

IN THE SUPREME COURT OF OHIO

ROBERT H. DUES,

CASE NO. 06-1069

Appellant/Cross-Appellee,

On Appeal from the Court of
Appeals of the Third Appellate
Judicial District of Ohio,
Shelby, County

vs.

MINSTER FARMERS COOPERATIVE
EXCHANGE COMPANY, INC.

Court of Appeals
Case No. 17-05-28

Appellee/Cross-Appellant.

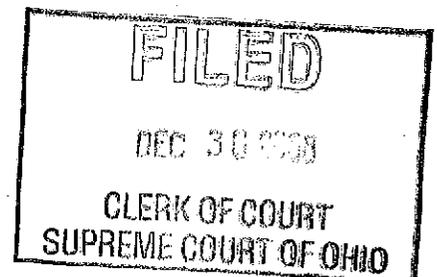
**MOTION TO CALCULATE, SETTLE AND CLOSE THE OPEN BOOK
ACCOUNT**

Robert H. Dues
6052 Short Rd.
Houston, OH 45333
937-295-3065
937 295-2350 (fax)

Robert H. Dues
Pro se
For Appellant/Cross-Appellee

Michael A. Burton (0064921)
15 Willipie St., Suite 300
P. O. Box 33
Wapakoneta, OH 45895-0033
419 738-8195
419 738-8182 (facsimile)

Counsel For Appellee-Cross-Appellant,
Minster Farmers Cooperative Exchange
Company, Inc.



Now comes Robert Dues, Appellant/Cross-Appellee, pro se in this action, (hereinafter Dues) and hereby moves and requests this Honorable Court to calculate, settle and close the open book account, which has been the subject of this action.

Due to a continuing pattern of denial of due process, it has become pertinent for the Supreme Court of Ohio to settle the action of this case and close the open book account with Minster Farmers Cooperative Exchange, Appellee/Cross-Appellant, hereinafter Minster Farmers. This case has been remanded by the Supreme Court of Ohio to the Trial Court to calculate from day one of business to present, the amount due and owing, if any, on this open book account between Dues and Minster Farmers and to consequently, settle and close the open book account.

After the remand of this case on March 26, 2008, the Court granted Bryan Niemeyer's Motion to Withdraw as Council for Dues on May 14, 2008, thus forcing Dues to continue pro se. On May 16, 2008, Dues, now pro se, filed **Brief in support of Proper starting point.** All parties were served by Dues.

* Dues was not served a copy of **Reply brief of Plaintiff regarding Start Date of Finance Charge Calculation,** filed May 22, 2008, even though Court dockets show service was made. See exhibit 1....Doc 75 Service was made to Burton.

On May 22, 2008, Dues filed his **Reply Brief in Support of Proper Starting Point,** Service was made to Burton.

Dues received no further documentation of the case whatsoever. Dues did check the Court docket in September, 2008, and found that Dues was not made a part of any further action by the court and by Burton, to wit:

* Dues was not served a copy of **Decision/Order On Starting Date For Fiance**

Charge Calculation filed on June 10, 2008. See exhibit 1 Doc 75

*Dues was not served a **Notice of Telephone Scheduling Conference** filed July 9, 2008. “**MICHAEL BURTON IS RESPONSIBLE FOR PLACING THE CALL**”. See Exhibit 3.

* Dues was not made a part of **Telephone Status Conference** held on July 14, 2008, at 9:30 a.m.. Burton did not contact Dues to be included in Telephone Status Conference. See Exhibit 4.

- Dues found that the status of this case was closed, sometime after July 10, 2008, without following the mandate of this court.

Dues incorrectly filed a NOTICE OF DENIAL OF DUE PROCESS with this Court on September 19, 2008, instead of a MOTION which would have given this Court authority to take this case again.

Burton did file a **Motion to Dismiss without Prejudice** and then a **Motion to Dismiss with Prejudice** on September 30, 2008, see exhibit 5.

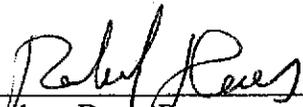
Dues received **JUDGEMENT ENTRY OF DISMISSAL WITH PREJUDICE** on October 3, 2008. See Exhibit 6. Dues was not even given 21 days in which to object to the Motion to Dismiss.

