

FILED
2008 FEB 27 PM 3:32

**IN THE MARIETTA MUNICIPAL COURT
WASHINGTON COUNTY, OHIO**

Municipal Court
Marietta, Ohio

JEFFREY PISANI,

Case No. 2005 CVG 1233

Plaintiff,

Judge Welch

v.

JASON WRIGHT, et al.,

JUDGMENT ENTRY

Defendants.

This matter came on to be heard on the motion filed by Defendant Michelle Beebe on February 1, 2008, seeking to vacate the judgment entered by this Court on January 22, 2006, which awarded damages to Plaintiff on his monetary cause of action in his complaint in forcible detention. Present on February 27, 2008 for hearing are Defendant Beebe and her counsel, Joseph H. Brockwell. Plaintiff, an apparent assignee of the original plaintiff, is not present, although notice was sent to him of the hearing.

The Court's Docket shows that on November 9, 2005, service was made by posting on the door of the leased premises and by mailing a copy of the summons and complaint to Defendant at the address of the leased premises.

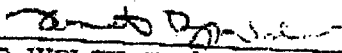
Defendant Beebe says that service on a damages cause of action ("second cause of action") must be made pursuant to the Civil Rules, and that was not done in this case.

The Court agrees with the argument of Defendant Beebe. Based on the Court's own docket records, judicial notice of which is taken, and on the sworn evidence of Defendant Beebe, it appears that proper service was not made in regard to the cause of action for damages.

Therefore, the judgment awarding damages, interest, and costs against Defendant Beebe
and in favor of Plaintiff is hereby VACATED.

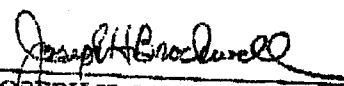
Costs to Plaintiff.

SO ORDERED.



JANET D. WELCH, JUDGE

PREPARED BY.



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