

IN THE SUPREME COURT OF OHIO

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AUG 24 2009  
CLERK OF COURT  
SUPREME COURT OF OHIO

CLINTON D. DUDLEY, SR.  
1980 NORTHTOWN DRIVE  
TOLEDO, OH 43611

Relator,

vs.

TOLEDO MUNICIPAL COURT  
555 North Erie Street  
Toledo, OH 43604

Respondent

FILED  
AUG 24 2009  
CLERK OF COURT  
SUPREME COURT OF OHIO

) Case No. 09-1465

) Judge

) ANSWER

) Adam W. Loukx, Acting Director of Law  
) (0062158)

) Merritt W. Green, III, Senior Attorney  
) (0024236)

) City of Toledo Department of Law

) One Government Center, Suite 1710

) Toledo, Ohio 43604

) Telephone: (419) 245-1020

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) Attorney for Respondents

Now comes Respondent, by and through counsel, who for its answer, avers the following:

1. Respondent admits that there is an eviction action pending in Toledo Municipal Court, specifically Case No. CVG09-14714 as alleged in paragraph 1 of Relator's petition.

2. Respondent admits that the Complaint for Eviction against Relator and his wife Crystal Dudley was filed on July 22, 2009 and served on Relator and his wife on July 31, 2009 via the Lucas County Sheriff's Office, but denies each and every other allegation contained in paragraph 2 of Relator's Petition.

3. Respondent admits that a trial was scheduled in this matter for August 12, 2009 at 1:30 p.m. but denies each and every other allegation contained in Relator's Petition.

4. Respondent denies each and every allegation contained in paragraphs 4, 5, 6, 7, 8,

9 and 10 of Relator's petition.

**FIRST AFFIRMATIVE DEFENSE**

5. Relator's petition requests that this court control the discretion of Toledo Municipal Court in the underlying action.

6. This court is prohibited by Section 2731.03 ORC from controlling the discretion of the Respondent in this case, and therefore Relator's Petition should be dismissed.

**SECOND AFFIRMATIVE DEFENSE**

7. Relator has failed to attach a properly notarized affidavit in support of his Petition as required by Rule X section 4(B) of Rules of Practice of the Supreme Court of Ohio, therefore Relator's Petition should be dismissed.

**THIRD AFFIRMATIVE DEFENSE**

8. Relator has failed to attach a memorandum in support of his Petition as required by Rule X section 4(B) of Rules of Practice of the Supreme Court of Ohio, therefore, Relator's Petition should be dismissed.

**FOURTH AFFIRMATIVE DEFENSE**

9. Respondent has general subject matter jurisdiction in this matter and is authorized to hear the underlying case pursuant to Chapters 5313 and 1923 of the Ohio Revised Code, therefore, Relator's Petition should be dismissed.

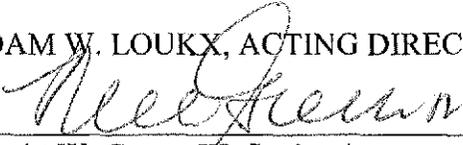
**FIFTH AFFIRMATIVE DEFENSE**

10. Relator has an adequate remedy at law to appeal any decision of the Respondent in the underlying case, therefore Relator's Petition should be dismissed.

WHEREFORE, Respondent respectfully demands that Relator's Petition for Prohibition be dismissed.

Respectfully Submitted,

ADAM W. LOUKX, ACTING DIRECTOR OF LAW

  
\_\_\_\_\_  
Merritt W. Green, III, Senior Attorney

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing Answer was mailed by U.S. regular mail to Clinton D. Dudley, Sr., 1980 Northtowne Drive, Toledo, Ohio 43612 this 21<sup>st</sup> day of August 2009.

  
\_\_\_\_\_  
Merritt W. Green, III, Senior Attorney