

FILED  
**IN THE LICKING COUNTY MUNICIPAL COURT**  
MUNICIPAL COURT

'05 APR 12 AM 11 03

Tina L. Phillips

Plaintiff,

vs.

Marly Derringer

Defendant.

NEW OHIO  
LARRY BROWN  
CLERK :

Case No. 05 CVG 00028

657

Judge W. David Branstool

**JUDGMENT ENTRY**

This matter came before the Court for a hearing on April 12, 2005, on the Plaintiff's Eviction. The Plaintiff appeared pro se. Defendant did not appear but was represented by Southeastern Ohio Legal Services.

The record before the Court reveals that Plaintiff served her three-day notice on Defendant on March 11, 2005, and that Plaintiff filed her Complaint on March 16, 2005. Revised Code 1923.04 requires that a tenant be given at least three days notice prior to the commencement of an eviction action. Further, Civil Rule 6(A) dictates that the three-day period not include intermediate Saturdays, Sundays and Legal Holidays. In this case, the three-day notice was served on Friday, March 11, 2005, which is excluded from counting toward the three days because it was the day of service. The next two days are excluded because they are Saturday and Sunday. The three-day period begins to run on Monday March 14, 2005, and ends on Wednesday, March 16, 2005. This means that the following day, Thursday March 17, 2005, was the earliest day Plaintiff could file her Complaint.

For these reasons, Plaintiff's Complaint is fatally defective and the Court lacks jurisdiction to proceed. Accordingly, Plaintiff's Complaint is dismissed at her costs.

IT IS SO ORDERED.

  
Judge W. David Branstool

Judge  
Michael F. Higgins

Judge  
W. David Branstool

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cc:  Plaintiff  
 Attorney for Plaintiff  
 Defendant(s)  
 Defense Attorney