A pattern of denial of due process is ongoing dating from Case No. CA 17-95-21, Case No. 17-05-28, and now Case No. 06-1069, which continues to give Dues appealable issues. Dues has won on each and every appeal.

Dues has never surrendered his right to have the open book account settled and closed. Dues believes in his obligation to pay his just debts as to what is due and owing, and at the same time to receive what is due him, and to clear his good name.

Wherefore, Dues requests this Court to calculate the statutory interest due and owing from the day Dues began doing business with Minster Farmers and to settle and close the open book account. Dues requests that upon calculating, any overpayments of compounded interest shall be applied to the principal.

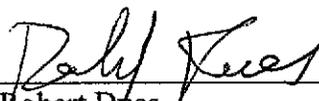
Respectfully submitted,



Robert Dues, Pro se

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of Motion to Calculate, Settle and Close the Open Book Account has been sent to Michael Burton, Attorney for Plaintiff, 113 North Ohio Avenue, Suite 502, Sidney, OH 45365, on this 30 day of December, 2008..



Robert Dues
6052 Short Rd.
Houston, OH 45333

Minster Farmers' claim to interest charged above that rate is unenforceable.

We limit the effect of our decision to these cases and to transactions arising in the future. ...We do not intend for this decision to create shock waves throughout the many sectors of Ohio's economy that rely on book accounts to do business, nor do we wish to encourage a propagation of pleadings regarding past practices. This decision establishes the proper method for implementing interest rates exceeding the statutory maximum on a book account pursuant to R.C. 1343.03(A) in these two cases and for transactions occurring after the date of this decision.¹

As to the issue presented by the parties, it is the opinion of this Court that the Supreme Court has determined as to this case that the interest rate charged beyond the statutory rate was never agreed upon and that any claim of Plaintiff to interest amounts in excess of the statutory amounts is unenforceable.

There is no dispute that the account of defendant was a book account. Such an account is typically a series of transactions between creditor and debtor with debits and credits to the account. "An account is not closed until the dealings between the parties have ceased or until it is closed by some other act performed by them."² It is apparent that the parties had a single, ongoing account in which the parties anticipated a continuing business relationship. That at times the amount owed on the account was reduced to zero, or nearly so, does not change the fact that this was one, continuous account. Accordingly, it is the opinion of this Court that the Ohio Supreme Court determined that the interest rate in this case is limited to the statutory amount calculated from the opening of the account, not from the last date of a zero balance.

The issue then to be determined is the impact of the Supreme Court and this Court's decision on payments already made. As noted by Plaintiff's counsel, the Defendant in this case paid on his accounts at a rate in excess of the enforceable amount for some years. What impact, if any, does the payment of excess amounts have on the account? For the reasons cited following, any payments of interest made in excess of the statutory amount is to be applied to any current balances owed; however, Defendant is not entitled to any repayment of monies in excess of the statutory interest rate.

¹ *Minster Farmers Coop. Exchange*, at ¶ 29 and 30.

² 1 Ohio Jur 3d Accounts and Accounting, §2

"Money voluntarily paid on a claim of right with full knowledge of all the facts, in the absence of fraud, duress, or compulsion, cannot be recovered merely because the party, at the time of payment, was ignorant of, or mistook, the law as to his or her liability."³ Although this rule may seem unjust, it has been held that it would render the administration of justice impracticable to permit litigants to set up as a defense that they were ignorant of the law.⁴

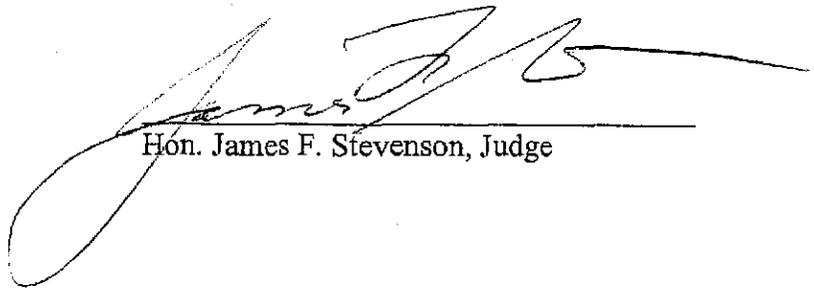
Case and statutory law has provided some measure of relief to a debtor for payment of a usurious amount. In the *Luebke v Moser*⁵ the court noted that under common law if a usurious interest rate was voluntarily paid the borrower could not recover the amount paid. However, the court said that by statute the usurious amount paid can be set off against unpaid balances, citing ORC §1343.04.

