

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

STATE EX REL.  
COLUMBUS CITY ATTORNEY  
ZACH KLEIN

Relator-Plaintiff,

v.

MAGDALENA R GONZALEZ  
1159 Lexington Avenue  
Columbus, Ohio 43201

and

KATHRYN LYNN  
224 ½ Dakota Avenue  
Columbus, Ohio 43223

and

ANGEL PORCAYO  
66 West 5<sup>th</sup> Avenue, Apt. C  
Columbus, Ohio 43201

and

UNKNOWN TENANTS  
224 ½ Dakota Avenue  
Columbus, Ohio 43223

and

CHERYL BROOKS SULLIVAN  
Franklin County Treasurer  
373 S. High Street, 17<sup>th</sup> Floor  
Columbus, Ohio 43215

and

REAL PROPERTY AT  
224-224 ½ DAKOTA AVENUE

Case No. 2021 EVH 60429

Judge Stephanie Mingo

Parcel No. 010-014710


the Premises in a manner in which Plaintiff is reasonably assured will not constitute a public nuisance.

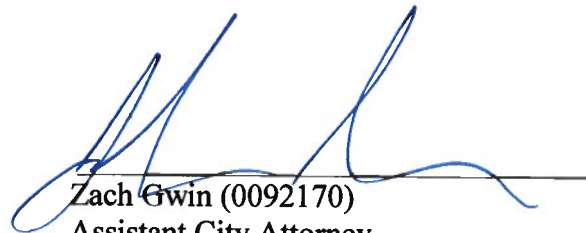
**SO ORDERED.**


  
\_\_\_\_\_  
Judge Stephanie Mingo

9-26-2021  
Date

Approved by:

  
\_\_\_\_\_  
Name: Magdalena Gonzalez  
Address: 1159 Lexington Ave  
Columbus, Ohio 43201  
*Respondent-Defendant*

  
\_\_\_\_\_  
Zach Gwin (0092170)  
Assistant City Attorney  
375 South High, 17<sup>th</sup> Floor  
Columbus, Ohio 43215  
Phone: (614) 645-8928  
*Counsel for the Relator-Plaintiff*

  
\_\_\_\_\_  
Name: Angel Porcayo  
Address: 1159 Lexington Ave  
Columbus, Ohio 43201  
*Respondent-Defendant*

224-224 ½ Dakota Avenue :  
Columbus, Ohio 43223 :  
:  
Defendants. :

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**AGREED PRELIMINARY INJUNCTION**

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This cause came before the Court upon the Complaint of Relator-Plaintiff State ex rel. Klein (“Plaintiff”) filed on **September 13, 2021**. Assistant City Attorneys Zach Gwin appeared on behalf of Plaintiff. Angel Porcayo appeared pro se and Magdalena Gonzalez appeared pro se and on behalf of the Real Property Located at 224 ½ Dakota Avenue, Columbus, Ohio 43223. The Court finds that Defendants Magdalena Gonzalez, Angel Porcayo, and the Real Property at 224 ½ Dakota Avenue (collectively, “the Defendants”), have been properly served according to law and are properly before the Court. The Court finds that any other parties named in the Complaint are not parties to this Agreed Preliminary Injunction.

The parties have participated in negotiation to address the Plaintiff’s complaint and have reached an agreement that they wish to document in this Agreed Preliminary Injunction. The Defendants stipulate to this Agreed Preliminary Injunction and agree to set this matter will be set in for a status conference on NOV 29, \_\_\_\_\_, 2021 at 10am. The parties agree to continue to participate in negotiations for a full and complete settlement of the issues in this case. For purposes of this Agreed Order, the Court finds that relator has established that Respondents-Defendants are owners and/or persons in charge, care, or control of the Real Property at 224 ½ Dakota Avenue, Parcel No. 010-014710, situated in the City of Columbus, Franklin County, Ohio (“the Premises”). The Court further finds that Relator possesses sufficient information to support this Preliminary Injunction. On information and belief, Relator asserts the following:

1. The Premises is a duplex located in the Franklinton neighborhood and has a history of felony drug activity. The Premises is one block away from the Franklinton branch of the Columbus Metropolitan Library and two blocks away from Avondale Elementary School.
2. Since June of 2019, the Premises has seen six calls for service including three disturbances, one suspicious person and one domestic violence report. The unit in question is a basement level unit that fronts onto Rich Street.
3. On March 25, 2021, the Columbus Department of Police (hereinafter "CPD") received a narcotics complaint. The caller reported that the Premises was being used to sell drugs.
4. On March 29, 2021, a confidential informant (hereinafter "CI") visited the Premises. The criminal informant was told by a person at the Premises that the dealer was not there.
5. On April 12, 2021, a CI visited the Premises and conducted two controlled buys. During the first buy, the CI purchased 0.1 gram of crack/cocaine for \$20.00. Approximately twenty minutes later, a CI purchased 0.1 gram of crack/cocaine for \$20.00. Both times, the contraband was immediately turned over to CPD. Pursuant to this, a warrant was obtained to search the Premises.
6. On April 15, 2021, a CI conducted a controlled buy at the Premises. While making the buy, the CI was informed that the dealer was not at the Premises but would be back soon. Shortly thereafter, the CI received a call from the dealer who said they were coming back. When they returned, the CI purchased 0.02 grams of crack/cocaine for \$20.00. The contraband was immediately turned over to CPD. Later that day, CPD executed a search warrant at the Premises. No drugs were recovered but five individuals were present including two convicted felons. Among the other individuals present, one has a recent

felony charge for improper handling of a firearm and another was recently charged with identity fraud and has a history of solicitation.

7. On April 19, 2021, CPD sent a letter to the property owner, Defendant Magdalena Gonzalez, to notify her of the Chapter 2925 violations occurring at the property and to alert her of the responsibility to evict the tenants.
8. On May 4, 2021, an eviction was filed in the Franklin County Municipal Court. The case was later dismissed by the Plaintiff, Angel Porcayo, on May 25, 2021.
9. On August 29, 2021, CPD received a narcotics complaint at the Premises. The caller reported that people were buying and using drugs at the Premises.
10. On August 30 and 31, 2021, CPD received complaints at the Premises. The callers reported that drug activity regularly occurs at the Premises and recently there is also activity that suggests prostitution.
11. On August 30, 2021, CPD conducted a controlled buy at the Premises using a CI. The CI purchased 0.2 grams of fentanyl for \$20.00. The contraband was immediately turned over to CPD. CI also reported that the man he bought the drugs from also had a handgun.

It is hereby **ORDERED** as follows:

1. All occupants of the Premises be forcibly removed from the Premises immediately. In executing this order, all barricades throughout the structure may be forcibly removed so as to prevent fortifying positions 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 Division of Police or her designee(s) against its use for any purpose until a final decision is rendered on the Complaint for Preliminary Injunctive Relief as required by

R.C. 3767.04. This Preliminary Injunction shall apply to and prohibit usage of or entrance onto the curtilage around the entrance to the lower unit of the building known as 224 ½ Dakota Avenue. This Order shall not apply to the resident of 224 Dakota Avenue.

2. Following execution of Paragraph 1 of this Order, no person may enter and/or occupy 224 ½ Dakota Avenue, Columbus, Ohio. Any violation of this order, including mutilation of this order, is contempt of court, punishable as a first degree misdemeanor.
3. 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.
4. 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. The Parties agree to motion this Court to seek reasonable modifications to this Agreed Entry, in order to facilitate the sale and/or development of