

FILED

2010 DEC 14 AM 10: 01

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

FRANKLIN COUNTY
MUNICIPAL COURT
LORI M TYACK

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

2010 EV R 60592

Relator-Plaintiff,

Case No.

v.

Judge Daniel R. Hawkins

STEVEN SCHALL
1915 West Mound Street
Columbus, Ohio 43223

and

UNKNOWN TENANTS OF
1915 West Mound Street
Columbus, Ohio 43223

and

FIRST GUARANTY MORTGAGE
CORPORATION
5280 Corporate Drive, Suite B200
Frederick, Maryland 21703

and

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.
1900 Gallows Road, Suite 800
Tysons Corner, Virginia 22182
AND ALSO AT:
P.O. Box 2026
Flint, Michigan 48501

and

CHERYL BROOKS SULLIVAN
FRANKLIN COUNTY TREASURER
373 South High Street, 17th Floor
Columbus, Ohio 43215

and

REAL PROPERTY AT
1915 WEST MOUND STREET
1915 West Mound Street
Columbus, Ohio 43223

Parcel No. 010-069370

Respondents-Defendants.

TEMPORARY RESTRAINING ORDER

This matter came before the Court on December 14, 2018, on Relator's request for a temporary restraining order filed in conjunction with a Complaint for Preliminary and Permanent Injunctive Relief. In light of the circumstances, this motion was filed *ex parte*. For purposes of the temporary restraining order, the Court finds that the Relator has established that Respondents-Defendants are owners and/or person in charge, care or control of the property located at 1915 West Mound Street, Columbus, Ohio, Parcel No. 010-069370 ("the Premises").

On information and belief, Relator asserts the following:

1. The Premises came to the attention of Columbus Police Department ("CPD") in November of 2017.
2. On November 5, 2017, CPD and Columbus Fire Department ("CFD") Medic 12 responded to the scene on report of an unconscious individual who was not breathing. CFD Medic pronounced the individual deceased at 11:55AM. Multiple syringes were found in containers as well as cotton balls and other drug instruments. The cause of death was listed as an overdose.

3. On May 25, 2018, CFD responded to the Premises on report of an overdose. CFD Medic 10 responded and administered Narcan to the unconscious female. The individual woke up and stated that she used heroin.
4. On June 23, 2018, CPD responded to the Premises on report of a stolen vehicle.
5. On July 15, 2018, CPD responded to the Premises on report of a disturbance.
6. On July 17, 2018, a caller reported that a large number of prostitutes were present and drugs were being offered at 1915 West Mound Street. The caller stated that as he was walking through the alley, one of the prostitutes propositioned him for either or both. Additional surveillance showed numerous vehicles coming and going.
7. On August 3, 2018, CPD responded to the Premises on report of a disturbance.
8. On August 14, 2018, CPD responded to the Premises on report of a fight.
9. On August 16, 2018, CPD responded to the Premises on report of a burglary.
10. On August 17, 2018, CPD responded to the Premises on a narcotics complaint
11. On September 8, 2018, CPD responded to the Premises for a known male with an active felony warrant. Officers witnessed the individual pull up to the Premises and run into the residence. Officers made contact with the residents and the wanted felon voluntarily gave himself up.
12. On October 26, 2018, CFD Medic 817 responded to an overdose at the corner of Mound and Columbian. Upon arrival, CFD found a twenty (20) year-old female with a chief complaint of an overdose.
13. On October 28, 2018, Officers were monitoring the Premises for narcotics trafficking and conducted a stop of a vehicle that had left the Premises. A background check of the driver revealed that she was operating under a Non-Compliance Suspension. A male passenger

who originally provided officers with a false name was later identified as having a valid warrant through Marion County Sheriff's Department for Child Neglect. Officers performed an inventory search of the vehicle and discovered the following:

- a. Multiple syringes;
- b. One (1) glass pipe with burnt narcotics residue;
- c. A tie off;
- d. Multiple zip ties;
- e. Two (2) scales;
- f. One (1) measuring spoon;
- g. One (1) plastic baggy containing two (2) Xanax bars
- h. One (1) plastic baggy containing suspected crack cocaine;
- i. One plastic bag containing a crystal powder of suspected Methamphetamine weighing approximately thirty-seven (37) grams; and
- j. One (1) plastic baggy containing suspected Fentanyl
- k. One arrestee confirmed that he possessed two Xanax bars and a small baggy of crack cocaine. The arrestee further confirmed that two larger bags were MSM and Benefiber which were being used to cut methamphetamine and heroin. The arrestee further stated that he was holding the bags for Joe King, a drug dealer who sells out of 1915 West Mound Street, along with multiple other dealers.

14. On or about October 29, 2018, Detective Russell Weiner, and a confidential informant ("C/I") conducted a covert purchase of heroin using prerecorded funds from the Premises at 1915 West Mound Street. The C/I confirmed that they purchased the narcotics from a male identified as "Joe", a 30 year old male black.

15. On October 30, 2018, Detective Weiner applied for and was granted a warrant to enter and search the Premises for drugs, drug monies, drug paraphernalia, weapons, and other evidence of illicit drug trafficking.
16. On October 30, 2018, CPD Investigative Tactical (“In/Tac”) executed the warrant at the Premises. The following items were seized
 - a. 1.4 grams of heroin with a street value of \$250.00;
 - b. 202.80 grams of Cocaine with a street value of \$2,080.00;
 - c. 0.40 grams of Marijuana with a street value of \$10.00;
 - d. 8.3 grams of Methamphetamine with a street value of \$950.00;
 - e. Two hundred and sixty-four dollars (\$264.00) in cash;
 - f. Suspected cutting agents; and
 - g. Miscellaneous ammunition.

h. While inside the nine hundred (900) square foot residence, over twenty (20) individuals were discovered, two of them with active warrants. Approximately five (5) individuals were arrested for felony drug offenses. Defendant-Respondent Steven Schall was located at or arrived at the Premises and signed and acknowledged a that he was the property owner and was now on notice of the Chapter 2925 – “Drug Offenses” taking place at the Premises.
17. On November 15, 2018, CPD responded to the Premises on report of a stolen vehicle.
18. On December 1, 2018, CPD responded to the Premises on report of a person with a gun.
19. On December 1, 2018 CPD was monitoring the Premises due to its status as a known narcotics property and conducted a traffic stop of a vehicle that had just left the property.

Both occupants were arrested for separate offenses and in the course of a search of the vehicle, the following items were seized:

- a. Four (4) glass pipes with burnt ends;
- b. Three (3) clear plastic bags with various suspected narcotics;
- c. Several loose large white crystal rocks of suspected methamphetamines;
- d. One (1) cigarette pack with more white crystal rocks;
- e. One (1) Suboxone pill;
- f. Suboxone strips; and
- g. One (1) black digital scale.

20. On December 3, 2018, CPD observed a white van pull up to the Premises and several individuals entered the residence. The van came back registered to another west side residence which the officers had responded to in the past for narcotics complaints. During a consensual encounter with the occupants, one individual was identified as having an active warrant. Prior to a search incident to arrest, the arrestee admitted that she was in possession of a bag of meth. Officers seized and weighed the suspected methamphetamine which registered at 14.7 grams.

21. On December 11, 2018, CPD responded to an overdose in an alley near the corner of Mound Street and Columbian Avenue. The individual was revived after multiple doses of Narcan and admitted to using heroin.

22. On December 12, 2018, CPD was monitoring the Premises and conducted a traffic stop of a vehicle leaving the Premises. It was later determined that the driver had an active warrant for possession of narcotics and in the course of the arrest, officers recovered a

stolen firearm and narcotics valued at approximately two thousand five hundred dollars (\$2,500). Specifically, CPD recovered the following:

- a. One (1) Smith & Wesson M&P 9mm handgun (Reported stolen from Licking County);
- b. One (1) glass pipe with burnt residue;
- c. 14.58 grams of suspected pre-cut methamphetamine;
- d. 5.89 grams of suspected clear rock methamphetamine;
- e. 3.71 grams of suspected post-cut methamphetamine; and
- f. 2.26 grams of suspected hashish.