R.C. §1343.04 provides "Payments of money or property made by way of usurious interest . . . shall be taken to be payments made on account of principal; and judgment shall be rendered for no more than the balance found due, after deducting the excess of interest so paid."

To the extent that monies are still owed by defendant, payments made in excess of the legal interest rate from the opening of the account may set off that amount. However, defendant may not recover any monies paid in excess of the unpaid amount.

The Clerk of this Court is directed to deliver copies of this Order to the attorneys of record and to any parties not represented by an attorney.

IT IS SO ORDERED.


Hon. James F. Stevenson, Judge

1.80 cap

Nilmezer
Burton
CT
dlh
6/11/08

84 page

³ 73 Oh Jur3d, Payment and Tender, § 76

⁴ 73 Oh Jur3d, Payment and Tender, § 76

⁵ (6th Dist., 1991) 74 Ohio App3d 200, 598 N.E.2d 760

Doc 75 ✓

<u>Case Number</u>	<u>Status</u>	<u>Judge</u>
05CV000048	Closed	SCHMITT, JOHN D

<u>In The Matter Of</u>	<u>Action</u>
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MINSTER FARMERS COOPERATIVE EXCHANGE COMPANY INC vs. DUES, ROBERT H

OTHER CIVIL
 STATE OF OHIO, SHELBY COUNTY SS
 I, Michele K. Mumford, Clerk of the Common Pleas Court, do hereby certify that the foregoing to be a true and correct copy of the original as the same appears on file in my office.

Party
 MINSTER FARMERS COOPERATIVE EXCHANGE COMPANY INC
 292 W FOURTH STREET
 PO BOX 100
 MINSTER, OH 45865

Attorneys
 BURTON, MICHAEL
 15 WILLIPIE ST
 P O BOX 299
 WAPAKONETA, OH 45895

STE 300
 MICHELE K. MUMFORD CLERK
Michele K. Mumford
 Deputy

DUES, ROBERT H
 6052 SHORT ROAD
 HOUSTON, OH 45333

DFNNDT
 NIEMEYER, BRYAN A
 COURTVIEW CENTER - STE 300
 100 S MAIN AVE
 SIDNEY, OH 45365

<u>Opened</u>	<u>Disposed</u>	<u>Case Type</u>
02/07/2005	BANKRUPTCY STAY OR INTERLOCUTORY APPEAL	CIVIL

Comments:

No.	Date of Pleadings Filed, Orders and Decrees Journal Book-Page-Nbr Ref Nbr	Amount Owed/ Amount Dismissed	Balance Due
1	07/10/08 POSTAGE/COPIES/CERTIFIED COPY(S)	0.72	0.72
2	07/09/08 THE FOLLOWING WAS SET FOR: Event: TELEPHONE STATUS CONFERENCE Date: 07/14/2008 Time: 9:30 am Judge: STEVENSON, JAMES F Location:	0.00	0.00
3	06/11/08 DECISION/ORDER ON STARTING DATE FOR FINANCE CHARGE CALCULATION DOC 73-75	2.00	2.00
	05/23/08 REPLY BRIEF FOR DEFENDANT FILED ALONG WITH CERTIFICATE OF SERVICE	0.00	0.00
	05/23/08 POSTAGE/COPIES/CERTIFIED COPY(S)	1.59	1.59
	05/22/08 REPLY BRIEF OF PLAINTIFF REGARDING START DATE OF FINANCE CHARGE CALCUALTION FILED ALONG WITH CERTIFICATE OF SERVICE.	0.00	0.00
	05/22/08 COVER LETTER FILED	0.00	0.00
	05/16/08 BRIEF OF PLAINTIFF REGARDING START DATE OF FINANCE CHARGE CALCULATION AND CERTIFICATE OF SERVICE	0.00	0.00
	05/16/08 BRIEF FOR DEFENDANT FILED ALONG WITH CERTIFICATE OF SERVICE.	0.00	0.00

