

IN THE FRANKLIN COUNTY MUNICIPAL COURT
ENVIRONMENTAL DIVISION
FRANKLIN COUNTY, OHIO

FILED

2021 JUN 17 AM 10:27

FRANKLIN COUNTY
MUNICIPAL COURT
LORI M. TYACK

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STATE EX. REL
COLUMBUS CITY ATTORNEY
ZACK KLEIN
375 South High Street, 17th Floor
Columbus, Ohio 43215

Relator-Plaintiff,

v.

GREYHOUND LINES, INC
c/o CT CORPORATION SYSTEM
4400 EASTON COMMONS WAY, STE 125
COLUMBUS, OH 43219

and

FOOTHILL CAPITAL CORPORATION
ATTN: BUSINESS FINANCE DIVISION MANAGER
2450 COLORADO AVE., STE 3000 WEST
SANTA MONICA, CALIFORNIA 90404

ALSO AT:
ATTN: KEVIN BELANGER
1000 ABERNATHY ROAD, STE 1450
ATLANTA, GA 30328

and

CHERYL BROOKS SULLIVAN
FRANKLIN COUNTY TREASURER
373 SOUTH HIGH STREET, 17th FL
COLUMBUS, OH 43215

and

UNKNOWN TENANTS
111 EAST TOWN STREET
COLUMBUS, OH 43215

and

Case No. **2021 EVH 60 282**

Judge Stephanie Mingo

VERIFIED COMPLAINT

FOR INJUNCTIVE RELIEF

REAL PROPERTY LOCATED AT:
111 EAST TOWN STREET
COLUMBUS, OH 43215

:
:
:
:
:
:

Parcel No. 010-087718-00

Defendants.

**VERIFIED COMPLAINT FOR PRELIMINARY
AND PERMANENT INJUNCTIVE RELIEF**

1. This complaint concerns enforcement of the Ohio Revised Code (hereinafter “R.C.”) Chapter 3767 et seq., other code provisions, and common law so as to be within the exclusive jurisdiction of the Environmental Division of the Franklin County Municipal Court pursuant to R.C. § 1901.183.
2. Relator-Plaintiff Zach Klein is the duly-elected, sworn, and acting City Attorney for the City of Columbus, Ohio and is a party charged at both common law and by R.C. § 3767.03 with the prevention, prosecution, and abatement of any public nuisance within the City of Columbus, Franklin County, Ohio.
3. Plaintiff has standing pursuant to R.C. §§ 713.13 and/or 715.30 to bring an action seeking an injunction to prevent violations of its housing ordinances of the City of Columbus, Ohio.
4. The Court has personal jurisdiction over the individual Defendants pursuant to R.C. § 2307.382 A(8) as the basis of this Complaint is real property situated in Franklin County.
5. The real property that is the subject matter of this complaint is a commercial property, known as Greyhound Bus Lines, located at 111 East Town Street, Parcel No. 010-087718, situated in the City of Columbus, Franklin County, Ohio (“the Premises”).
6. This action is *in rem* with respect to the Premises.

7. The term “Premises,” as used in this Complaint, shall refer to Parcel No. 010-087718, address 111 East Town Street, Columbus, Ohio in its entirety including all structures, buildings, curtilage, and any parking lots and/or areas and/ or enclosures.
8. Defendant Greyhound Lines, Inc., is the record owner of the Premises by virtue of a Limited Warranty Deed, filed with the Franklin County Recorder’s Office, volume 31929, Page J09 on May 8, 1996.
9. Foothill Capital Corporation is the mortgage holder for Greyhound Lines, Inc., recorded with the Franklin County Recorder’s Office.
10. Defendants Unknown Tenants, have occupied the Premises and/or exerted charge, care, and control over it.
11. Cheryl Brooks Sullivan is the duly elected and qualified Treasurer of Franklin County, Ohio, and may claim an interest in the property for unpaid and future taxes. This interest could be adversely affected by this action.
12. The Real Property that is the subject matter of this complaint is located at 111 E. Town Street, Columbus, Ohio 43215, Parcel No. 010-087718, situated in the City of Columbus, Franklin County, Ohio.
13. This action is *in rem* with respect to the Premises and this Court is a proper venue pursuant to Civ.R. 3(B)(5) since the subject of the action is real property situated in Franklin County, Ohio.
14. The Premises has been on the radar of the Columbus Police Department (“CPD”) due to many calls for service regarding crimes that occurred.
15. Between January 1, 2021 and June 9, 2021 alone, CPD received over 300 calls for service to the Premises.

