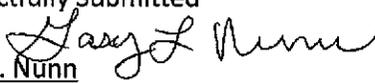


S. Hinson. I have sent all of my motions and pleadings to My' chael Jeffeson, so if someone else answered these it would appear that someone has opened her mail which would be a violation of a Federal Law to open someone else's mail. I have received two different case information sheets from the Supreme Court (copy's inclosed), one states that My'chael Jefferson is the counsel of record and the other states that Christopher Conard is counsel of record along with Maureen Hinson. I have looked at all of the journal's in this matter and I do not see where My'chael Jefferson has filed a motion with the court to be removed from this case. The court rule 9 states that an attorney who want's to be removed must file a motion and only the court can allow this attorney to depart the case. I have read the journal's in this case and I do not see where Mr. Conard or Mrs. Hinson have filed a motion for appearance of counsel. If the court allows the defendants attorney's to do as the please then the court is basis against me for not following the rules of court and I have lost my constitutional rights.

Respectfully Submitted


Gary L. Nunn

Pro Se

Certification of Service

I herby certify that a copy of the foregoing motion to the Supreme Court was sent to the following Appellees by U, S. Mail prepaid on July 15, 2008

My'chael Jefferson
Coolidge Wall CO. L.P.A.
33 W. First Street, Suite 600
Dayton, Ohio 45402

The Supreme Court of Ohio
CASE INFORMATION

GENERAL INFORMATION

Case: **GEN-2008-0595** Discretionary Appeal (Non-felony); Claimed Appeal of Right

Filed: 03/26/2008

Case is open

Gary L. Nunn
v. Spring Village Apartments

PRIOR JURISDICTION

Jurisdiction Information	Prior Decision Date / Case Number(s)
Warren County, 12th District	02/11/2008 CA200707090

PARTIES and ATTORNEYS

Gary L. Nunn; Appellant, Appearing Pro Se

Spring Village Apartments; Appellee
Represented by: My'chael Jefferson, Counsel of Record

DOCKET ITEMS

03/26/08 Notice of appeal of Gary L. Nunn
Filed by: Gary L. Nunn

03/26/08 And memorandum in support of jurisdiction
Filed by: Gary L. Nunn

***** End of case information *****


The Supreme Court of Ohio

Clerk's Office
 65 South Front Street, 8th Floor
 Columbus, Ohio 43215-3431
 614.387.9000
 614.387.9530

Kristina D. Frost
 Clerk of Court

Search Results: Case Number 2008-0595

The Supreme Court of Ohio

CASE INFORMATION

GENERAL INFORMATION

Case: 2008-0595 Discretionary Appeal (Non-felony); Claimed Appeal of Right

Filed: 03/26/08

Status: Case Is Open

Gary L. Nunn v. Spring Village Apartments

PARTIES and ATTORNEYS

Nunn, Gary L. (Appellant)

Spring Village Apartments (Appellee)

Represented by:

Conard, Christopher (39751) , Counsel of Record

Hinson, Maureen (76482)

PRIOR JURISDICTION

Jurisdiction Information	Prior Decision Date	Case Number(s)
Warren County, 12th District	02/11/2008	CA200707090

DOCKET ITEMS

- Most documents that were filed in Supreme Court cases after December 1, 2006, are scanned. They are available for viewing via the online dockets, generally within one business day from their date of filing.
- Supreme Court orders that were issued after January 1, 2007, are also available via the online docket as PDFs. Although original orders issued by the Court bear the signature of the Chief Justice, the

2006CVI00263 NUNN, GARY L SPRING VILLAGE APTS

File Date	03/28/2006	Case Status	Closed	Case Status Date	03/28/2006
		Case Disposition	HEARING BY MAGISTRATE	Case Disposition Date	05/03/2006

Party Information

Party Name	Party Alias(es)	Party Type	Attorney(s)	Attorney Phone
NUNN, GARY L		Plaintiff		
SPRING VILLAGE APTS		Defendant		

