

LUCAS COUNTY COMMON PLEAS COURT
CASE DESIGNATION

TO: Bernie Quilter, Clerk of Courts

CASE NO. _____

G-4801-CI-0202102073-000

JUDGE _____

Judge
MICHAEL R GOULDING

The following type of case is being filed:

Professional Malpractice

Legal Malpractice (L)

Medical Malpractice (M)

Product Liability (B)

Other Tort (C)

Workers' Compensation

State Funded (D)

Self Insured (K)

Administrative Appeal (F)

Commercial Docket

By submitting the complaint, with the signature of the Attorney, the Attorney affirms that the name of person with settlement authority and his/her direct phone number will be provided upon request to a party or counsel in this matter

Other Civil

Consumer Fraud (N) Forfeiture

Appropriation (P) Court Ordered

Other Civil (H) Certificate of Title

Copyright Infringement (W)

This case was previously dismissed pursuant to CIVIL RULE 41 and is to be assigned to Judge _____, the original Judge at the time of dismissal. The previously filed case number was CI _____.

This case is a civil forfeiture case with a criminal case currently pending. The pending case number is _____, assigned to Judge _____.

This case is a Declaratory Judgment case with a personal injury or related case currently pending. The pending case number is _____, assigned to Judge _____.

This case is to be reviewed for consolidation in accordance with Local Rule 5.02 as a companion or related case. This designation sheet will be sent by the Clerk of Courts to the newly assigned Judge for review with the Judge who has the companion or related case with the lowest case number. The Judge who would receive the consolidated case may accept or deny consolidation of the case. Both Judges will sign this designation sheet to indicate the action taken. If the Judge with the lowest case number agrees to accept, the reassignment of the case by the Administration Judge shall be processed. If there is a disagreement between the Judges regarding consolidation, the matter may be referred to the Administrative Judge.

Related/companion case number _____ Assigned Judge _____

Approve/Deny Date Approve/Deny Date

Attorney David M. Busick
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Maumee, OH 43537
Telephone 419-897-7070

FILED
LUCAS COUNTY

2021 MAY 20 AM 11:05

COMMON PLEAS COURT
BERNIE GOULTER
CLERK OF COURTS

ORIGINAL

**IN THE LUCAS COUNTY COURT OF COMMON PLEAS
CIVIL DIVISION
LUCAS COUNTY, OHIO**

**STATE EX. REL
MAUMEE CITY LAW DIRECTOR
DAVID M. BUSICK**
400 Conant Street
Maumee, Ohio 43537

Plaintiff,

v.

RAINMAKER HOLDINGS V LLC
Property Address
1788 Indian Wood Cir
Maumee, Ohio 43537
Parcel 3500434

Mailing Address
2452 Sir Barton Way STE 101
Lexington, KY 40509

G-4801-CI-0202102073-000
Judge
MICHAEL R GOULDING

Case No.

Judge

David M. Busick 0061885
400 Conant Street
Maumee, Ohio 43537
419-897-7070
419-897-7084

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

**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 Maumee Municipal Court pursuant to R.C. § 1901.183.
2. Relator-Plaintiff David M. Busick, is the acting City Attorney for the City of Maumee, 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 Maumee, Lucas County, Ohio.
3. The real property that is the subject matter of this complaint is located at 1788 Indian Wood Circle, Parcel No. 3500434, situated in the City of Maumee, Lucas County, Ohio ("the Premises").
4. Respondent-Defendant Rainmaker Holdings V LLC, is the record owner of the Premises by virtue of an Auditor's Deed, Instrument No. 18206728.
5. Lindsay M. Webb is the duly appointed, sworn, and serving Treasurer of Lucas County, Ohio, and may claim an interest in the property for unpaid taxes.
6. The Premises is a commercial property operated as a four story located on the Northwest side of the City of Maumee. Please see Exhibit A (attached).
7. The Maumee Police Department began investigating the Premises in 2020 and 2021 due to complaints of criminal activity.

