

IN THE COURT OF COMMON PLEAS
DEFIANCE COUNTY, OHIO

Defiance Partners LLC)	Case No.
112 2 nd Avenue, NE)	
Ste. 202(B))	
St Petersburg, Florida 33701)	
)	
Plaintiff)	Judge
)	
vs.)	
)	
City of Defiance)	
631 Perry Street)	
Defiance, Ohio 43512)	Complaint
)	
Defendant)	

Now comes Plaintiff Defiance Partners, LLC, by and through undersigned counsel and for its several causes of action against the City of Defiance, Ohio states as follows.

PARTIES AND VENUE

1. Defiance Partners LLC is an Ohio limited liability company with its principal place of business located at the above-captioned address (“Plaintiff”).
2. The City of Defiance Ohio is a municipal corporation duly organized pursuant to the laws of the State of Ohio (“Defendant”).
3. Plaintiff is the owner Northtowne Estates, of a manufactured home park located at 844 North Clinton Street, Defiance, Ohio (“Park”). Plaintiff has owned the Park since 2014.

4. The Park is a duly licensed to operate a Manufactured Home Park by the Ohio Department of Commerce. See Exhibit A, a true copy of the current Operator License which expires December 31, 2024.
5. The Park leases lots to residents who own the manufactured home on the lot.
6. The Park offers residents an affordable living arrangement that the residents may not otherwise be able to achieve.

FACTUAL BACKGROUND

7. As a manufactured home park, the Park is subject to yearly inspections by the Ohio Department of Commerce to determine if there are any life safety violations or non-life safety violations. The latest inspection by the Ohio Department of Commerce, conducted on September 26, 2023 did not note any life safety violations related to any of the manufactured homes in the Park. See Exhibit B.
8. In or about the fall of 2023, Defendant entered the Park and, purportedly inspected several vacant manufactured homes pursuant to Defiance Codified Ordinances Part 531.
9. Based upon the inspections, the Defendant initiated proceedings before the Defiance Nuisance Abatement Board.
10. On October 16, 2023, a hearing was conducted before the Defiance Nuisance Abatement Board and based upon the representations of Defendant, Defendant and Plaintiff stipulated to a resolution that certain lots, (B-16, B-18, B-26, B-28, B-31, B-32, C-3, C-4, C-16, C-17, C-22, C-24, C-26, C-32, C-39, C-41, C-51 and C-53 were a nuisance. Plaintiff never signed the stipulation.

11. Unbeknownst to Plaintiff, the local park manager began to rent the lots to individuals who did not own the manufactured homes on the lots. (The local park manager has since been terminated.)
12. Upon information and belief, each of these individuals rehabilitated the mobile home on the lot they rented.
13. Despite the aforementioned proceedings before the Defiance Nuisance Board, Defendant's electrical inspector, at the request of each individual leasing the following lots B-26, B-28, B-32, C-16, C-22 and C-53, inspected and certified that the electric power to the homes could be turned on by the local electric utility company.
14. After the power was turned on, the individuals who leased lots B-26, B-28, B-32, C-16, C-22 and C-53 completed the rehabilitation of their respective homes and moved in and currently occupy the homes.
15. On December 6, 2023, the Nuisance Abatement Board, the Board concurred that nuisance conditions existed on each of the lots and ordered Plaintiff to demolish the manufactured homes on lots B-16, B-18, B-26, B-28, B-31, B-32, C-3, C-4, C-16, C-17, C-22, C-24, C-26, C-32, C-39, C-41, C-51 and C-53 on or before December 18, 2023 or the City Administrator is authorized to enter each of the lots and abate the nuisance, including demolition and removal.
16. Defendant has proceeded to initiate a process to demolish and remove the aforementioned manufactured homes.
17. Defendant intends to begin demolition of the homes on January 19, 2024. Plaintiff is concerned Defendant's process of demolition and removal will cause damage to the lot, including water service to each home, particularly with the current low temperatures, thus

causing Plaintiff harm. Said harm may include damage to the water system and/or the concrete pad on which the homes are situated.