Exhibit 2

CRTR5925

Detail

05CV000048 MINSTER FARMERS COOPERATIVE EXCHANGE COMPANY INC vs. DUES, ROBERT H

No.	Date of	Pleadings Filed, Orders and Decrees Journal Book-Page-Nbr	Ref Nbr	Amount Owed/ Amount Dismissed	Balance Due
10	05/15/08	POSTAGE/COPIES/CERTIFIED COPY(S)		0.84	0.84
11	05/14/08	FILING PLAINTIFF'S MEMORANDUM CONTRA TO DEFENDANT'S MOTION TO WITHDRAW AS COUNSEL WITH CERTIFICATE OF SERVICE		0.00	0.00
12	05/14/08	FACSIMILE TRANSMISSION COVER SHEET FILED		0.00	0.00
13	05/14/08	ORDER OF WITHDRAWAL OF COUNSEL DOC 48-49		2.00	2.00
14	05/13/08	MOTION TO WITHDRAW AS COUNSEL FILED ALONG WITH CETIFICATE OF SERVICE		0.00	0.00
15	05/01/08	AGREED ORDER GRANTING CONTINUANCE OF BRIEFING SCHEDULE DOC 3-4		2.00	2.00
16	04/30/08	COVER LETTER FILED		0.00	0.00
17	04/25/08	RECEIVED CASE BACK FROM SUPREME COURT OF OHIO.		0.00	0.00
18	04/25/08	POSTAGE/COPIES/CERTIFIED COPY(S)		1.01	1.01
19	04/24/08	AGREED ORDER GRANTING CONTINUANCE OF BRIEFING SCHEDULE FILED. DOC 63-64		2.00	2.00
20	04/23/08	COVER LETTER FILED		0.00	0.00
21	04/09/08	POSTAGE/COPIES/CERTIFIED COPY(S)		0.41	0.41
22	04/08/08	AGREED ORDER DOC 7		2.00	2.00
23	06/07/06	ORDER/ENTRY FILED. THIS MATTER IS ASSIGNED FOR A TELEPHONE SCHEDULING CONFERENCE ON JUNE 19, 2006 AT 11:30 A.M.. ATTORNEY MICHAEL BURTON SHALL PLACE THE CALL DOC 51			0.00
24	05/12/06	FILE RECEIVED BACK FROM COURT OF APPEALS.			0.00

CRTR5925

Detail

05CV000048 MINSTER FARMERS COOPERATIVE EXCHANGE COMPANY INC vs. DUES, ROBERT H

No.	Date of	Pleadings Filed, Journal Book-Page-Nbr	Orders and Decrees Ref Nbr	Amount Owed/ Amount Dismissed	Balance Due
25	04/28/06	NOTICE OF APPEARANCE FILED WITH CERTIFICATE OF SERVICE. DEFENDANT ROBERT DUES , BY AND THROUGH COUNSEL, AND HEREBY NOTIFIES THE COURT OF THE APPEARANCE OF BRYAN A. NIEMEYER AND JOHN M. DEEDS AS COUNSEL IN THIS MATTER.			0.00
26	04/20/06	ORDER ENTRY FILED THIS MATTER IS HEREBY ASSIGNED FOR A TELEPHONE SCHEDULING CONFERENCE ON: MAY 4, 2006, AT 10 A.M. ATTORNEY MICHAEL A. BURTON SHALL BE RESPONSIBLE FOR PLACING THE TELEPHONIC CALL. DOC 56			0.00
27	01/19/06	STENOGRAPHER'S FEES			0.00
28	01/19/06	DECISION, ORDER-ENTRY. THIS MATTER IS BEFORE THE COURT ON THE DEFENDANT'S "MOTION FOR EXAMINATION OF PLAINTIFF" AND THE PLAINTIFF'S MEMORANDUM CONTRA. THE DEFENDANT'S MOTION FOR EXAMINATION OF PLAINTIFF BE AND HEREBY IS DENIED. DOC 50			0.00
29	01/12/06	PLAINTIFF'S MEMORANDUM CONTRA TO DEFENDANT'S MOTION FOR EXAMINATION OF PLAINTIFF FILED, ALONG WITH A CERTIFICATE OF SERVICE.			0.00
30	01/03/06	***** CONVERTED OPEN ITEMS AS OF 09/28/06 ***** \$90.00 Party from: JOAN DUES		90.00	0.00
31	01/03/06	MOTION FOR EXAMINATION OF PLAINTIFF FILED. DEFENDAND MOVES THIS COURT FOR AN ORDER FOR THE EXAMINATION OF PLAINTIFFS ATTORNEY, COMPTROLLER, BRENDA ALBER, GENERAL MANAGER DAVID REICHHART, AND BORAD PRESIDENT, MALE MEIER, CONCERNING THE ACCOUNTING PRACTICE PROCEDURE AND POLICY USED BY PLAINTIFF MINSTER FARMERS COOPERATIVE EXCHANGE CO. ALONG WITH CERTIFICATE OF SERVCIE.			0.00