VIOLATIONS OF ORC CHAPTER 2925 (Drug related crimes)

8. On November 23, 2021, MPD initiated a traffic stop in the parking lot of the premises to investigate a suspended operator's license. The driver stated that she was staying at the hotel with a friend and admitted that there was a marijuana bowl and a marijuana blunt "EZ" cutter located in the vehicle in violation of O.R.C. 2925.14 Possession of Marijuana Paraphernalia.

9. On November 26, 2020, MPD was patrolling and investigated a suspicious vehicle occupied by two individuals in the parking lot of Woodsprings Hotel. The two individuals were found to be smoking marijuana in violation of O.R.C. 2925.13 Drug Abuse Marijuana. The two individuals stated that they were staying at the hotel for the night.
10. On December 6, 2020, MPD was called to the premises to investigate an unconscious person. Upon arrival they encountered three individuals who informed them that they were staying in the hotel and that the unconscious person was suffering from a drug overdose from the use of Fentanyl and alcohol because one of the occupants had provided illegal drugs in violation of O.R.C. 2925.13 Permitting Drug Abuse. Despite life saving measures the unconscious individual was pronounced dead due to a lethal dose of Fentanyl and alcohol and detectives were called to the scene.
11. On January 6, 2021, MPD investigated two individuals smoking marijuana in a car in the parking lot at Woodsprings Hotel. During the encounter one officer observed the male suspect guarding his right-side waist band area. Upon search a loaded Glock model 19, 9mm was located in the suspects waist band along with 28 9mm rounds on the suspects person. It was determined that the suspect was a convicted felon under firearm disability in violation of O.R.C. 2923.13, Carrying a Concealed Weapon in violation of O.R.C. 2923.12, and O.R.C. 2925.11 Possession of Drugs.
12. On February 18, 2021, MPD responded to Woodsprings Hotel to investigate a fight in progress. Upon arrival they encountered a female who they recognized as a person present from a previous call for an overdose at the hotel. This individual was found to have warrant for drug activity out of Toledo, Ohio, and was in possession of marijuana and a crack pipe in violation of O.R.C. 2925.11, O.R.C. 2925.12, and O.R.C. 2925.14. The

individual attempted to hide the items in her possession and also gave a false name and birthdate to officers in violation of O.R.C. 2921.12 and O.R.C. 2921.31.

13. On March 3, 2021, MPD was patrolling the parking lot area of Woodsprings Hotel and investigated an individual with an open warrant from Wood County staying at the hotel. The individual was found to possess 6.4 grams of marijuana in violation of O.R.C. 2925.11.

VIOLATIONS OF ORC CHAPTER 2919

(Offenses of violence against family or household members)

14. On October 27, 2020, MPD responded to the premises to investigate a report of a Domestic Violence dispute in violation of O.R.C. 2919.25. Upon arrival the suspects indicated that they had been in an argument regarding the marriage and pending divorce. The suspects also stated that they had been living at the hotel as they are residents of Texas.
15. On November 2, 2020, MPD was called to the premises to investigate a report the Violation of a Protection Order (O.R.C. 2919.27 Wood County Ohio CPO) in violation of O.R.C. 2919.27. Upon arrival officers encountered three adults who were staying in the hotel together. One of the male subjects was found to have a Civil Protection Order through the Wood County Common Pleas Court with his wife, who was staying in the hotel with him and the other male, being listed as the protected person.
16. On November 4, 2020, MPD responded to a 911 call from the premises for the same room as above to investigate and incident involving the same three subjects and a Violation of a Civil Protection Order in violation of O.R.C. 2919.27. The male subject had not left the premises after the initial call and there were more threats made. The

subject claimed that the 911 call had been made by mistake. He was arrested for Violation of a Civil Protection Order during this call.

