

FILED  
COMMON PLEAS  
05 APR 27 AM 11:43



DAN FLELEY  
CLERK OF COURTS  
MONTGOMERY CO., OHIO

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

SUPERIOR CLEANING SOLUTIONS, INC.,

CASE NO. 2005 CV 2398

Plaintiff,

JUDGE MICHAEL L. TUCKER

v.

VERDICT ENTRY

DYSINGER, STEWART & DOWNING,  
L.P.A., et al.,

Defendants.

The said parties, their attorneys, and the sworn, empaneled jury, after hearing testimony, arguments and the Court's charge, deliberated, in the charge of the Bailiff.

The jury returned to open court with the following verdict:

**VERDICT**

On April 26, 2006, the jury found in favor of the Plaintiff and found that the total amount of damages were \$19, 848.25.

The Verdicts of the jury are filed herewith.

The jury was discharged from further consideration of this cause.

JUDGE MICHAEL L. TUCKER

FILED  
COURT OF COMMON PLEAS  
2005 MAR 22 PM 1:14  
JENNIFER C. FOLEY  
CLERK OF COURTS  
MONTGOMERY CO., OHIO

Case: 2005 CV 02290  
7870183  
03/22/05

**In the Common Pleas Court of Montgomery County**  
**Civil Division**      **05-2398**

**Superior Cleaning Solutions, Inc.**  
455 Timberwind Lane  
Vandalia, OH 45377  
Plaintiff,

Case No. \_\_\_\_\_

Judge \_\_\_\_\_

v.

**Dysinger, Stewart & Downing, LPA**  
249 South Garber Drive  
Tipp City, OH 45371-1183  
Defendant,

&

**Joseph A. Downing**  
c/o Dysinger, Stewart & Downing, LPA  
249 South Garber Drive  
Tipp City, OH 45371-1183  
Defendant.

---

**COMPLAINT WITH JURY DEMAND ENDORSED THEREON**

---


1. Defendant Dysinger, Stewart, & Downing at all times material hereto was a legal professional association authorized by the State of Ohio to offer the services of individuals engaged in the practice of law.

2. At all times material hereto Defendant Joseph A. Downing was an attorney at law licensed to practice in the State of Ohio and was an employee and agent of Defendant Dysinger, Stewart, & Downing, LPA.
3. At all times material hereto Plaintiff was a corporation in good standing authorized to do business in the State of Ohio.
4. On or about June 30, 2003, Plaintiff, through its President, John Harley, retained the services of Defendants for the purpose of perfecting a security interest in the assets of Alltextile, LLC, a corporation which owed the Plaintiff the sum of \$16,854.45 for products and materials which Plaintiff had delivered to Alltextile, LLC on open account.
5. On or about July 3, 2003, Defendants prepared a UCC Statement which Defendant Downing represented to Plaintiff would suffice to perfect a security interest in the assets of Alltextile, LLC for Plaintiff.
6. Plaintiff reasonably relied upon the representation of Defendant Downing that the UCC Statement which Defendant Downing prepared would suffice to perfect a security interest in the Assets of Alltextile, LLC and as a result of that reliance, Plaintiff forbore any attempts to utilize any other methods to secure the obligations of Alltextile, LLC to it.
6. On or about July 25, 2003, Defendants submitted the UCC statement to the office of the Ohio Secretary of State for filing.
7. Defendants charged Plaintiff the sum of \$260.00 for the services relative to the preparation and filing of the documents to perfect a security interest in the assets of Alltextile, LLC.

8. On August 25, 2003, Defendants filed a suit against Alltextile, LLC, and others, in the Common Pleas Court of Montgomery County, Ohio, Case No. 03-CV- 6056, on behalf of Plaintiff to obtain a judgment and to collect the sum of \$16,854.45 which Plaintiff approved and ratified based upon the representation of Defendant Downing prepared would suffice to perfect a security interest in the Assets of Alltextile, LLC and as a result of that reliance, Plaintiff forbore any attempts to utilize any other methods to secure the obligations of Alltextile, LLC to it.
9. On or about October 10, 2003, Alltextile, LLC, entered into an Asset Purchase Agreement whereby Alltextile, LLC sold all of its assets to a third party.
10. On November 30, 2004, the Common Pleas Court of Montgomery County, Ohio rendered a decision and order granting partial summary judgment in favor of Alltextile, LLC, in case No. 03-CV-6056, for the reason that Plaintiff did not have an enforceable security interest in the assets of Alltextile, LLC.
11. As a result of the Plaintiff not having an enforceable security interest in the assets of Alltextile, Inc., Alltextile, Inc., is judgment proof which renders the Plaintiff without any practical economic recourse for the debt owed to it by Alltextile, Inc.
12. The conduct of the Defendants in this case in the preparation of and filing of the documents necessary to perfect a security interest was of a skill and learning of standard which is less than that prevailing in the community among lawyers who perfect security interests in assets of other parties in that the Defendants never prepared nor tendered any documents purporting to be a security agreement which could have been authenticated by Alltextile, LLC., thus rendering it impossible for an enforceable security interest in the assets of Alltextile, LLC to be recorded and perfected.

13. The conduct of the Defendants in this case in the preparation, filing, and prosecution of the claim against Alltextile, LLC, in case No. 03 CV 6056 was of a skill and learning of a standard which is less than that prevailing in the community for lawyers engaged in the litigation of collection claims in that it was an exercise in futility based upon the false premise that the Plaintiff maintained an enforceable security interest in the assets of Alltextile, LLC.
14. As a direct and proximate result of the acts or omissions of the Defendants, Plaintiff was damaged in the amount of \$ 15,764.45 for the reasonable value of products sold to Alltextile, LLC, which is uncollectable and the sum of \$ 4,083.80 for payments for legal services to Defendants which have proven to be of no value.

**WHEREFORE**, Plaintiff prays for judgment against the Defendants, jointly, severally, and in the alternative, in the amount of \$ 19, 848.25, plus the costs of this action, plus interest thereon and such other relief to which it may be entitled in law and in equity.

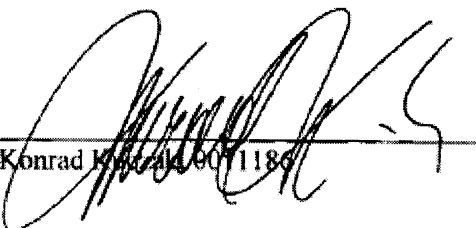


---

Konrad Kuczak, Ohio Reg. #011186  
*Trial Attorney for Plaintiff, Superior Cleaning*  
130 West Second Street, Suite 1010  
Dayton, OH 45402  
Telephone: (937) 228-8363  
Facsimile: (937) 228-0520  
E Mail: your\_lawyer @ sbeglobal.net

**JURY DEMAND**

Plaintiff demands trial by jury.



---

Konrad Kuczak, Ohio Reg. #011186