

CLEVELAND MUNICIPAL COURT  
HOUSING DIVISION  
CUYAHOGA COUNTY, OHIO  
JUDGE W. MONÁ SCOTT

BARBARA FURR  
Plaintiff (s)

Date: June 16, 2021

-VS-

2021 CVG 004661

RAYLEEN PATTERSON  
Defendant (s)

MAGISTRATE'S ORDER

This matter came before the Court for Case Management Conference on June 16, 2021. Plaintiff was present pro se, along with Mr. Ruffin. Defendant was present, along with Attorney King. Defendant indicated that she has been issued a moving packet by CMHA and is looking for a new apartment.

Plaintiff claims property damages that were intentionally caused by Defendant and informed the Court that the HAP contract was cancelled by CMHA because Defendant refused an inspection to verify installation of the hot water tank. Defendant agreed to let CMHA into the premises to perform any inspections necessary to reinstate the HAP contract. Defendant is further instructed to cooperate in any way that she is able, if CMHA needs further assistance in this regard.

First cause is still pending as Defendant's Motion for Bench Trial was granted. However, after further review of the Complaint and the attached documents, the Court is obligated to dismiss the Plaintiff's first cause of action.

Plaintiff's complaint is signed by Barbara Furr (who is the owner of the premises) and LaDon Ruffin, who is listed as "agent." In Ohio, an individual can sign a complaint and bring an eviction action for property that she owns. Ms. Furr's signature on the complaint and appearance as Plaintiff is allowed. However, Mr. Ruffin is not an owner of the premises and may not maintain his stance as Plaintiff.

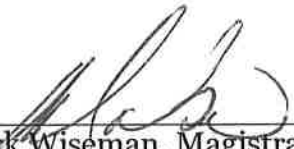
While a non-owner property manager can appear as the Plaintiff in an eviction case, that individual must be represented by an attorney. The Ohio Supreme Court has held that "no person may commence or conduct a court action on another's behalf unless admitted to the bar." *Cleveland Bar Assn. v. Picklo*, 96 Ohio St.3d 195 (2002). Therefore, LaDon Ruffin may not maintain an action or file documents in Court on behalf of Barbara Furr, unless he has been admitted to the Ohio bar. Only Barbara Furr may appear as the Plaintiff in this matter.

The Court also notes that the 3-day Notice to Vacate attached to Plaintiff's complaint does not contain Ms. Furr's name. If the 3-day notice to vacate does not contain the name of the Plaintiff, the Eighth District Court of Appeals holds that,

pursuant to *UMH OH Buckeye II, L.L.C. v. DeCarlo*, 8th Dist. Cuyahoga No. 108912, 2019-Ohio-4986, the Court must dismiss Plaintiff's first cause of action. Because the 3-day Notice to Vacate is defective, the Court does not have jurisdiction to hear Plaintiff's first cause of action. Plaintiff's first cause of action is dismissed without prejudice.

Nothing in this Order prevents Plaintiff from re-filing the first cause of action. Plaintiff, however, is urged to seek the assistance of counsel before re-filing her first cause.

**Case Management Conference** on Plaintiff's second cause of action is **set for July 14, 2021 at 10:30 a.m.** [NOTE: time for the CMC is different than the time announced at the June 16 CMC] Parties are to use Magistrate Wiseman's ZOOM link or appear in Courtroom 3A at the Justice Center if they do not possess a compatible device.

  
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Mark Wiseman, Magistrate  
Housing Division

Service: Copies sent by regular U.S. mail to parties/counsel on 06/31/21 by LAH