17. On November 12, 2020, MPD was called to the premises for another report of a Violation of a Civil Protection Order in violation of O.R.C. 2919.27, involving the same subjects as above. Police were informed that there was a guest in the hallway yelling and refusing to leave in violation of O.R.C. 2917.11. Upon arrival officers encountered the male suspect arrested on November 4 who was claiming he woke up undressed and was assaulted. It was determined that the male subject was having a mental health crisis and was in Violation of a Civil Protection Order and he was arrested.
18. On December 1, 2020, MPD was called to the premises for a report of a Domestic Dispute involving the same couple from Texas referenced in section 15. An argument had started regarding the wife buying a bus ticket to travel back to Texas.
19. On December 17, 2020, MPD was called to the premises to investigate a report of a Domestic Dispute in violation of O.R.C. 2919.25. A couple residing at the hotel had an argument regarding their "open relationship" and another woman who was also staying with them in the room. On that evening the mother of the male suspects child had declined to have sex with him and he became angry. The male left the room, and the women called the police because the male has a history of suicidal attempts and mental illness.
20. On December 29, 2020, MPD was called to the premises to investigate a report of Domestic Violence and Assault in violation of O.R.C. 2919.25 and O.R.C. 2903.13. A call from the hotel regarding an earlier call of a Domestic Dispute indicated that the male subject from the previous call had returned to the room and was damaging the property. Upon arrival the Police encountered the female subject who told them that the

couple had been residing at the hotel together and that he had become “crazy” and physically violent, so she attempted to protect herself with a taser which the male subject had wrestled from her and used to shock her arm. During the altercation, the female tried to call 911 but the male subject had taken the phone away from her. She was able to call for help from the hotel after the male left the room briefly. The male subject was arrested for Domestic Violence and Assault. Police responded to this room twice within an hour. There were also illegal drugs located in the room in violation of O.R.C. 2925.14

21. On December 31, 2020, MPD was called to the premises for a report of Domestic Dispute in violation of O.R.C. 2919.25. The female occupant of room stated that an unwanted male had arrived at the room and they had a verbal argument regarding watching kids so that he could go to work. The male had fled on foot. The female subject was moved to a different room. This call references a previous call report number involving the same subjects being involved in a previous Domestic incident.
22. On January 17, 2021, MPD was called to the premises to investigate a report of Disrupting Public Services and Assault in violation of O.R.C. 2909.04 and O.R.C. 2903.13. This incident involved the same three subjects from the call listed in section 20. On this date a 911 call was made, and dispatch stated that they could here screaming in the background. Upon arrival one of the female subjects told Police that she had been assaulted by the other female involved in the relationship. The female stated that when the altercation began, she took her son into the bathroom with her and locked the door but that the other female had pulled her from the room by her hair and assaulted her. While Police were investigating the incident, the minor child informed a Maumee

Police that he had not been enrolled in school for months. The female subject accused of the assault was arrested and the report was forwarded to CSB.

23. On January 29, 2021, MPD was called to the premises to investigate a report of Rape in violation of O.R.C. 2907.02, Domestic Violence in violation of O.R.C. 2919.25, Assault in violation of O.R.C. 2903.13, and Unlawful Restraint in violation of O.R.C. 2905.03.. The male subject told Police that he and his girlfriend of 18 years have been living in the hotel for over a year. The couple had an argument that escalated to physical violence and the male subject had refused to let the female leave the room. The female stated that the male had engaged in sexual intercourse with her even though she had asked him to stop 3 three times. The male was arrested for Domestic Violence, Assault, and Unlawful Restraint. The Rape was sent to the detective bureau for further investigation.
24. On February 9, 2021, MPD was called to the premises to investigate a report of Domestic Violence in violation of O.R.C. 2919.25, Assault in violation of O.R.C. 2903.13, and Unlawful Restraint in violation of O.R.C. 2905.03. Dispatch received a 911 open line call in which they could hear a woman screaming for help. Upon arrival officers encountered a female who reported that the male in the room was being physically violent towards her and would not let her leave the room. The couple had their minor child with them in the room. The female reported that the male had also forced sexual acts on her in the past and that he had been on top of her on the bed holding her down on during this incident. The minor child reported that his father was naked on top of his mother and that he had called 911 because he thought his father was raping his mother in violation of O.R.C. 2907.02. The individuals involved in this call were the same individuals involved in the calls referred to in sections 20 and 23 of this document.