23. The Premises, and specifically the illegal narcotics activity at the property, constitute an imminent danger for those at and around the Premises.

24. Failing to immediately padlock the property after the execution of the *ex parte* temporary restraining order will allow the dangerous illegal activity to continue, thereby causing immediate and irreparable injury, loss or damage to the applicant and the community.

25. *Ex parte* closure of the property is necessary in order to prevent destruction or removal of contraband or other property.

26. Prior notification of the temporary restraining order could pose a danger to the physical safety and lives of the Columbus police officers involved in its execution.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

Relator has established by clear and convincing evidence that the felony drug activity and illegal/unsafe activity occurring at the Premises continues to cause irreparable harm to the community and that the property is a nuisance *per se* as defined in R.C. § 3719.10 and 3767.01. It is the further ORDER of this Court that all occupants of the Premises be forcibly removed

from the Premises forthwith. In executing this order, all barricades throughout the structure may be forcibly removed so as to prevent fortifying portions of the residence. Said occupants may be forcibly detained during the execution of this order. Furthermore, the premises shall be closed, padlocked, boarded or secured as deemed necessary by the Chief of the Columbus Police Department or his or her designee(s) against its use for any purpose until a final decision is rendered on the Complaint for Preliminary and Permanent Injunctive Relief as required by R.C. § 3767.04. This temporary restraining order shall apply to and prohibit usage of or entrance onto any curtilage or porch areas of the premises for any purpose—no vehicles or persons are to be anywhere on the parcel.

It is further **ORDERED** that this temporary restraining order shall apply to the parcel in its entirety. No person may enter and/or occupy 1915 West Mound Street, Columbus, Ohio, including any portion of the parcel. Any violation of this order, including mutilation of this order, is contempt of court, punishable as a first degree misdemeanor.

It is further **ORDERED** that only necessary personal property located on the premises be removed by the occupants prior to closure and under the direction of the Columbus Division of Police. The Columbus Division of Police is authorized to inventory personal property located on the premises; however, only items related to or in connection with the illegal conduct must be inventoried and accounted for. The Columbus Division of Police may, however, also remove and secure at an off-site location highly mobile and valuable property, including but not limited to such personal property as automobiles, cash, jewelry and electronic equipment which may be at risk of theft during the pendency of this ORDER.

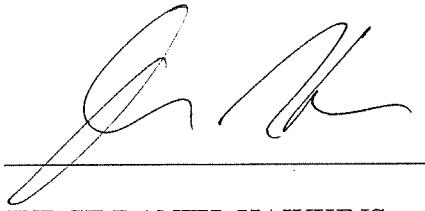
This case is continued for further preliminary hearing on the merits of Relator's Complaint for Preliminary and Permanent Injunctive Relief on the 20th day of December, 2018

at 8:30 A.M. in courtroom 15B, located on the 15th floor of 375 S. High Street, Columbus, Ohio 43215. This Order shall remain in effect until that time or as otherwise ordered by this Court.

This order shall be served upon the Respondents-Defendants by the Columbus Division of Police or Relator's Counsel; the order may be served by posting a copy of it in a conspicuous place at or upon one or more of the principal doors or entrances of the property. The closing of said Premises with forcible entry and removal of all occupants shall be effectuated by the Columbus Division of Police with the assistance of Columbus Code Enforcement. Based on the Affidavit submitted with the Complaint and Motion, the Court finds that notice of entry upon the premises could result in destruction, concealment or removal of contraband, illegal narcotics or property and could create a serious risk of physical harm to law enforcement officers or other authorized individuals in the execution of this *ex parte* Order.

IT IS SO ORDERED.

12/11/18
DATE


JUDGE DANIEL HAWKINS