CRTR5925

Detail

05CV000048 MINSTER FARMERS COOPERATIVE EXCHANGE COMPANY INC vs. DUES, ROBERT H

No.	Date of	Pleadings Filed, Orders and Decrees Journal Book-Page-Nbr	Ref Nbr	Amount Owed/ Amount Dismissed	Balance Due
32	12/29/05	NOTICE TO SERVE RETURNED AND FILED. SHERIFF'S RETURN: BY OFFICER DAVE SPICER ON ROBERT H DUES 12/28/05			0.00
33	12/15/05	NOTICE TO SERVE ISSUED TO SHELBY COUNTY SHERIFFS DEPARTMENT FOR PERSONAL OR RESIDENTIAL SERVICE UPON ROBERT H DUES. RETURNABLE ACCORDING TO LAW.			0.00
34	12/14/05	ORDER FOR EXAMINATION OF JUDGMENT DEBTOR FILED. IT IS HEREBY ORDERD THAT ROBERT H DUES BE AND APPEAR BEFORE ME A JUDGE IN THE COMMON PLEAS COURT OF SHELBY COUNTY OHIO ON THE 3ED DAY OF JANUARY 2006 AT 2:30 PM TO ANSWER CONCERNING HIS PERSONAL AND BUSINESS PROPERTY AND THAT HE BE AND HEREBY IS FORBIDDEN AND ENJOINED FROM DISPOSING OF ANY OF HIS PERSONAL AND BUSINESS PROPERTY IN ANY MANNER WHATSOEVER.DOC 37-38			0.00
35	12/13/05	***** CONVERTED OPEN ITEMS AS OF 09/28/06 ***** \$50.00 Party from: MICHAEL BURTON		50.00	0.00
36	12/13/05	AFFIDAVIT FILED.			0.00
37	12/13/05	PRECIPE FOR SERVICE FILED.			0.00
38	12/13/05	MOTION FOR EXAMINATIONA OF JUDGMENT DEBTOR FILED. ALONG WITH CERTIFICATE OF SERVICE.			0.00
39	10/27/05	DOCKET SHEET FILED.			0.00
40	10/27/05	COST BILL FILED APPLIED \$ TO 81.88 TO CK,73.50 TO SH,10.00 TO CP,15.00 TO LA ,3.00 TO JD, 10.00 TO SP. TOTAL FEES 193.38- DEPOSIT \$150.00 . BILL SENT.			0.00
41	10/27/05	STATEMENT AND PRAECIPE FILED. ALONG WITH CERTIFICATE OF SERVICE.			0.00
42	10/27/05	CIVIL APPEAL DOCKETING STATEMENT FILED.			0.00