25. On February 18, 2021, MPD was called to the premises to investigate a Domestic Dispute in violation of O.R.C. 2919.25. Upon arrival officers encountered a male and female who reported that the female had caught the male cheating on her and that they had been in a verbal argument and that there was no physical altercation. Both parties stated that they felt safe with each other and they left the hotel after the completion of the police investigation.

26. On March 12, 2021, MPD responded to the hotel for Domestic Dispute in violation of O.R.C. 2919.25. Upon arrival a male reported to the officers that he had called because his female in the room had a knife and was threatening to injure herself. The couple had had an argument because the female believed that the male was talking to other women. She then began destroying the male's property and then locked herself in the bathroom with the knife and began threatening suicide.

OTHER OFFENSES (Offenses against public peace)

27. On October 31, 2020, MPD was called to the premises to investigate a report of Criminal Damaging in violation of O.R.C. 2909.06. The officers were met by the victim who reported that her car was damaged in the parking lot. Officers verified that the vehicle had scratches on the top, both sides, and across the passenger rear window.

28. On November 5, 2020, MPD responded to investigate a check safety at the hotel because an occupant had become intoxicated and walked away from her room.

29. On November 12, 2020, MPD was called to investigate a report of disorder in violation of O.R.C. 2917.11. Upon arrival officers found the disorderly occupant of the hotel to have active warrants out of Toledo and Wood County. The subject was taken into custody.

30. On December 9, 2020, MPD responded to investigate a 911 call from a room at the hotel and upon arrival the officers were told by the female occupant of the room that one of her children dialed the call by accident in violation of O.R.C. 2317.32.
31. On December 15, 2020, MPD responded to investigate a call for Disorderly Conduct in violation of O.R.C. 2917.11 at the hotel. The officers were informed by the female front desk attendant that there was a drunk male in the lobby being loud and making unwanted sexual advances. The female stated that the advances made her very uncomfortable and that she had asked the male to leave the area. At this point the male became agitated and continued to get louder which prompted her to call the police.
32. On December 31, 2020, MPD responded to the premises for a 911 hang up call in violation of O.R.C. 2317.32. Officers checked and cleared the area. The officers were unable to enter the building because there was no front desk staff working.
33. On December 31, 2020, MPD responded to the premises to investigate a call for check safety. An occupant of the hotel had left her 4 young children unattended at the hotel in violation of O.R.C. 2919.22.
34. On January 1, 2021, MPD was called to the hotel to investigate an unwanted guest who had vandalized the room he was staying in in violation of O.R.C. 2909.05. Upon talking to the front desk attendant, the officers were informed that the original occupier of the room had left and that a male had stayed behind. Several attempts to have the male leave the premises had failed and the male was being belligerent and making comments suggesting that he was damaging the property. Once the male was removed from the room extensive damage was discovered and vandalism charges were filed.
35. On January 17, 2021, MPD responded to investigate a 911 call hang-up from a room where they had responded to a previous domestic incident in violation of O.R.C.

