

Public Docket Information

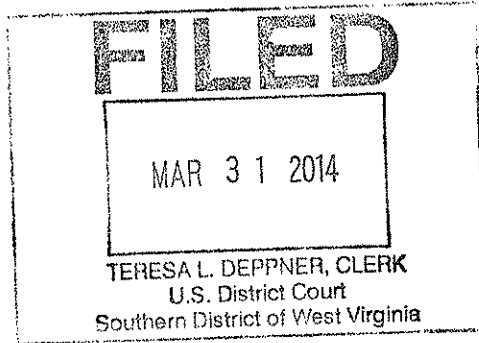
CITIBANK VS JOE E SMITH JR Case Number: **08CV159504**

Case Details

Type Of Action: Other Civil-CV
 Judge: Miraldi, Judge James
 Filed On: 11/14/2008

Parties

Name	Birth Date	Party	Address	Attorney(s)
CITIBANK (SOUTH DAKOTA), NA	N/A	P	701 E 60TH ST N SIOUX FALLS, SOUTH DAKOTA 57117	TRIPLETT, BRADLEY JAVITCH BLOCK & RATHBONE 1100 SUPERIOR AVE 19TH FL CLEVELAND, OHIO 44114



BLOCK, BRIAN C
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SMITH, JOE E	N/A	D	5235 MALONE AVE SHEFFIELD VILLAGE, OHIO 44054	DUFF, MICHAEL J 715 BROADWAY LORAIN, OHIO 44052
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- REQUEST
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- CERT JUDG

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Date	Type	Description
11/14/2008	N/A	Filing fee of \$225.00, paid by: JAVITCH, BLOCK & RATHBONE

11/14/2008 FILING	COMPLAINT FILED.
11/25/2008 N/A	SUMMONS W/COPY OF COMPLAINT SENT CERTIFIED MAIL TO: JOE E SMITH JR ARTICLE #71603901984591921559
11/25/2008 N/A	Cost Bill Entry
01/21/2009 REQUEST	REQUEST FOR SERVICE FILED.
01/21/2009 N/A	SUMMONS W/COPY OF COMPLAINT SENT CERTIFIED MAIL TO: JOE E SMITH JR ARTICLE #71603901984597381593
01/21/2009 N/A	Cost Bill Entry
02/02/2009 N/A	Certified Mail Return : Article # : 71603901984597381593, Delivered Date : 01/29/2009, Reason : Signed Receipt for Certified Mail Returned and Filed., Party : JOE E SMITH, Note :
03/16/2009 MOTION	MOTION FOR DEFAULT JUDGMENT,AFFIDAVIT,MILITARY STATUS REPORT, FILED BY PLAINTIFF.
03/20/2009 N/A	The above captioned case has been scheduled for DEFAULT HEARING before the Honorable Judge James L. Miraldi, in Court Room 708, 7th floor, at the Lorain County Justice Center, Elyria, Ohio on Apr 22 2009 8:45AM.
03/26/2009 FILING	ANSWER OF DEFENDANT WITH JURY DEMAND ENDORSED HEREON FILED.
04/06/2009 N/A	Defendant Joe Smith, Jr. filed an answer on March 26, 2009. Therefore, the default hearing set for April 22, 2009 is cancelled.
04/06/2009 N/A	The above captioned case has been scheduled for TELEPHONE STATUS CONFERENCE with the Honorable Judge James L. Miraldi, on Apr 22 2009 8:45AM. The counsel for Plaintiff(s) is responsible for initiating the conference call between the parties and then contacting the Court Staff Attorney Linda Butler at (440) 328-2393. If the line is busy, please call (440) 328-2390.
04/08/2009 FEES	FEES ADDED:
04/22/2009 N/A	The above captioned case has been scheduled for TELEPHONE STATUS CONFERENCE with the Honorable Judge James L. Miraldi, on May 5 2009 11:00AM. The counsel for Plaintiff(s) is responsible for initiating the conference call between the parties and then contacting the Court Staff Attorney Linda Butler at (440) 328-2393. If the line is busy, please call (440) 328-2390.
05/05/2009 N/A	STATUS CONFERENCE HAD. CASE IS SET FOR TELEPHONE STATUS CONFERENCE ON JULY 21, 2009 AT 9:00A.M. PLAINTIFF SHALL INITIATE TELEPHONE CONFERENCE TO ALL OTHER COUNSEL AND THEN TO THE COURT AT (440) 328-2393 OR ALTERNATIVE NUMBER (440) 328-2390. COUNSEL SHALL PROVIDE A COURTESY COPY DIRECTLY TO JUDGE MIRALDI'S OFFICE OF ALL NOTICES OF DISMISSAL, MOTIONS, OR ANY OTHER PLEADING WHICH REQUIRES THE COURT'S ATTENTION. COUNSEL SHALL NOT RELY UPON THE FILING WITH THE CLERK OF COURTS THAT THE COURT HAS BEEN NOTIFIED OF SUCH FILING.
05/07/2009 FEES	FEES ADDED:
07/21/2009 N/A	STATUS CONFERENCE HAD. CASE IS SET FOR TELEPHONE STATUS CONFERENCE ON AUGUST 25, 2009 AT 9:15A.M. PLAINTIFF SHALL INITIATE TELEPHONE CONFERENCE TO ALL OTHER COUNSEL AND THEN TO THE COURT AT (440) 328-2393 OR ALTERNATIVE NUMBER (440) 328-2390.
07/21/2009 FEES	FEES ADDED:
08/25/2009 N/A	STATUS CONFERENCE HAD. PLAINTIFF SHALL FILE A MOTION FOR SUMMARY JUDGMENT BY SEPTEMBER 25, 2009. DEFENDANT SHALL FILE A RESPONSE BY OCTOBER 16, 2009. PLAINTIFF SHALL FILE A REPLY BRIEF BY OCTOBER 30, 2009. COURT TO RULE THEREAFTER.
08/27/2009 FEES	FEES ADDED:
09/23/2009 MOTION	PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT FILED
11/06/2009 (JLM)	IT IS THEREFORE ORDERED THAT PLAINTIFF IS GRANTED JUDGMENT AGAINST DEFENDANT JOE E. SMITH, JR. IN THE AMOUNT OF \$18,126.07 PLUS INTEREST AT 5.0% PER ANNUM