18. Plaintiff contends that since there are individuals occupying the manufactured homes on lots B-26, B-28, B-32, C-16, C-22 and C-53, and Defendant inspected and authorized the electric power to be turned on during the pendency of the nuisance related inspections and the action before the Nuisance Abatement Board, there is a genuine issue as to whether the actions of the Defendant in declaring each home is a nuisance was the true motivating for the determination that B-16, B-18, B-26, B-28, B-31, B-32, C-3, C-4, C-16, C-17, C-22, C-24, C-26, C-32, C-39, C-41, C-51 and C-53 needed to be demolished or whether it is in furtherance of a pattern and practice of conduct on the part of Defendant, and in particular Mayor McCann, to undermine the business of the Park to such an extent that the Park is forced to close down.
19. Plaintiff has had a tumultuous relationship with Defendant over the past five years. In particular three-term Mayor Mike McCann has abused his power and targeted Plaintiff in an effort to hurt Plaintiff's business.
20. Defendant has previously removed homes from the Park, and the current action appears to be part of an overall pattern and practice to cause financial harm to the Park
21. The managing member of Plaintiff has had an ownership interest and/or managed the Park for over twenty years. The Park had been profitable until Mayor McCann began to express his interest in redeveloping the land on which the Park is situated.
22. In 2019, Mayor McCann contacted the managing member of the Park and asked him what his intent was with the Park as Mayor McCann wanted the land redeveloped. The managing member told Mayor McCann to make an offer. No offer was forthcoming.

23. In approximately February 2020, there was an issue with a lift station which was part of the Park's sewage system. It failed and raw sewage spilled in the Park.
24. The Park was in the process of remedying the lift station and remediating the sewage spill when in March 2020, Mayor McCann took advantage of the unfortunate situation and held two public meetings with residents of the Park to inform them that the Park could be closed if certain citations were not corrected. Plaintiff was not notified of the meetings and therefore could not inform the residents and other members of the public and press the nature and extent to the remedial efforts being taken.
25. By failing to invite Plaintiff to the meetings to discuss the actions they were taking, Mayor McCann caused an unnecessary panic among the residents.
26. Defendant told the residents of the Park that sewage issue was declared a public nuisance by the Defiance County Health Department and that due to the cost of repairs to bring the Park up to Defiance City Code it was unlikely the Park would be able to continue to operate.
27. Mayor McCann invited Northwestern Ohio Community Action Commission (NOCAC), a private, non-profit corporation that was created to combat poverty in Defiance and surrounding areas, and the Defiance Dream Center to the public meetings to discuss whether the residents of the Park would qualify for grants to assist with homelessness.
28. Defendant and NOCAC had been working since Defendant began the process of citing the Park with various violations.
29. Mayor McCann and Defendant also informed residents of the Park that there was a company prepared to move their manufactured homes to other manufactured home parks.

30. By involving NOCAC, advancing the Defendant's position that the Park could be shut down leaving residents homeless and informing them there was a company ready to move their home, Defendant caused many residents to leave the Park, causing a substantial financial loss to the Park.
31. The Park corrected the noted deficiencies at that time and the Park remained open.
32. These actions of Defendant have tarnished the reputation of the Park which remains a home to many residents.
33. In or about March 2020, Mayor McCann contacted Plaintiff's lender and informed them of the issue with the Park and informed the lender that he was going to shut down the Park.
34. Despite Defendant's tactics to intimidate and scare the residents of the Park, and cause financial harm to the Park, the Park remains open to this day.
35. Mayor McCann has openly stated that he wants the land on which the Park is situated redeveloped.
36. In the 2021- and 2022-time frame two buyers had expressed interest in purchasing the Park from Plaintiff. of the issues the Park had had. Mayor McCann spoke with each prospective buyer and made false, defamatory and/or deceptive statements about the Park. The prospective buyers ceased negotiations with Plaintiff and there was no sale.
37. The current actions of Defendant in demolishing and removing homes, that may well be able to be rehabilitated and sold, and some of which have already been rehabilitated and occupied, are simply a continuation of Defendant's efforts to remove the Park from Defiance.

38. The acts and omissions of Defendant have and will continue to negatively impact the Park financially and have rekindled the fear and trepidation Defendant caused in 2020 when if informed the residents of the Park, wrongly, that the Park would be closed.
39. Plaintiff is concerned that Defendant's actions will lead to a further loss of residents, thereby causing Plaintiff more financial harm.
40. Plaintiff contends that the current action taken by the Defendant is a continuation of a pattern and practice to cause financial hardship to Plaintiff's business and force it to sell or otherwise abandon the Park.
41. Plaintiff is also concerned that the current actions of the Park will again scuttle a prospective buyer who is in the process of negotiating a purchase of the Park from Plaintiff.