2317.27. Upon arrival the female occupant informed officers that her child had accidentally made the call.

36. On January 20, 2021, MPD responded to investigate a call regarding young children sleeping in the hallway of the hotel in violation of O.R.C. 2919.22, Child Endangering. The children had been left at the hotel by their parents and had accidentally locked themselves out of the room. The older children had been out wandering around the halls while the youngest, a 1-year-old, had been left alone in the room.
37. On January 23, 2021, MPD was called to the hotel again to investigate a person being disorderly in violation of O.R.C. 2917.11. Officers were unable to enter due to no staff working the front desk but observed blood drips on the ground inside. Due to the blood drips officers made entrance when another guest opened the door. They encountered an intoxicated male bleeding from his mouth and arm. The male refused to cooperate and threw a trash can down a flight of stairs at two other individuals near his location. The male was arrested and medically cleared.
38. On February 2, 2021, MPD was called to investigate a report of Criminal Damaging in violation of O.R.C. 2909.06. An occupant of the hotel reported that while his vehicle was parked in the lot at the hotel someone had attempted to pry open his toolbox causing damage.
39. On February 8, 2021, MPD responded to the premises on a 911 hang-up call in violation of O.R.C. 2317.32. The female occupant of the room told police that she called 911 because her ex-boyfriend told her he was going to come to her room but that while speaking with the 911 dispatcher she decided that the ex-boyfriend would not come to the hotel so she hung up.

40. On March 15, 2021, MPD was called to investigate a theft at hotel in violation of O.R.C. 2913.02. The front desk clerk advised the police that a hotel guest had stolen the pillows from the room she was staying in as she left.
41. Relator-Plaintiff alleges that the Premises is a public nuisance as defined in § 3767.01 and/or R.C. § 3767.12 (*et seq.*), M.M.C 1345, and under common law, subject to abatement under R.C. § 3767.
42. Relator-Plaintiff asserts that the Premises herein is generally reputed to be kept, conducted, and maintained for the purposes of committing violations of Ohio Revised Code 2925 (Drug Offenses), and for the purposes of other illegal activity.
43. Respondents-Defendants are guilty of maintaining a nuisance at the Premises, subject to abatement in accordance with R.C. 3767.01 (*et seq.*), for having a structure in violation of the laws pertaining to illegal drugs (including violations of R.C. Chapter 2925, R.C., R.C. 3719.10, etc.); such operations, and criminal activity at the premises, substantially interferes with the area's public decency, sobriety, peace, safety, welfare, and good order.
44. Respondents-Defendants own fixtures, furniture, and moveable property that have been used or are currently being used in conducting, maintaining, and facilitating said public nuisance.
45. 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 Maumee (and the health, safety, and welfare of those at 1788 Indian Wood Circle, and that of Maumee Police).
46. Respondents-Defendants are guilty of maintaining a nuisance at the Premises based on their actual and constructive knowledge of the nuisance, as well as 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.

JUDGMENT AND RELIEF DEMANDED

WHEREFORE, Relator demands judgment as follows:

1. Per R.C. § 3767 and Ohio Civ.R. 65(B)(1), that the court set a preliminary injunction hearing on the matter.
2. That the Premises be declared a public nuisance as defined in Ohio Revised Code § 3767.01 and/or R.C. § 3767.12 (*et seq.*), M.M.C. 1345, and under common law, as alleged herein.
3. That all Respondents-Defendants be found to have been guilty of maintaining a public nuisance as defined in R.C. § 3767.01 and/or R.C. § 3767.12 (*et seq.*), M.M.C. 1345, and under common law, as alleged herein.
4. In accordance with this Complaint and Revised Code Chapter 3767, that all Respondents-Defendants, and any heirs, successors in interest or title, transferees and/or assigns 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 all Respondents-Defendants be permanently enjoined from conducting, maintaining, using, occupying, or in any way permitting the use of a public nuisance anywhere in Lucas County, Ohio and/or Maumee, Ohio.
6. On final judgment, the Chief of Police of Maumee, 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. To tax Respondents-Defendants \$300 in accordance with Revised Code § 3767.08, plus the costs of this action.
8. This Court appoint a receiver if needed pursuant to Chapter 2735 of the Ohio Revised Code.
9. An award of Plaintiff's cost and attorneys' fees payable by Defendant(s).
10. Relator-Plaintiff further requests that this Court grant Plaintiff the following relief as permitted by law:
 - (a) interest on all sums to which Relator-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 Relator-Plaintiff to be entitled.

Respectfully submitted,

City of Maumee, Department of Law
David M. Busick, City Attorney



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