Financial Entries

Receipt #	Date	Received From	Amount Paid
16680	03/28/2006	NUNN, GARY L	47.00
	<u>Payment</u>		<u>Fee</u>
	Cash	47.00	Cost 47.00

Docket Entries

Date	Text
05/02/2006	CIVIL MOTION FILED TO TRANSFER CASE TO REG CIVIL DOCKET 06cvf402
03/31/2006	RETURN RECEIPT Method : CERTIFIED MAIL Issued : 03/28/2006 Service : SMALL CLAIMS COMPLAINT ISSUED Served : 03/30/2006 Return : 03/31/2006 On : SPRING VILLAGE APTS Signed By : J CABS????? Reason : SUCCESSFUL Comment : Tracking #: P800362118
03/28/2006	Issue Date: 03/28/2006 Service: SMALL CLAIMS COMPLAINT ISSUED Method: CERTIFIED MAIL Cost Per: \$ SPRING VILLAGE APTS C/O MANAGER SPRING VILLAGE APTS 475 GILPIN DR SPRINGBORO, OH 45066 Tracking No: P800362118
03/28/2006	EVENT SCHEDULED Event: SMALL CLAIMS APPEARANCE Date: 05/24/2006 Time: 9:00 am Judge: CROSSLEY, PAIGE A Location: COURTROOM Result: CANCELLED
03/28/2006	SMALL CLAIMS COMPLAINT ISSUED
03/28/2006	SMALL CLAIMS COMPLAINT FILED GARY L NUNN (Plaintiff); Receipt: 16680 Date: 03/28/2006

2006CVF00402 NUNN, GARY L SPRING VILLAGE APT

File Date	05/13/2006	Case Status	Closed	Case Status Date	05/13/2006
		Case Disposition	JUDGMENT GRANTED FOR DEFENDANT (A)	Case Disposition Date	05/29/2007

Party Information

Party Name	Party Alias(es)	Party Type	Attorney(s)	Attorney Phone
NUNN, GARY L		Plaintiff	STATON, ROGER D	(513)659-3748
SPRING VILLAGE APT		Defendant	COOLIDGE WALL WOMSLEY & LOMBARD CO LPA	

Financial Entries

Receipt #	Date	Received From	Amount Paid
21317	06/28/2007	GARY NUNN	125.00
	Payment		Fee
	Cash	125.00	Holding 125.00
20997	06/04/2007	STATON, ROGER D	5.00
	Payment		Fee
	Cash	5.00	Cost 5.00
17207	05/13/2006	COOLIGE, WALL, WOMSLEY & LOMBARD	69.00
	Payment		Fee
	Check	69.00	Cost 69.00

Docket Entries

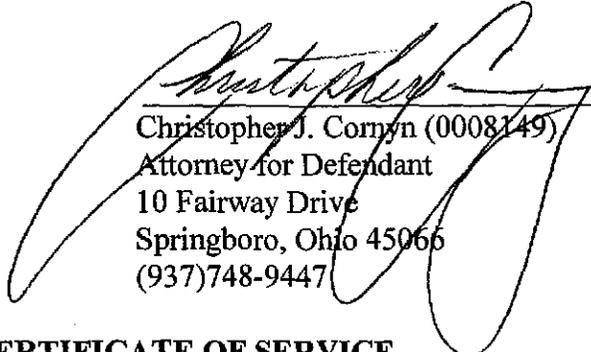
Date	Text
07/02/2007	REFUND OF DEPOSIT PAID GARY L NUNN (Plaintiff); ; ROGER D STATON (Attorney) on behalf of GARY L NUNN (Plaintiff)
06/28/2007	CIVIL APPEAL DEPOSIT GARY L NUNN (Plaintiff); Receipt: 21317 Date: 06/28/2007
06/04/2007	CIVIL ADDITIONAL MISC FEES - FOR COPY OF DVD FOR HEARING ON DEC 7, 07 Receipt: 20997 Date: 06/04/2007
05/30/2007	CERTIFIED COPY SENT MAILED COPY OF JUDGMENT Sent on: 05/30/2007 12:32:41 ROGER D STATON (Attorney) on behalf of GARY L NUNN (Plaintiff); COOLIDGE WALL WOMSLEY & LOMBARD CO LPA (Attorney) on behalf of SPRING VILLAGE APT (Defendant)
05/29/2007	CERTIFIED COPY SENT MAILED COPY OF JUDGMENT Sent on: 05/29/2007 10:10:25
05/29/2007	JUDGE'S ORDER - MSJ FOR DEFENDANT IS HEREBY GRANTED TO NO MONEY DAMAGES AND COSTS ARE ASSESSED TO PLT - TRIAL OFF
03/23/2007	EVENT SCHEDULED Event: CIVIL TRIAL Date: 06/01/2007 Time: 9:00 am Judge: CROSSLEY,