COUNT I
INTENTIONAL INTERFERENCE WITH BUSINESS RELATIONS

42. Plaintiff incorporates by reference herein all foregoing paragraphs of the Complaint as if restated herein.
43. Defendant has intentionally engaged in a course of conduct since 2020 to cause damage to the business relations between Plaintiff and its residents, to damage its reputation in the community and to interfere with Plaintiff's business relations.
44. Defendant engaged in the aforesaid conduct without privilege.
45. Despite the conduct of Defendant, Plaintiff has and continues to work toward compliance with all applicable laws, ordinances and regulations that relate to the upkeep of the Park.
46. Defendant, without privilege, by the aforementioned conduct induced or otherwise caused prospective buyers and lender to withdraw from certain agreements and/or to back out of proposed deals related to the sale or refinancing of the Park.

47. By reason of the foregoing intentional interference with business with Plaintiff's operation of the Park, Plaintiff has been damaged in an amount in excess of \$25,000.00.

COUNT II

48. Plaintiff incorporates by reference herein all foregoing paragraphs of the Complaint as if restated herein.

49. Plaintiff had an existing business relationship with the financial institution from which Plaintiff borrowed funds for the purchase of the Park.

50. Plaintiff had prospective business relationships between two prospective buyers in 2021 and 2022. and

51. Defendant knew of these business relationships. Defendant acted with purpose and intent to interfere with the Plaintiff's business relationships.

52. Defendant lacked any justification or privilege to interact with Plaintiff's financial institution or prospective buyer and/or otherwise inform them of matters in a deceptive or untrue manner.

53. Plaintiff has been injured as a direct and/or proximate result of the acts of the Defendant.

54. By reason of the foregoing intentional interference with business with Plaintiff's operation of the Park, Plaintiff has been damaged in an amount in excess of \$25,000.00.

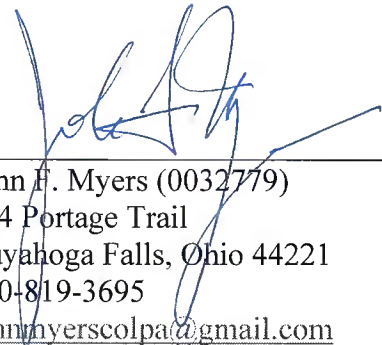
PRAYER FOR RELIEF

Wherefore, Plaintiff Defiance Partners LLC prays for the following relief:

- A. As to Count I, judgment in an amount in excess of \$25,000.00, together with prejudgment interest, compensatory and punitive damages, costs and attorneys' fees;
- B. As to Count I, judgment in an amount in excess of \$25,000.00, together with prejudgment interest, compensatory and punitive damages, costs and attorneys' fees;

- C. A temporary restraining order against Defendant preventing it from removing any more manufactured homes from Plaintiff's manufactured home park Northtowne Estates;
- D. A preliminary injunction against Defendant preventing it from removing any more manufactured homes from Plaintiff's manufactured home park Northtowne Estates
- E. A permanent injunction precluding Defendant, including Mayor Mike McCann, from directly or indirectly interfering with Plaintiff's business relations, together with the award of attorneys' fees and costs;
- F. Such other relief this Court deems proper and appropriate, at law or in equity.

Respectfully submitted,



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Cuyahoga Falls, Ohio 44221
330-819-3695
johnmyerscolpa@gmail.com
Attorney for Plaintiff
Defiance Partners LLC

Exhibit A

MANUFACTURED HOME PARK OPERATOR LICENSE

Northtowne Estates
844 North Clinton St.
Defiance, OH 43512

Maximum No. of Lots: 81.0
License No. PK.000034
Expiration Date: 2024-12-31

Licensee:
Defiance Partners LLC
111 2nd Ave NE Suite 202 B
St Petersburg, FL 33701