16. On January 3, 2021, CPD responded to Grant Hospital where a male was stabbed on the Premises.
17. On February 18, 2021, CPD was called regarding a person with a knife on the Premises.
18. On February 20, 2021, CPD was called regarding a person with a knife on the Premises.
19. On March 1, 2021, CPD was called regarding a person with a gun on the Premises.
20. On March 2, 2021, CPD was called regarding a person with a gun on the Premises.
21. On March 6, 2021, CPD was called regarding a person with a gun on the Premises.
22. On March 9, 2021, CPD was called regarding a person with a gun on the Premises.
23. On March 14, 2021, CPD was called regarding a person with a knife on the Premises.
24. On March 21, 2021, CPD was called regarding a person with a knife on the Premises.
25. On March 22, 2021, CPD was called regarding a person with a knife on the Premises.
26. On March 26, 2021, CPD responded to Grant Hospital where a man was struck in the head on the bus related to the Premises and became unconscious for at least ten (10) minutes. Witnesses also stated that the victim and the suspect were drinking on the bus and appeared to be intoxicated.
27. On April 1, 2021, CPD was called regarding a person with a gun on the Premises.
28. On April 24, 2021, CPD was called regarding a person with a gun on the Premises.
29. On April 29, CPD was called regarding a person with a gun twice on the Premises.
30. On May 8, 2021, CPD was called regarding a person with a knife on the Premises.
31. On May 14, 2021, CPD was called regarding two (2) indecent exposure reports on the Premises where two people were having sex behind the dumpsters at the Premises.
32. On May 19, 2021, CPD was called regarding a person with a knife on the Premises.
33. On May 30, 2021, CPD was called regarding a shooting that occurred on the Premises.

34. On June 4, 2021, CPD was called regarding a person with a knife on the Premises.
35. On June 7, 2021, CPD received a called regarding a woman soliciting at the Premises.
36. On June 8, 2021, CPD was called regarding a person with a knife on the Premises.
37. On June 9, 2021, CPD was called regarding a person with a knife on the Premises.
38. In 2021 alone, CPD received over twenty (20) calls for fights and assaults that occurred at the Premises.
39. Between January 1, 2021 and June 8, 2021, there have been well over one hundred (100) calls for various disturbances.
40. Over a period of four (4) months, there have been approximately four (4) overdoses at the Premises.
41. Over a period of four (4) months, there have been approximately eleven (11) narcotics complaints.
42. On December 3, 2020, CPD was called regarding a shooting at the Premises.
43. Over a period of two (2) years, there have been over 1,100 calls for service to the Premises regarding various crimes and disturbances that occurred on the Premises.
44. The Premises is located in a highly populated area in Downtown Columbus. It is located feet away from a daycare center, restaurants, and hotels.
45. The Premises is located directly next to Primrose School of Columbus Downtown, which cares for babies as young as eight (8) weeks old to children that are kindergarten age.
46. Plaintiff asserts that the Premises is a public nuisance and is subject to abatement under R.C. § 3767.
47. Plaintiff further asserts that the Premises herein is generally reputed to be kept, conducted, and maintained in violations of the Ohio Revised Code and has caused an increase in

criminal and nuisance activity within the surrounding community for the entirety of its existence and continued operation at the subject Premises imposes imminent threat to the life, health, and safety of the area community.

48. Defendants own fixtures, furniture, and moveable property that has been used or are currently being used in conducting, maintaining, and facilitating said public nuisance.
49. Respondents-Defendants at all times relevant to this action maintained a public nuisance threatening the health, safety, and welfare of the People of the City of Columbus (and the health, safety, and welfare of those at 111 East Town Street, and that of Columbus Police).
50. Respondents-Defendants are guilty of maintaining a nuisance at the Premises based on the well-known general reputation of the premises, which is prima-facie evidence of the nuisance and of knowledge of and of acquiescence and/or participation in the nuisance.

WHEREFORE, Plaintiff demands judgment as follows:

1. That the Premises located at 111 East Town Street, Columbus, Ohio 43215 be declared a public nuisance as defined in Ohio Revised Code § 3767 and Columbus City Code § 4703 and is subject to abatement.
2. That all Defendants be found to have been maintaining a public nuisance as defined in R.C. § 3767, Columbus City Code § 4703, and under Common Law as alleged herein.
3. That, pursuant to Ohio Revised Code § 3767, Defendants abate the public nuisance.
4. In accordance with this Complaint and Revised Code Chapter 3767, that each Defendant, as the owners and/or persons in control of the Premises and any heirs, successors in interest or title, and assignees be permanently enjoined from conducting, maintaining, using, occupying, or in any way permitting the use of the Premises, and any heirs, successors in interest or title, and assignees be permanently enjoined from conducting,

maintaining, using, occupying, or in any way permitting the use of the Premises as a public nuisance.

5. In accordance with this Complaint and Revised Code chapter 3767, that each Defendant be permanently enjoined from conducting, maintaining, using, occupying, or in any way permitting the use of a public nuisance anywhere in Franklin County, Ohio, and/or Columbus, Ohio.
6. On final judgment, the Chief of Police of Columbus, Ohio, be ordered to sell the furniture, fixtures, and moveable property identified herein in the manner provided for the sale of chattels under execution, and effectually close the entire premises against its use for a one year period per Civ.R. 65 and R.C. Chapter 3767 *et seq.*
7. This Court appoint a receiver if needed pursuant to Chapter 2735 of the Ohio Revised Code.

Additional Relief

8. An award of Plaintiff's costs and attorney's fees payable by defendant(s).
9. Plaintiff further requests that this Court grant Plaintiff the following relief as permitted by law:
 - a. Interest on all sums to which Plaintiff may be entitled;
 - b. Attorneys' fees and costs and expenses of this action; and
 - c. All such further equitable and other relief this Court determines Plaintiff to be entitled.

Respectfully submitted,
City of Columbus, Department of Law
Zach Klein, City Attorney



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