PAIGE A Location: COURTROOM Result: CANCELLED
02/27/2007 EVENT SCHEDULED Event: CIVIL STATUS HEARING Date: 03/28/2007 Time: 7:30 am Judge: CROSSLEY, PAIGE A Location: COURTROOM Result: CANCELLED
01/23/2007 EVENT SCHEDULED Event: CIVIL STATUS HEARING Date: 02/28/2007 Time: 7:30 am Judge: CROSSLEY, PAIGE A Location: COURTROOM Result: CANCELLED
12/07/2006 PER JDO, CLERK'S OFFICE SHALL CONTACT BOTH PARTIES ATTYS OFFICES TO SET TRIAL - WILL NEED 1/2 DAY. DISCOVERY IS COMPLETE. WRITTEN DECISION WILL BE ISSUED ON SUMMARY JUDGEMENT BY JDO.
11/28/2006 CIVIL MOTION FILED IN OPPOSITION TO PLT MOTION FOR SUMMSARY JUDGMENT COOLIDGE WALL WOMSLEY & LOMBARD CO LPA (Attorney) on behalf of SPRING VILLAGE APT (Defendant)
11/06/2006 MOTION FOR SUMMARY JUDGMENT FILED COOLIDGE WALL WOMSLEY & LOMBARD CO LPA (Attorney) on behalf of SPRING VILLAGE APT (Defendant)
10/24/2006 CIVIL AFFIDAVIT FILED - GARY NUNN & ROGER STATON
10/24/2006 MOTION FOR SUMMARY JUDGMENT FILED ROGER D STATON (Attorney) on behalf of GARY L NUNN (Plaintiff)
10/22/2006 EVENT SCHEDULED Event: CIVIL PRETRIAL Date: 12/07/2006 Time: 9:00 am Judge: CROSSLEY, PAIGE A Location: COURTROOM Result: CANCELLED
10/22/2006 EVENT SCHEDULED-REPLY TO RESPONSE Event: CIVIL FILING DUE BY Date: 11/29/2006 Time: 7:30 am Judge: CROSSLEY, PAIGE A Location: COURTROOM Result: CANCELLED
10/22/2006 EVENT SCHEDULED-RESPONSE TO DISPOSITIVE MOTION Event: CIVIL FILING DUE BY Date: 11/22/2006 Time: 7:30 am Judge: CROSSLEY, PAIGE A Location: COURTROOM Result: CANCELLED
10/22/2006 EVENT SCHEDULED Event: CIVIL DISPOSITIVE MOTION DEADLINE Date: 11/08/2006 Time: 7:30 am Judge: CROSSLEY, PAIGE A Location: COURTROOM Result: CANCELLED
10/22/2006 HEARING HELD The following event: CIVIL PRETRIAL scheduled for 10/05/2006 at 9:00 am has been resulted as follows: Result: HELD Judge: CROSSLEY, PAIGE A Location: COURTROOM
10/19/2006 JUDGE'S ORDER - DISCOVERY COMPLETED BY DEC 5, 06, DISPOSTIVE MOTIONS SHALL BE FILED ON OR BEFORE NOV 6, 06. RESPONSES TO DISPOSITIVE MOTIONS FILED WITHIN 2 WEEKS WITH REPLY MEMORANDUM TO RESPONSES IN ONE WEEK AFTER THAT. FINAL PT HELD ON DEC 7 @ 9 AM. ALL PARTIES AND THEIR REPRESENTATIVES SHOULD APPEAR.