LICENSE MUST BE POSTED AT ALL TIMES

Exhibit B



Manufactured Home Park Annual Inspection Report

Inspection

Reinspection

Date of Inspection: 09/26/2023

This inspection report includes:	Violation(s) must be corrected
<input type="checkbox"/> No Violations	
<input checked="" type="checkbox"/> Life Safety Violations	<u>Within 3 days of the date the report was sent</u>
<input checked="" type="checkbox"/> Non-Life Safety Violations	<u>Within 30 days of the date the report was sent</u>

Park Information	
Name of Park: Northtowne Estates	Name of Owner/Operator: Defiance Partners LLC
Park Address (street number and name, city, state and zip code): 844 N. Clinton St. Defiance, OH 43512	
Number of Licensed Sites: 81	Park License Number: PK.000034

Notes (For inspector use only)

Due to past issues with sewage at this facility, the standing water noted in this report was tested for E.coli. The samples were collected at Lots 51 and 36. The results from the City Lab have been included in this report.

The manufactured home park operator must correct the violations listed below and must provide proof of corrected violations in accordance with the instructions accompanying this report. Failure to comply may result in license suspension/revocation, a fine of up to \$1,000 per day per violation, and/or any other penalty or remedy available under Chapter 4781 of the Ohio Revised Code or the rules adopted thereunder.

Findings

Status of License: _____ Expiration Date of License: _____

- Active
- Inactive

_____ 12/31/2023 _____

Life Safety Violation(s)

Violation Number <small>(Violation list on page 4)</small>	Lot Number(s)/ Location in Park	Description of Violation(s)	Corrected <small>(Internal use only)</small>
15	Back Lot	Observed in the facility's back open lot, the manhole cover is not properly secured and could allow someone to become trapped.	<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Non-Life Safety Violation(s)

01		Did not observe an emergency contact number posted.	<input type="checkbox"/>
02		Did not observe a copy of the park's annual license.	<input type="checkbox"/>
04	Lot 16	No marking or identification was observed on the lot or trailer.	<input type="checkbox"/>
06	Lot B-21 (Main Drive)	Large, deep potholes were observed in the roadway.	<input type="checkbox"/>

Violation Number (Violation list on page 4)	Lot Number(s)/ Location in Park	Description of Violation(s)	Corrected (Internal use only)
10	Lot B-20	Observed a pile of cylinder blocks stored on the empty pad	<input type="checkbox"/>
10	C-18	Observed a pile tree brush and a plastic fan being stored on empty pad..	<input type="checkbox"/>
10	C-21	Observed a pile of construction lumber and metal gutters stored on empty pad.	<input type="checkbox"/>
11	Lot C-48	Observed an electric meter box laying on the ground.	<input type="checkbox"/>
13	B-10	Observed a portable camper unit placed onto empty lot.	<input type="checkbox"/>
13	B-14	Observed a portable camper unit placed onto empty lot.	<input type="checkbox"/>

List each site that does not have a home placed on it by lot number and/or address (For inspector use only):

B-10, B-14, B-15, B-29, B-30, B-34, C-1, C-5, C-12, C-13, C-18, C-21, C-25, C-28, C-29, C-30, C-31, C-33, C-34, C-35, C-36, C-38, C-40, C-42, C-52, C-54, C-71, C-72

Inspector Name (please print): Michael S. Prigge	Inspection Agency: Defiance County General Health District	
Inspector Signature: Michael S. Prigge	Date Report Sent to Park: 09/28/2023	Total No. of Pages: 16

Digitally signed by Michael S. Prigge
DN: cn=Michael S. Prigge, o=United States, l=US
c=Defiance County General Health District, e=mprigge@defiancecohealth.org
Reason: I am the author of this document
Location:
Date: 2023-09-28 11:49:04-00