CRTR5925

Detail

05CV000048 MINSTER FARMERS COOPERATIVE EXCHANGE COMPANY INC vs. DUES, ROBERT H

No.	Date of Pleadings Filed, Journal Book-Page-Nbr	Orders and Decrees Ref Nbr	Amount Owed/ Amount Dismissed	Balance Due
43	10/27/05	NOTICE OF APPEAL FILED.		0.00
44	10/14/05	DECISION ORDER-ENTRY COURT FINDS INFAVOR OF PLAINTIFF AND AGAINST DEFENDANT, JUDGMENT AWARDED IN FAVOR OF PLAINTIFF AGAINST DEFENDANT IN SUM OF \$40,900.00 AS OF APRIL 30, 3005 PLUS FINANCE CHARGE O OF 2% PER MONTH THEREAFTER TO DATE OF JUDGMENT. THEREAFTER INTEREST WILL ACCRUE AT LEGAL RATE OF INTEREST DOC 68/69/70/71		0.00
45	10/14/05	STENOGRAPHER'S FEES		0.00
46	08/23/05	NOTICE COURT NOTES IDENTIAL ISSUE RE;INTEREST ON ACCOUNT IS CURRENTLY PENDING IN RELATED CASE INVOLVING MINSTER FARMERS COOPERATIVE EXCHANGE COMPANY. BECAUSE DEFENDANT IN WITHIN ACTION IS ACTING PRO SE, DEFENDANT IN RELATED ACTION IS REPRESENTED BY COUNSEL, THE COURT WISHES TO HAVE THE BENDIFT OF REVIEWING BREIF BY COUNSEL IN RELATED CASE BEFROE MAKING DECISION IN CASE. COURT WILL WITHHOLD MAKING DECISION IN CASE UNTIL SUCH TIME AS IT HAS OPPORTUNITY TO REVIEW BRIEFS ON IDENTICAL ISSUE IN RELATED CASE DOC 3		0.00
47	08/05/05	PLAINTIFFS TRIAL BRIEF AND EXHIBITS A,B,C,D,E,AND F FILED ALONG WITH CERTIFICATE OF SERVICE.		0.00
48	08/05/05	BRIEF OF DEFENDANT FILED. ALONG WITH A CERTIFICATE OF SERVICE.		0.00
49	08/04/05	STENOGRAPHER'S FEES		0.00
50	07/29/05	DEPOSITION OF ROBERT H DUES FILED		0.00
51	07/29/05	NOTICE OF FILING DEPOSITION TRANSCRIPT OF ROBERT H DUES THAT WAS TAKEN ON JUNE 16, 2005 PROOF OF SERVICE		0.00
52	06/23/05	MOTION FOR FUTURE ATTORNEY FEES FILED. ALONG WITH CERTIFICATE OF SERVICE.		0.00

CRTR5925

Detail

05CV000048 MINSTER FARMERS COOPERATIVE EXCHANGE COMPANY INC vs. DUES, ROBERT H

No.	Date of	Pleadings Filed, Orders and Decrees Journal Book-Page-Nbr	Ref Nbr	Amount Owed/ Amount Dismissed	Balance Due
53	06/23/05	PLAINTIFFS REPLY TO DEFENDANTS MOTION FOR ORDER COMPELLING DISCOVERY FILED. ALONG WITH CERTIFICATE OF SERVICE.			0.00
54	06/22/05	MOTION FOR ORDER COMPELLING DISCOVERY FILED ALONG WITH CERTIFICATE OF SERVICE.			0.00
55	06/14/05	PLAINTIFFS NOTICE OF COMPLIANCE WITH DISCOVERY FILED ALONG WITH CERTIFICATE OF SERVICE.			0.00
56	06/10/05	NOTICE OF DEPOSITION FILED ALONG WITH CERTIFICATE OF SERVICE			0.00
57	05/20/05	REQUEST OF DEFENDANT FOR PRODUCTION OF DOCUMENTS CERTIFICATE OF SERVICE			0.00
58	03/22/05	ORDER ENTRY FILED. THIS MATTER IS ASSIGNED FOR A PRETRIAL CONFERENCE ON JUNE 27, 2005 AT 1:15 PM. COUNSEL ARE REMINDED TO FILE PRETRIAL BRIEFS IN ACCORDANCE WITH RULE 12.02 OF THE LOCAL RULES OF COURT. THIS MATTER IS ASSIGNED FOR A FIRST BACK UP TRIAL TO THE COURT COMMENCING JULY 6, 2005 AT 9 AM. DOC 52			0.00
59	03/14/05	ANSWER TO COMPLAINT FILED ALONG WITH EXHIBIT 1,2,3 &4. ALONG WITH CERTIFICATE OF SERVICE.			0.00
60	03/14/05	THIS MATTER IS ASSIGNED FOR A TELEPHONE SCHEDULING CONFERENCE ON MARCH 22, 2005, AT 9:30 A.M. DOC 53			0.00
51	02/15/05	SUMMONS ON COMPLAINT RETURNED AND FILED. SHERIFF'S RETURN SHELBY COUNTY SHERIFF'S DEPUTY DAN SOSBY PERSONALLY SERVED ROBERT H DUES ON 02/14/05.			0.00
62	02/07/05	SUMMONS ON COMPLAINT ISSUED TO SHELBY COUNTY SHERIFF'S DEPARTMENT ALONG WITH A CERTIFIED COPY OF THE COMPLAINT TO BE SERVED BY PERSONAL OR RESIDENTIAL SERVICE. RETURNABLE ACCORDING TO LAW.			0.00

