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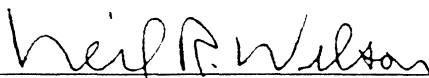
IN THE PAINESVILLE MUNICIPAL COURT
LAKE COUNTY, OHIO

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|-------------------|---|-----------------------|
| ELLEN WILL, ET AL |) | CASE NO: 90 CV G 1248 |
| |) | |
| PLAINTIFF |) | JUDGE NEIL R. WILSON |
| |) | |
| vs |) | <u>JUDGMENT ENTRY</u> |
| |) | |
| LINDA SILLER |) | |
| |) | |
| DEFENDANT |) | |

This matter came before the Court on September 11, 1990 for trial. At the conclusion of the Plaintiff's case the Defendant moved the Court to dismiss the complaint for failure of the Plaintiff to comply with the mandatory 3-day notice requirements contained in Revised Code Section 1923.04. The evidence before the Court was that the 3-day notice was served on Friday, August 10, 1990 and the complaint in the within case was served on Wednesday, August 15, 1990. It is the contention of the Defendant, herein, that Civil Rule 6 provides that Friday, August 10, 1990 is not counted in computing the 3-day notice and further provides that Saturday, August 11, 1990 and Sunday, August 12, 1990 are not computed for purposes of the 3-day notice. Therefore, it is the contention of the Defendant that the complaint was filed prior to the expiration of the 3-days required by statute.

The Court being fully advised in the premises hereby grants the Motion to Dismiss filed by the Defendant. Costs, if any, to the Plaintiff.

IT IS SO ORDERED.



 NEIL R. WILSON, JUDGE
 PAINESVILLE MUNICIPAL COURT

cc: Richard Makowski, Counsel for Plaintiff
 Ralph Rudd, Counsel for Defendant

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