Violation Number	Violation Description	Ohio Administrative Code Citation
01	Park Rules and Emergency No. Not Posted	O.A.C. 4781-12-24
02	Park Operator License Not Posted	O.A.C. 4781-12-03
03	Fire Separation Distance or Setback Violations	O.A.C. 4781-12-08
04	Lot Numbers and/or Streets Without Visible Identification	O.A.C. 4781-12-08(L)
05	Freestanding Auxiliary Building Fire Separation Distance Violation	O.A.C. 4781-12-08.1(A)
06	Park Streets Not Maintained in Safe, Passable Condition	O.A.C. 4781-12-09(K)
07	Insufficient Street Lighting at Night	O.A.C. 4781-12-10
08	Storm Water System Not in Clean/Free-Flowing Condition	O.A.C. 4781-12-12(C)
09	Unconnected Sewer Line/Sewage Discharge/Sewage Odors	O.A.C. 4781-12-17
10	Solid Waste Outside of Lidded Containers	O.A.C. 4781-12-18(A)
11	Electrical Systems Not Installed/Maintained with NEC	O.A.C. 4781-12-19(A)
12	Sewage System Not Maintained in Safe/Sanitary Manner	O.A.C. 4781-12-16(C)
13	Boats and Recreational Vehicles Stored on MH Lot	O.A.C. 4781-12-21(C)
14	Insufficient Drainage/Flooding/Improper Grading	O.A.C. 4781-12-06(A)
15	Water System Not Maintained in Safe/Sanitary Manner	O.A.C. 4781-12-11(A)
16	Park Conditions Providing for Harboring of Pests	O.A.C. 4781-12-22(D)
17	Sidewalks/Walkways Not Maintained	O.A.C. 4781-12-22(A)
18	Park Development without DIC Plan Approval	O.A.C. 4781-12-05(A)
19	Domestic Animals/Pets at Large or Creating Nuisances	O.A.C. 4781-12-22(B)
20	Flies or Mosquitoes	O.A.C. 4781-12-22(C)(2)
21	Other	Another Rule in Chapter 4781-12 of the Ohio Administrative Code

Violation Number (Violation list on page 4)	Lot Number(s)/ Location in Park	Description of Violation(s)	Corrected (Internal use only)
16	B-34	Observed high area of weeds on empty lot.	<input type="checkbox"/>
16	C-31	Observed high area of weeds on empty lot.	<input type="checkbox"/>
16	C-40	Observed high area of weeds on empty lot.	<input type="checkbox"/>
16	B-33	Observed high area of weeds on empty lot.	<input type="checkbox"/>
14	C-36	Observed standing water on the back portion of the empty pad.	<input type="checkbox"/>
14	C-51	Observed standing water on the empty pad.	<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

MANUFACTURED HOME PARK INSPECTION REPORT

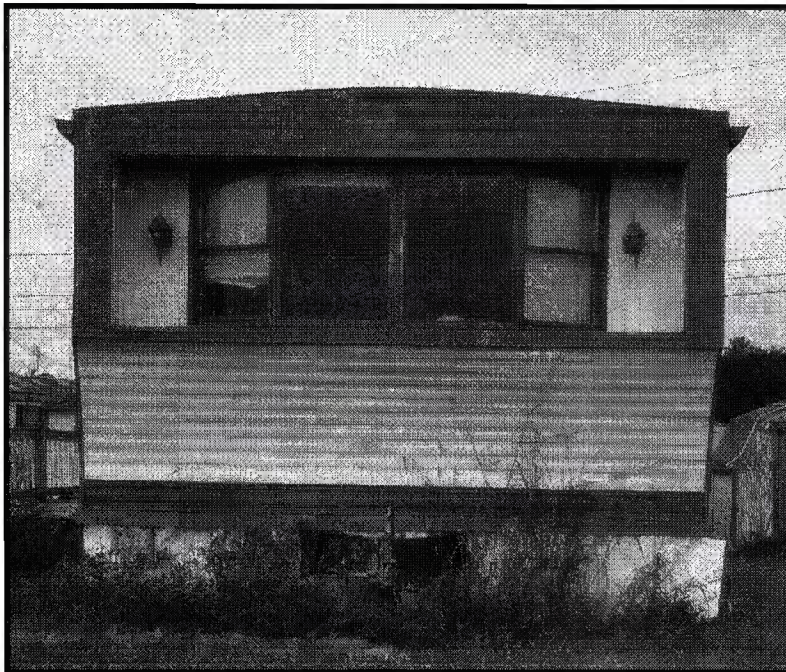
INSPECTION PHOTOGRAPHS

Name of Park: Northtowne Estates	Park Operator License Number: PK.000034
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LIFE SAFETY VIOLATION

Back Lot (no units located in area) – Water System:
Observed the metal cover to a manhole not properly secured.



Lot 16 – No identification:
No marking or identification was observed on the lot or trailer.



