

IN THE MUNICIPAL COURT OF SPRINGFIELD, OHIO

Carolyn K. Bowers,
Plaintiff,

FILED

Case No. 87-CL-254686

-vs-

GUY A. FERGUSON
Clerk of Municipal Court

Kathy Starcher,

: REFEREE RECOMMENDATION

Defendant.

This matter came on for hearing before the Referee the 20th day of May, 1987, upon the pleadings and Motion filed by Defendant. The three-day statutory notice was served by Plaintiff on Defendant on February 27, 1987 and the suit was filed on March 4, 1987. Rule 6 (A) Ohio Rules of Civil procedure provides that when a period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation. Excluding the date of service of the three-day notice, the Complaint was filed after only two days' notice, by that computation.

Accordingly, it is the recommendation of the Referee that the Complaint be dismissed and by agreement of counsel for Defendant, Defendant's Counterclaim be also dismissed, both without prejudice. See attached Tenth Appellate District Decision regarding computation of time for the statutory three day notice.



Referee Eddie L. Filhart

cc: Joseph Monnin, Attorney
Frank Catanzariti ✓

ENTRY

After reveiw of the Report of the Referee in this matter, the Court finds the same to be proper.

IT IS THEREFOSE THE ORDER OF THE COURT THAT the Complaint be dismissed and by agreement of counsel for Defendant, Defendant's Counterclaim be also dismissed, both without prejudice.

DOUGLAS W. GEYER

JUDGE