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MAY 18 2012

CLERK OF COURT
SUPREME COURT OF OHIO

IN THE SUPREME COURT OF OHIO

ORIGINAL

DARIES D. PEMBERTON,

Relator,

-VS-

TAMMY J. CARTER,

&

C. JEFFREY ADKINS,

Respondents.

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CASE NO: 12-0547

FILED
MAY 18 2012
CLERK OF COURT
SUPREME COURT OF OHIO

MOTION FOR JUDGMENT

Relator is requesting this Honorable Court to rule on his behalf by granting him the relief he demanded in the complaint against Ms. Carter. Ms. Carter was served with the Original Action Complaint she was also served with a Summons at the same time. Within the Summons it stated " If you fail to defend, Judgment by default will be taken against you for the relief demanded in the Complaint ". S. Ct. Prac. R. 10.5 (A) states " Except as provided by S. Ct. Prac. R. 10.9 and 10.10, the respondent(s) shall file an answer to the Complaint or a Motion to dismiss within twenty-one (21) days of service of the Summons and Complaint ". Respondent C. Jeffrey Adkins filed his answer to the Complaint on April 23, 2012 and as of todays date May 16, 2012 Ms. Carter has not filed her answer to the Complaint and by not timely filing an answer she is admitting that the facts within the Complaint are true. It is well knowing fact that through out the Judicial system that " Failure to deny or respond to alledged acts within a Complaint, is an admittance to those same acts " also CIV. R. 8 (D) states "Effect of failure to deny averments in a pleading to which a responsive

pleading is required, other than those as to the amount of damage, are admitted when not denied in the responsive pleading. Averments in a pleading shall be taken as denied or avoided ". Relator request that this Motion be well taken and a ruling in his favor be granted do to Ms. Carter's failure to file a timely response to the Complaint.

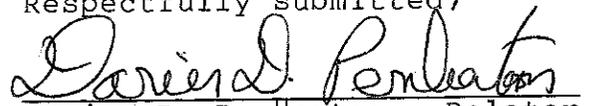
Respectfully submitted,


Daries D. Pemberton Relator
PRO/SE 586-280 R.C.I.
P.O. Box 7010
Chillicothe, Ohio 45601

CERTIFICATE OF SERVICE

I, Daries D. Pemberton, certify that a true copy of this MOTION FOR JUDGMENT was sent by ordinary U.S. Mail to the OHIO SUPREME COURT, CLERK OF COURT on this 16th day of May, 2012 and sent a copy to the Respondent Ms. Tammy J. Carter at 1668 Dixon Run Road, Jackson, Ohio 45640.

Respectfully submitted,


Daries D. Pemberton Relator
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