO

MARKIM PROPERTIES

PLAINTIFF,

**FILED**

CASE NO. 01-CVG-4904

-vs-

**FEB 20 2002**

ANGELA GRAY

**GUY A. FERGUSON  
CLERK OF MUNICIPAL COURT**

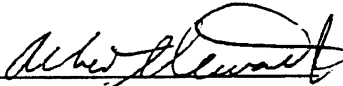
MAGISTRATE DECISION

DEFENDANT.

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This matter was before the Court on January 23, 2002. The Court has reviewed the decision issued by the Magistrate on January 14, 2002 and will follow that decision in which the Magistrate found that Plaintiff was a corporation for the purposes of O.R.C. 4705.11.

The cases cited in that decision were further reviewed and based upon the same, the case is hereby dismissed without prejudice. The dismissal is to all causes.

  
Albert Stewart, Jr.  
Magistrate

cc: Elbert Smith, Attorney for Plaintiff  
Ellen Stafford, Attorney for Defendant ✓

IN THE MUNICIPAL COURT OF CLARK COUNTY, OHIO

2002 JAN 14 PM 3:50  
GUY A. LEAS, CLERK  
MUNICIPAL COURT  
BY [Signature] DEPUTY

MARKIM PROPERTIES,

Plaintiff

CASE NO. 01 CVG 4904

vs.

:

ANGELA GRAY,

**ENTRY**

Defendant

This matter came on for hearing before the Magistrate this date on Plaintiff's complaint for a writ of restitution of the premises located at 1010 W. High Street, A-1, Springfield, Ohio. Prior to commencement of the hearing Defendant, through her counsel, filed a Motion to dismiss the action on the grounds that the complaint was not signed by a licensed attorney and that the complaint fails to join an indispensable party.

At the commencement of the hearing, Mark Crouse, a non-attorney, appeared on behalf of Plaintiff. He stated that he was co-owner of Markim Properties, and that the complaint herein was signed by the other owner, Kim Van Osdell, apparently also a non-attorney. Crouse also stated that Markim Properties is a limited liability company.

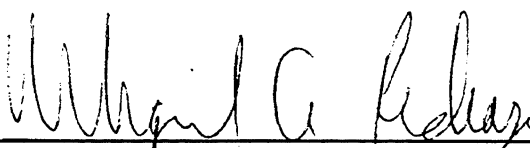
The hearing was continued to January 16, 2002, to allow the Magistrate to properly consider Defendant's motion.


Defendant is correct in asserting that O.R.C. § 4705.01 prohibits a non-attorney from signing a complaint or otherwise representing any person or entity other than himself. Review of Ohio case law reveals numerous decisions holding that only a

licensed attorney may represent a corporation in litigation, including eviction actions. See, i.e., Sheridan Mobile Villages, Inc. v. Lossen, 78 Ohio App. 3d 203 (1992). Although limited liability companies are only recently authorized by statute in Ohio, like corporations they are considered to be their own separate entities apart from their owners or officers. Thus, the same rationale requiring the dismissal of complaints filed on behalf of corporations by non-attorneys is applicable to cases involving limited liability companies.

Prior to concluding the hearing on January 9<sup>th</sup>, the Magistrate suggested to Mr. Crouse that it might be a good idea for him to retain an attorney to appear on Plaintiff's behalf. While the Magistrate has determined that as things currently stand this action should be dismissed, if Plaintiff is properly represented at the continued hearing, the presiding Magistrate may be inclined to consider a motion to amend the complaint or otherwise which would allow it to properly proceed with this action.

Date: January 11, 2002.

  
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ACTING MAGISTRATE

  
\_\_\_\_\_  
JUDGE

cc: Markim Properties, Plaintiff  
Ellen Stafford, Attorney for Defendant