JDO
09/21/2006 EVENT SCHEDULED Event: CIVIL PRETRIAL Date: 10/05/2006 Time: 9:00 am Judge: CROSSLEY, PAIGE A Location: COURTROOM Result: HELD
09/20/2006 ENTRY GRANTING CONTINUANCE FILED
09/08/2006 MOTION TO CONTINUE FILED BY DEFENDANT PUT IN JUDGE ODAS BASKET ROGER D STATON (Attorney) on behalf of GARY L NUNN (Plaintiff)
08/22/2006 EVENT SCHEDULED Event: CIVIL PRETRIAL Date: 09/21/2006 Time: 9:00 am Judge: CROSSLEY, PAIGE A Location: COURTROOM Result: CANCELLED
07/21/2006 EVENT SCHEDULED - IN JUDGE ODAS BASKET DUE TO RECUSSAL Event: CIVIL STATUS HEARING Date: 08/23/2006 Time: 7:30 am Judge: CROSSLEY, PAIGE A Location: COURTROOM Result: CANCELLED
07/20/2006 CERTIFIED COPY SENT MAILED COPY OF ENTRY Sent on: 07/20/2006 12:42:18 GARY L NUNN (Plaintiff); SPRING VILLAGE APT (Defendant);
07/19/2006 MAGISTRATE'S ORDER MAG RECUSSES HERSELF DUE TO FAMILIAR WITH PRIOR TESTIMONY ON THE SUBJECT MATTER OF THIS CASE AS A RESULT OF HER EMPLOYMENT WITH WCCP COURT * JUDGE ODA ASSIGNED JUDGE
07/12/2006 CIVIL MOTION FILED TO IN OPPOSITON TO MOTION TO DISMSSS - ATTN STATON GARY L NUNN (Plaintiff);
07/11/2006 RETURNED CALL TO LISA @ 937-223-8177 ANT LET HERE KNOW THAT THIS IS OFF DOCKET DUE TO LAST ORDER
06/22/2006 CERTIFIED COPY SENT MAILED COPY OF ENTRY Sent on: 06/22/2006 12:22:54
06/22/2006 EVENT SCHEDULED Event: CIVIL FILING DUE BY Date: 07/12/2006 Time: 7:30 am Judge: CROSSLEY, PAIGE A Location: COURTROOM Result: CANCELLED
06/21/2006 MAGISTRATE'S ORDER - PLT SHALL FILE MEMORANDUM IN OPPOSITION WITH NOT COURT NO LATER THAN JULY 12 TO MOTION TO DISMISS. SUBMITTED AT THAT TIME WITHOUT ORAL HEARING
06/14/2006 CIVIL PRE-TRIAL STATEMENT FILED ROGER D STATON (Attorney) on behalf of GARY L NUNN (Plaintiff)
06/13/2006 CIVIL MOTION FILED TO DISMISS
05/13/2006 CIVIL COMPLAINT FILED Receipt: 17207 Date: 05/13/2006
05/03/2006 ENTRY GRANTING MOTION TO TRANSFER TO REG FROM 06CV1263