Lot B-21 – Park Streets:
Large pot hole on main
entrance drive.



Lot B-20 – Solid Waste:
Observed a pile of cylinder
blocks stored on the empty pad.



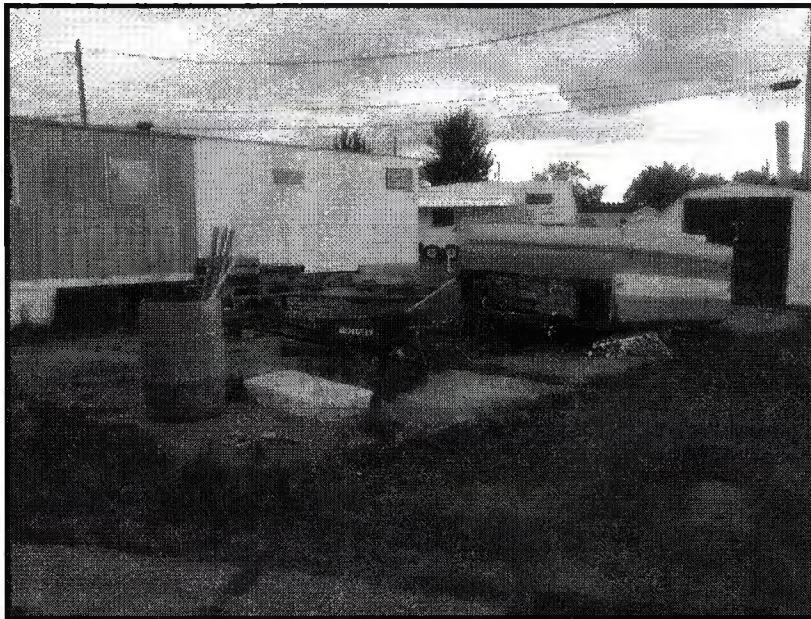
Lot C-18 – Solid Waste:
Observed a pile tree brush and
a plastic fan being stored on
empty pad..



Lot C-21 – Solid Waste:
Observed a pile of construction
lumber and metal gutters stored
on empty pad.



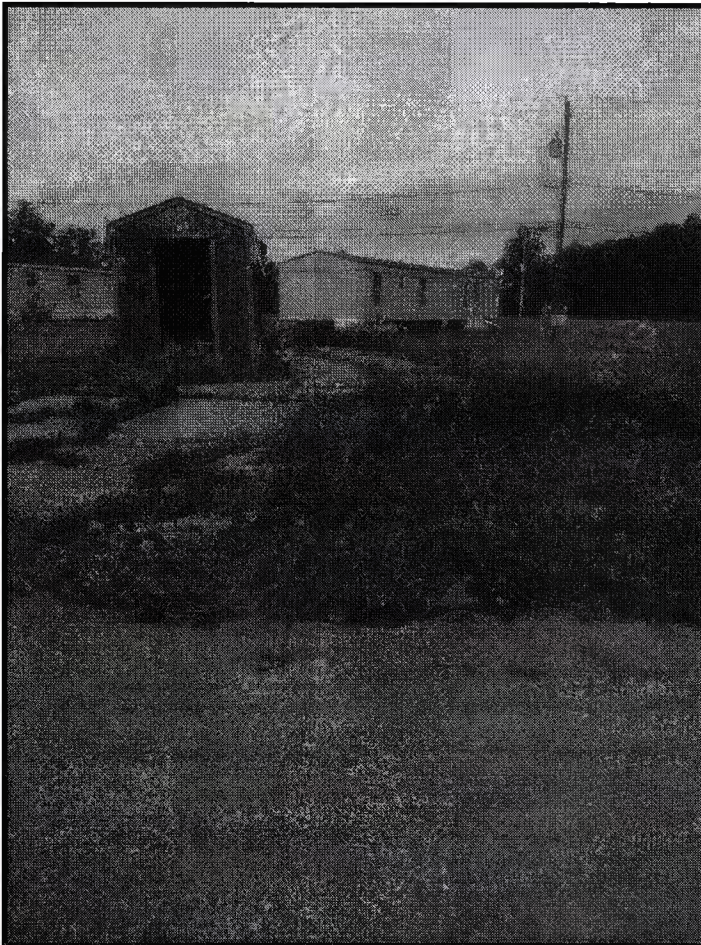
Lot C-48 – Electrical:
Observed an electric meter box
laying on the ground.



