

IN THE COMMON PLEAS COURT OF COSHOCTON COUNTY, OHIO

James W. Babcock, Jr., et al., :

Plaintiffs, :

vs. :

Raymond Milligan, et al., :

Defendants. :

Case No. 99-CT-420

JUDGMENT ENTRY

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COURT OF COMMON PLEAS  
COSHOCTON CO., OHIO

2001 APR 27 PM 2:36

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This matter came on for trial to the court on the 15th day of February, 2001, on the complaint of the plaintiffs and the answer of the defendants. Plaintiffs James W. Babcock, Jr. and Samantha Babcock were present, accompanied by their attorneys Michael F. Harrington and Jim Daniels. Defendants Raymond Milligan and Linda S. Milligan were present, accompanied by their attorney Robert J. Batchelor. By agreement of the parties, the matter was tried to the court sitting without jury.

Evidence in the form of the testimony of several witnesses was presented, and various exhibits were admitted. Certain facts were agreed to by counsel which were summarized in oral stipulations made prior to commencement of trial.

In consideration of the evidence and the statements and arguments of counsel, the court enters the following findings and orders:

On the issue of damages for violation of R. C. Section 5321.15, the court finds the issues generally in favor of the

plaintiffs and awards damages as set forth below;

On the issue of violation of Section 5321.04 of the Ohio Revised Code, the court finds the issues generally in favor of the plaintiffs and awards damages as set forth below;

On the issue of breach of common law covenant of quiet enjoyment, the court finds the issues generally in favor of the plaintiffs and awards damages as set forth below;

On the issue of trespass, the court finds the issues generally in favor of the plaintiff and awards damages as set forth below;

On the issue of conversion, the court finds the issues generally in favor of the defendants;

On the issue of breach of lease, the court finds the issues generally in favor of the plaintiffs and awards damages as set forth below;

On the issue of invasion of privacy, the court finds the issues generally in favor of the plaintiffs and awards damages as set forth below.

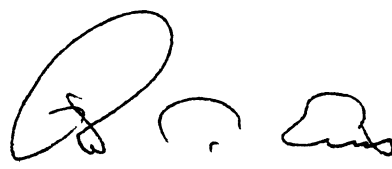
As compensation for the tortious and illegal acts of the defendants, as found above, it is ordered that the plaintiffs shall recover from the defendants, jointly and severally, the compensatory damages in the amount of \$1,000.00.

The court further finds that the actions of the defendants, as found above, demonstrate such little concern for the

defendants' obligations under law as to constitute the presence malice on the part of the defendants. The court therefore orders that the plaintiffs shall recover from the defendants, jointly and severally, punitive damages in the amount of \$50.00. The Court finds it is highly unlikely that the defendants' conduct will be repeated against either these plaintiffs or against any other tenant.

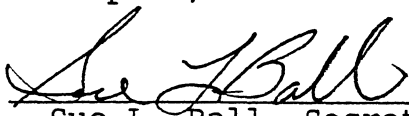
It is further ordered that the cost of this action shall be paid by the defendants.

Date: 4/27/01

  
RICHARD I. EVANS, JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Judgment Entry was served upon Michael Harrington, 332 West High Avenue, New Philadelphia, Ohio 44663, and Jim Daniels, 555 Buttles Ave., Columbus, Ohio 43215, Attorneys for Plaintiffs, by regular U. S. Mail, postage prepaid, and upon Robert J. Batchelor, Attorney for Defendants, by placing a copy in his office mail box in the Clerk of Courts' office, this 27<sup>th</sup> day of April, 2001.

  
Sue L. Ball, Secretary

INSTRUCTIONS TO THE CLERK  
The Clerk of Courts is directed  
to comply with the rules imposed by  
the State of Ohio  
Ohio St. 31 90.  
4 Cent R. 58