

MEDINA MUNICIPAL COURT
135 NORTH ELMWOOD AVENUE
MEDINA, OHIO 44256
(330) 723-3287 (330) 225-3047 FAX (330) 225-1108
www.medinamunicipalcourt.org

November 07, 2024

CASE NO. 24CVG02712

HUDSON HOMES MANAGEMENT, LLC
Plaintiff(s)

vs

MAGISTRATE'S DECISION / JUDGMENT ENTRY

CHANTEL GARDNER ET AL
Defendant(s)

This matter came on for hearing on 10/31/24 before the undersigned Magistrate on Defendant's 10/17/24 Motion to Dismiss filed in the above referenced matter. Plaintiff is represented by Attorney Edward John Delp IV. Attorney James McGowan appeared at the hearing. Defendant is represented by Attorney Daniel Ehrenreich.

Defendant's Motion to Dismiss alleges that Plaintiff's Complaint fails to state a claim upon which relief can be granted. Specifically, it alleges that the named Plaintiff, Hudson Homes Management, LLC, is not the true owner of the property listed in the complaint. It further alleges that the purported principal of Hudson Homes Management, LLC, LSF9 Master Participation Trust, is also not the true owner of the subject property. Plaintiff submits that as neither of these parties are the owners of the subject property, there is no true party of interest named as Plaintiff in this complaint.


On 10/17/24, pursuant to a Magistrate's Order, Defendant's Motion to Dismiss was directed to be set for an oral hearing. The Order granted leave to Plaintiff to file a Responsive Brief to be filed the day prior to the oral hearing. Plaintiff failed to file any Responsive Brief to Defendant's Motion.

At the hearing, Attorney Ehrenreich reiterated the contentions contained in Defendant's Motion and requested that the Court grant Defendant's Motion as Plaintiff has no standing to evict Defendant.

Attorney McGowan advised the Court that the Medina County Auditor's website demonstrates that the current owner of the subject property is U.S. Bank Trust N.A. Trustee. He did not object to the Court reviewing the Auditor's website and the parties' lease agreement before issuing a decision in this matter.

Plaintiff's Complaint's caption identifies Hudson Homes Management, LLC as the Plaintiff in this pending matter. Paragraph 1 of Plaintiff's Complaint states that Plaintiff is the owner of the property located at 1050 Oak Street, Medina, Ohio. The lease attached to the Plaintiff's Complaint identifies the lessor as LSF9 Master Participation Trust and Hudson Homes Management, LLC as the Lessor's agent. The lease is signed by Ronald Piontek, as agent for Hudson Homes Management, LLC, and by Defendant. A review of the Medina County Auditor's website demonstrates that the owner of the subject property is U.S. Bank Trust N.A. Trustee.

Proper standing is necessary to invoke the jurisdiction of the Court. As Plaintiff's Complaint fails to identify the rightful owner of the property located at 1050 Oak Street, Medina, Ohio, or the party who has proper standing to file the complaint in this matter, Defendant's Motion to Dismiss is granted.


MAGISTRATE
e-Signed 11/7/2024 10:33 AM 24CVG02712

JUDGMENT ENTRY

The Magistrate's Decision is adopted as the Order of the Court. As Plaintiff's Complaint fails to identify the rightful owner of the property located at 1050 Oak Street, Medina, Ohio, or the party who has proper standing to file the complaint in this matter. Defendant's Motion to Dismiss is granted.



GARY F. WERNER - JUDGE

EITHER PARTY MAY FILE OBJECTIONS TO A MAGISTRATE'S DECISION. ANY OBJECTIONS MUST BE FILED WITHIN FOURTEEN (14) DAYS OF THE DATE THE MAGISTRATE'S DECISION WAS FILED. OBJECTIONS MUST BE ACCOMPANIED BY A \$32.00 FILING FEE. A TRANSCRIPT OF THE ORIGINAL PROCEEDINGS, PREPARED BY A CERTIFIED COURT REPORTER, MUST BE FILED WITHIN THIRTY (30) DAYS OF THE DATE THE OBJECTIONS WERE FILED. THE OBJECTING PARTY MUST SERVE A COPY OF THE OBJECTIONS ON THE OTHER PARTIES BY REGULAR MAIL AND CERTIFY IN WRITING ON THE OBJECTIONS THAT THIS WAS DONE. IF NO OBJECTION IS FILED, THIS DECISION WILL BECOME THE FINAL DECISION OF THE COURT.

UNLESS A PARTY TIMELY AND SPECIFICALLY OBJECTS TO A FACTUAL FINDING OR LEGAL CONCLUSION IN THE MAGISTRATE'S DECISION AS REQUIRED BY CIVIL RULE 53(D)(3), NO PARTY MAY ASSIGN AS ERROR ON APPEAL THE COURT'S ADOPTION OF ANY FACTUAL FINDING OR LEGAL CONCLUSION. ANY REQUEST FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW MUST BE FILED WITHIN SEVEN (7) DAYS OF THE DATE THE MAGISTRATE'S DECISION WAS FILED.

CERTIFICATE OF SERVICE

The foregoing Magistrate's Decision - Judgment Entry was served on all parties or their attorney(s) by sending a copy to them by regular mail and/or email this November 07, 2024, pursuant to Loc. R. 10(C)(4).