9.

The Magistrate further erred in failing to find that Plaintiff breached its statutory duty to return Defendant's security deposit. Plaintiff acknowledged it did not return Defendant's deposit though it knew how to reach Defendant. The statute provides statutory remedies to which Defendant is entitled.

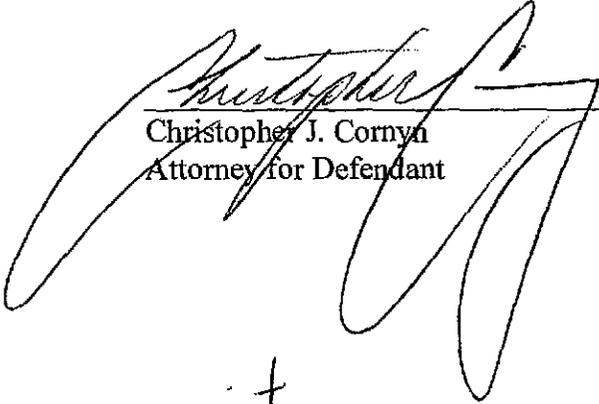
WHEREFORE, Defendant prays that this Court reverse or modify the Magistrate's Decision to properly award damages herein to Defendant for Plaintiff's misconduct and statutory breaches together with such other and further relief as the evidence warrants herein.



Christopher J. Cornyn (0008149)
Attorney for Defendant
10 Fairway Drive
Springboro, Ohio 45066
(937)748-9447

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Objections were mailed by regular U.S. mail to Barbara Horwitz, Attorney for Plaintiff, 120 North Second Street, P.O. Box 741, Hamilton, Ohio 45012 this day 24th day of January, 2003.



Christopher J. Cornyn
Attorney for Defendant

For Deposit

claim for retaliatory eviction.

5. The Magistrate further erred in finding that Defendant's personal property could have been salvaged but for some upholstered furniture. Plaintiff disposed of all of Defendant's personal property. Defendant had been advised not remove any furniture since it was mold infested. Plaintiff made no effort to clean the furniture, even though it failed to repair the leaks that caused the mold. Therefore, it was error for the Magistrate to fail to award Defendant the full value of his furniture as part of damages in this proceeding.
6. The Magistrate erred in failing to award Defendant greater damages for the period of his displacement. The evidence confirms Defendant had no useable furniture and was forced to rent a furnished apartment. Defendant did not receive back a security deposit and had no means to re-establish a household. It took him four and one-half months to do this. It is clear this displacement resulted from Plaintiff's failure to meet its statutory obligations as a landlord. Therefore, it was error for the Magistrate to not award Defendant damages for his alternative living quarters for the full four and one-half months.
7. The Magistrate failed to grant Defendant punitive damages. It is clear from the medical evidence and the testimony of Defendant's witnesses that the nature and extent of mold and mildew damage to Defendant's apartment created a substantial risk of harm to Defendant. The Magistrate confirms that the "air conditioner. . .had virtually rusted away" by mid-1999, that Defendant's water heater broke down and he "was without hot water for four months", that Defendant's carpet "was blackened by mold", and that the "tack strip and padding disintegrat[ed]." The carpeting was over 14 years old. Yet, Plaintiff "refused any expenditures because Defendant would not enter into a long term lease", despite the fact that these repairs materially affected the health and safety of Mr. Nunn and were statutorily necessary to "put and keep the premises in a fit and habitable condition". At one point, the Magistrate even found that Plaintiff lied to the Health Department about making certain repairs to Defendant's apartment. As a result, Plaintiff's conduct was in "conscious disregard for the rights and safety of" Nunn and warranted an award of punitive damages and attorney fees. In this case, this award should be substantial since Defendant's damages arise from Plaintiff's deceit and manipulation. Defendant's attorney fees alone were thousands of dollars.
8. The Magistrate also erred in failing to find that Defendant established the torts of trespass and invasion of privacy by Plaintiff's entrance into Defendant's apartment to threaten to kick his "ass" and to "chew him up and spit him out" because he demanded required repairs be made to the apartment. The evidence clearly supported violations of these two torts..