CRTR5925

Detail

05CV000048 MINSTER FARMERS COOPERATIVE EXCHANGE COMPANY INC vs. DUES, ROBERT H

No.	Date of	Pleadings Filed, Orders and Decrees Journal Book-Page-Nbr	Ref Nbr	Amount Owed/ Amount Dismissed	Balance Due
63	02/04/05	PRECIPE FILED FOR REQUEST OF CERTIFIED COPY OF COMPLAINT TO BE SERVED BY PERSON OR RESIDENTIAL SERVICE.			0.00
64	02/04/05	COMPLAINT FOR MONEY FILED. ALONG WITH EXHIBIT A (1 OF 1).			0.00
65	01/01/00	A51069 90.00 20060103 1 DR DEPOSIT FOR JUDGMENT DEBT			0.00
66	01/01/00	A50815 50.00 20051213 1 DR JUDGMENT DEBTOR EXAM			0.00
67	01/01/00	ALL 73.50 20051027 2 SH COURT COST			0.00
68	01/01/00	ALL 81.88 20051027 2 CK COURT COST			0.00
69	01/01/00	A50053 43.38 20051021 1 DR COURT COST			0.00
70	01/01/00	A46022 112.00 20050207 1 DR CIVIL DEPOSIT			0.00
71	01/01/00	A46022 10.00 20050207 1 SP CIVIL DEPOSIT			0.00
72	01/01/00	A46022 3.00 20050207 1 JD CIVIL DEPOSIT			0.00
73	01/01/00	A46022 10.00 20050207 1 CP CIVIL DEPOSIT			0.00
74	01/01/00	A46022 .15 20050207 1 CK CIVIL DEPOSIT			0.00
75	01/01/00	A46022 14.85 20050207 1 LA CIVIL DEPOSIT			0.00
Totals By: COST				14.57	14.57
DEPOSIT				140.00	0.00
INFORMATION				0.00	0.00
*** End of Report ***					

FILED
COMMON PLEAS COURT

08 JUL -9 AM 10: 30

MICHELE K. MUMFORD
SHELBY COUNTY CLERK

IN THE COMMON PLEAS COURT OF SHELBY COUNTY, OHIO
CIVIL DIVISION

MINSTER FARMERS COOPERATIVE
EXCHANGE COMPANY INC

CASE NO. 05CV000048

Plaintiff,

vs.

NOTICE OF TELEPHONE
SCHEDULING CONFERENCE

ROBERT H. DUES

Defendant.

MICHAEL A. BURTON
IS RESPONSIBLE FOR
PLACING THE CALL

This matter is assigned as follows:

TELEPHONE STATUS CONFERENCE 07/14/2008 9:30 am

MICHAEL A. BURTON shall be responsible for placing the telephonic call, arranging for all necessary parties to be on the line to be thereafter transferred to the Judge. The Judge may be reached at 937/498-7233.

The Clerk shall send a copy of this Notice to the Court, all attorneys of record and parties not represented by counsel.

Darcy Winchester
Assignment Commissioner

42 pages
30 copies
Michael
Byron

STATE OF OHIO, SHELBY COUNTY, SS
I, Michele K. Mumford, Clerk of the Court of this
Court, do hereby certify that the foregoing is a true and
correct copy of the original as the same
appears on the records.