Lot B-10 Recreation Vehicle:
Observed a portable camper
unit placed onto empty lot.



Lot B-14 Recreation Vehicle:
Observed a portable camper
unit placed onto empty lot.



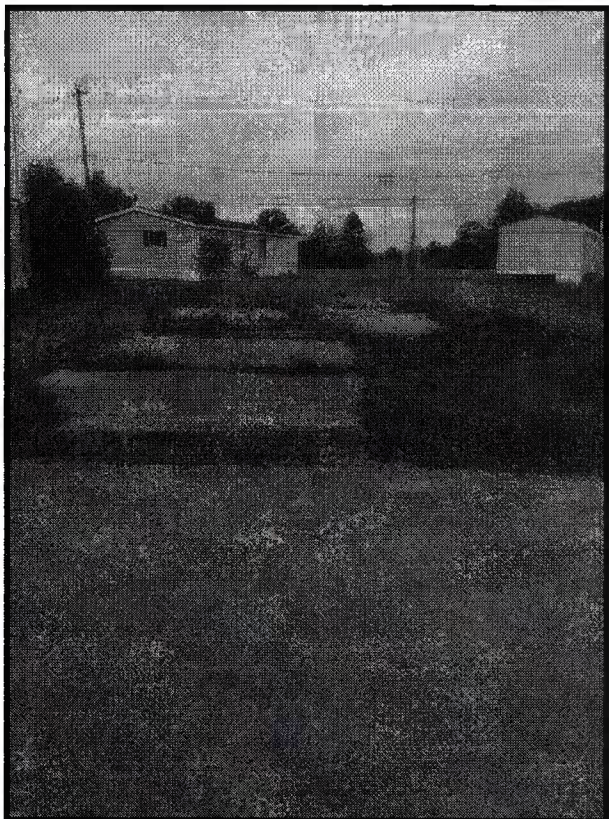
Lot B-34 Harboring for pests:
Observed high area of weeds
on empty lot.



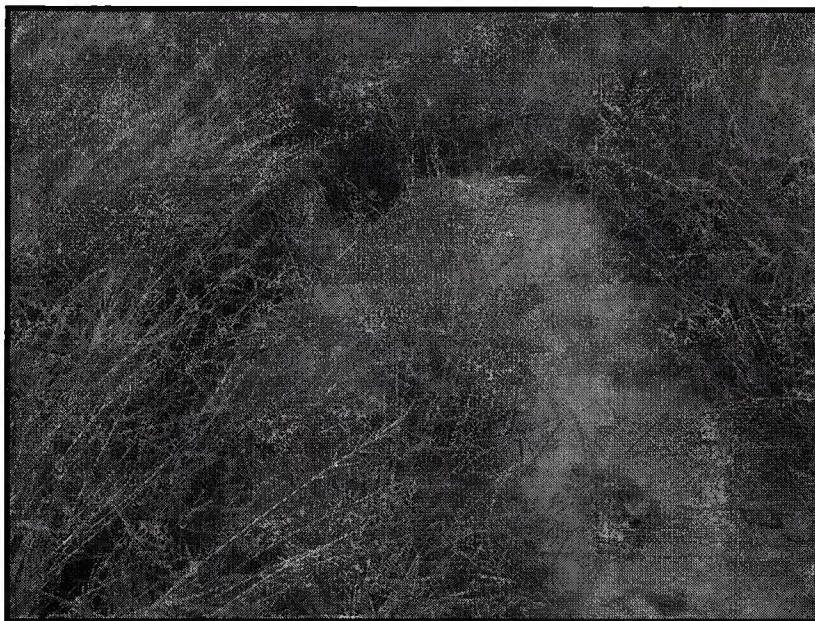
Lot C-31 Harboring for pests:
Observed high area of weeds
on empty lot.



Lot C-40 Harboring for pests:
Observed high area of weeds
on empty lot.



Lot B-33 Harboring for pests:
Observed high area of weeds
on empty lot.



Lot C-36 Standing Water:
Observed standing water on the
back portion of the empty pad.



Lot C-51 Standing Water:
Observed standing water on the
empty pad.