	FROM DATE OF JUDGMENT, AND COURT COSTS. SEE JOURNAL:
11/12/2009 NOTICE	CIVIL RULE 58 (B) NOTICE MAILED.
11/12/2009 FEES	FEES ADDED:
11/13/2009 TAXED-BILL SENT/DISBURSED	CASE TAXED AND DISBURSED
12/10/2009 CERT JUDG	REQUEST FOR CERTIFICATE OF JUDGMENT FILED AND RECORDED AS CASE NO.: (09CJ041928)
12/18/2009 N/A	Receipt #: 09-0042761 Processed.
01/05/2010 MOTION	AFFIDAVIT, ORDER AND NOTICE OF GARNISHMENT (OTHER THAN PERSONAL EARNINGS) FILED AND APPROVED. SEE JR. (JLM)
01/06/2010 SERVICE	THREE COPIES OF AFFIDAVIT, ORDER AND NOTICE OF GARNISHMENT W/\$1.00 CHECK SENT CERTIFIED MAIL TO: HUNTINGTON NATIONAL BANK BY C.M.# 7007 0710 0001 6816 0259
01/06/2010 SERVICE	CLERK'S OFFICE CERTIFIES TWO NOTICE TO JUDGMENT DEBTOR AND TWO REQUEST FOR HEARING W/ONE COPY OF AFFIDAVIT SENT ORDINARY MAIL TO: JOE E SMITH JR.
01/12/2010 FILING	SIGNED RECEIPT FOR CERTIFIED MAIL RETURNED AND FILED. 70070710000168160259 HUNTINGTON NATIONAL BANK (GARN) (01/08/10)
01/26/2010 N/A	ANSWER OF GARNISHEE, THE HUNTINGTON NATIONAL BANK IS NO MONEY.
02/01/2010 N/A	NOTICE OF FILING PLT'S AFFIDAVIT IN LIEU OF APPEARANCE AT GARNISHMENT HEARING FILED
05/13/2013 MOTION	MOTION TO SET ASIDE DEFAULT JUDGMENT ENTERED IN THE ABOVE CAPTIONED CASE FILED BY JOE SMITH.
06/13/2013 N/A	This matter came before the Court upon the motion of Defendant Smith to set aside the default judgment entered in this case. Civ.R. 5(D) provides that papers filed with the court shall not be considered until proof of service is endorsed thereon or separately filed. This is proof of service to the other party or parties. Defendant's motion contains an unsigned certificate of service directed to the court itself and not to the opposing party. The motion is denied as it does not comply with the requirements of Civ. R. 5(D).
06/13/2013 FEES	FEES ADDED:
08/23/2013 MOTION	MOTION TO SET ASIDE DEFAULT JUDGMENT ENTERED IN THE ABOVE CAPTIONED NUMBER PURSUANT TO CIV R 60(B) FILED BY DEF
09/03/2013 MOTION	PLTF'S MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO DEF'S MOTION TO SET ASIDE JUDGMENT FILED
09/05/2013 N/A	Plaintiff is granted until September 20, 2013 to respond to defendant's motion to set aside judgment.
09/06/2013 FEES	FEES ADDED:
09/12/2013 N/A	PLTF'S BRIEF IN OPPOSITION TO DEFTS MOTION TO SET ASIDE DEFAULT JUDGMENT FILED BY PLTF
12/13/2013 N/A	MOTION TO EXPEDITE THE PROCEEDINGS UNDERLYING A RULE 60(B) ACTION UNDER THE ABOVE CAPTIONED CASE NUMBER FILED.
12/26/2013 (JLM)	DEF'S MOTION TO VACATE THE JUDGMENT ENTERED ON NOV 6,2009,WHICH WAS A SUMMARY JUDGMENT NOT A DEFAULT JUDGMENT,IS DENIED AS HE HAS FAILED TO ALLEGE OPERATIVE FACTS WHICH WOULD WARREN RELIEF UNDER THE REQUIREMENTS OF CIV R 60(B).
12/27/2013 NOTICE	CIVIL RULE 58 (B) NOTICE MAILED.
01/21/2014 MOTION	MOTION FOR RELIEF UNDERLYING A DEFAULT JUDGMENT FILED BY DEFT.
02/12/2014 N/A	Defendant's re-filed Civ. R. 60(B) motion is denied.
02/12/2014 N/A	Cost Bill Entry

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