

UNITED STATES DISTRICT COURT

for the Southern District of Ohio

AVIS RENT A CAR SYSTEM, LLC, et. al., Plaintiff v. CITY OF DAYTON OHIO Defendant Civil Action No. 3:12-cv-399

JUDGMENT IN A CIVIL ACTION

The court has ordered that (check one):

[ ] the plaintiff (name) recover from the defendant (name) the amount of dollars (\$ ), which includes prejudgment interest at the rate of %, plus postjudgment interest at the rate of %, along with costs.

[ ] the plaintiff recover nothing, the action be dismissed on the merits, and the defendant (name) recover costs from the plaintiff (name)

[x] other: See Attachment

This action was (check one):

[ ] tried by a jury with Judge presiding, and the jury has rendered a verdict.

[ ] tried by Judge without a jury and the above decision was reached.

[x] decided by Judge Walter H. Rice on a motion for

Date: 09/09/2013

CLERK OF COURT

s/ C. Fugate Signature of Clerk or Deputy Clerk

## Attachment

Pursuant to this court's entry dated August 22, 2013, the court enters Judgment in favor of all Plaintiffs and against the Defendant, the City of Dayton, on Plaintiffs' breach of contract claims, with declaration of attendant rights and responsibilities of all parties, including the following:

1. The twenty-year lease term of each Plaintiff's Ready/Return Agreement commenced on August 1, 2012, the Garage Completion Date, and will terminate on July 31, 2030.
2. Accordingly, each Plaintiff's Ready/Return Agreement did not terminate on December 31, 2012;
3. The City and all Plaintiffs are bound by each Ready/Return Agreement to which they are a party, subject to any future amendment or successor agreements negotiated in good faith by the parties; and
4. The City is enjoined from instituting a permit process to replace its existing Ready/Return Agreements with all Plaintiffs until expiration of said agreements on July 31, 2030.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
Eastern DIVISION

AVIS RENT A CAR SYSTEM, LLC, et al.

*Plaintiff*

vs

CITY OF DAYTON OHIO

*Defendant*

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Case Number: 3:12-cv-399

NOTICE OF DISPOSAL PER SOUTHERN DISTRICT OF OHIO LOCAL RULES  
79.2(a)&(b)

The above captioned matter has been terminated on 09/09/2013.

If applicable to this case, the disposal date will be six (6) months from the above termination date.

**Rule 79.2(a) Withdrawal by Counsel:**

All depositions, exhibits or other materials filed in an action or offered in evidence shall not be considered part of the pleadings in the action, and unless otherwise ordered by the Court, shall be withdrawn by counsel without further Order within six (6) months after final termination of the action.

**Rule 79.2 (b) Disposal by the Clerk**

All depositions, exhibits or other materials not withdrawn by counsel shall be disposed of by the Clerk as waste at the expiration of the withdrawal period.

JOHN P. HEHMAN, CLERK

By: s/ C. Fugate  
Deputy Clerk