MICHELE K. MUMFORD, CLERK

Sue Wall

SW 7/16/08

Exhibit 3

FILED
COMMON PLEAS COURT

08 JUL -9 AM 10: 30

MICHELE K. MUMFORD
SHELBY COUNTY CLERK

IN THE COMMON PLEAS COURT OF SHELBY COUNTY, OHIO
CIVIL DIVISION

MINSTER FARMERS COOPERATIVE
EXCHANGE COMPANY INC

CASE NO. 05CV000048

Plaintiff,

vs.

NOTICE OF TELEPHONE
SCHEDULING CONFERENCE

ROBERT H. DUES

Defendant.

MICHAEL A. BURTON
IS RESPONSIBLE FOR
PLACING THE CALL

This matter is assigned as follows:

TELEPHONE STATUS CONFERENCE 07/14/2008 9:30 am

MICHAEL A. BURTON shall be responsible for placing the telephonic call, arranging for all necessary parties to be on the line to be thereafter transferred to the Judge. The Judge may be reached at 937/498-7233.

The Clerk shall send a copy of this Notice to the Court, all attorneys of record and parties not represented by counsel.

Darcy Winchester
Assignment Commissioner

*42 pgs
30 copies*

*4
Michael
Bryan*

7/14/08

Exhibit 4

September 30, 2008

Robert H. Dues
6052 Short Road
Houston, Ohio 45333

In Re: The Minster Farmers Cooperative Exchange Company, Inc. vs. Robert H. Dues
Shelby County Common Pleas Court – Civil Division
Case No. 05CV000048
Motion to Dismiss With Prejudice/Judgment Entry of Dismissal With Prejudice

Dear Mr. Dues:

Enclosed is a copy of the Motion to Dismiss With Prejudice and the Judgment Entry of Dismissal With Prejudice which we have filed in the Shelby County Common Pleas Court. You have previously received the Motion to Dismiss Without Prejudice and the Judgment Entry of Dismissal Without Prejudice. Please be advised, the “**without prejudice**” pleadings were mistakenly worded and should be filed as “**with prejudice**”. Since we had a trial in this case, the correct manner to dismiss is with prejudice.

Therefore, the first versions of the pleadings “**without prejudice**” have been pulled from the Shelby County Clerk’s office and **will not be filed**. The enclosed pleadings “**with prejudice**” are the corrected pleadings and have been filed with the Shelby County Common Pleas Court.

We apologize for the confusion. Please contact our office if you have any questions.

Very sincerely,



Michael A. Burton

Enclosures

MAB/arm

S:\Minster Farmers\2008-09-30 Dues, Robert ltr..doc

Exhibits 25

08 OCT -2 AM 9:33

MICHELE K. MUMFORD
SHELBY COUNTY CLERK

IN THE COMMON PLEAS COURT OF SHELBY COUNTY, OHIO
CIVIL DIVISION

THE MINSTER FARMERS
COOPERATIVE EXCHANGE
COMPANY, INC.

Plaintiff,

vs.

ROBERT H. DUES

Defendant.

CASE NO. 05CV000048

~~JUDGMENT ENTRY OF DISMISSAL
WITH PREJUDICE~~

Based upon Plaintiff's Motion to Dismiss, and for good cause shown, and the resolution of all issues pending herein, Plaintiff's Complaint hereby is dismissed with prejudice.

IT IS FURTHER ORDERED any additional court costs herein shall be paid by Plaintiff.

IT IS FURTHER ORDERED Attorney Michael A. Burton and Defendant, Robert H. Dues, pro se, shall be supplied file-stamped copies of this Judgment Entry of Dismissal, by regular United States mail.

IT IS SO ORDERED.

Shelby County Common Pleas Court
Sidney, Ohio

ORIGINAL SIGNED

X
James F. Stevenson, Judge

Take Notice

On 10/2/08

A final appealable order was filed in case number

05CV48

Michele K. Mumford
Shelby County Clerk of Courts

MICHELE K. MUMFORD, SHELBY COUNTY CLERK OF COURTS
I hereby certify that the foregoing is a true and correct copy of the original as filed in my office.

MICHELE K. MUMFORD CLERK

Sue Hines
Deputy

Exhibit 6