

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

CIVIL DIVISION

MIAMI TOWNSHIP BOARD OF TRUSTEES,	*	CASE NO. 2019 CV 05444
	*	
Plaintiff,	*	
	*	JUDGE ADKINS
-vs-	*	
	*	DEFENDANT'S ANSWER AND
DARREN POWLETTE,	*	AFFIRMATIVE DEFENSES
	*	
Defendant.	*	

Now comes Defendant, Darren Powlette, by and through Counsel, and for his Answer to Plaintiff's Complaint, states and avers as follows:

1. Defendant denies the allegations contained in paragraphs 2, 8, 11, 12, 15, 17, 18, 19, 20 and 21 of Plaintiff's Complaint.
2. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 1, 3, 5, 6, 7, 9, 10, 13, 14, and 16 of Plaintiff's Complaint and therefore denies the same.
3. With respect to the allegations contained in paragraph 4 of Plaintiff's Complaint, Defendant admits he owns real property commonly known as 7757 Upper Miamisburg Road in Miami Township, Ohio. Defendant denies the remaining allegations contained in paragraph 4 of Plaintiff's Complaint.

4. Any factual allegation not expressly admitted is generally and specially denied.

AFFIRMATIVE DEFENSES

1. Plaintiffs' Complaint fails to state a claim upon which relief can be granted.
2. Plaintiffs' Complaint fails to comply with Civil Rule 9.
3. Plaintiff's Complaint fails to comply with Civil Rule 10.
4. Plaintiffs' Complaint is barred by the doctrine of promissory estoppel.
5. Plaintiffs' Complaint is barred by the doctrine of accord and satisfaction.
6. Plaintiffs' Complaint is barred by the doctrine of unclean hands.
7. Plaintiffs' Complaint is barred by its own wrongful conduct.
8. Plaintiff's zoning resolution is unconstitutionally vague and unenforceable.
9. Plaintiff's zoning resolution constitutes a taking and Plaintiff has not provided Defendant with reasonable compensation in exchange for the taking.
10. Plaintiff's zoning resolution is unenforceable under Ohio law.
11. Defendant incorporates herein any and all other affirmative defenses recognized under Ohio or Federal law as if fully rewritten.

Respectfully Submitted,

/s/ Gregory S. Page
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Certificate of Service

I hereby certify that the foregoing was served upon all Counsel of Record via the Montgomery County Clerk of Courts E-Filing system on this 20th day of January 2020.

/s/Gregory S. Page
Gregory S. Page (0065264)