

IN THE FRANKLIN COUNTY MUNICIPAL COURT
ENVIRONMENTAL DIVISION
COLUMBUS, OHIO

2022 MAY 16 PM 1:28

STATE EX REL COLUMBUS CITY
ATTORNEY ZACH M. KLEIN
Columbus City Attorney, Zone Initiative
375 South High Street, 17th Floor
Columbus, Ohio 43215,

Relator-Plaintiff,

v.

PKWY LOUNGE AND GRILL
Attn: John Delia and/or Asia Majors, owner
5200 Riding Club Lane
Columbus, Ohio 43213

AND

1714 ZETTLER LLC
Attn: Andrea Black, stat. agent
5600 Naiche Road
Columbus, Ohio 43213

AND

JOHN DELIA
5600 Naiche Road
Columbus, Ohio 43213

AND

PKWY LOUNGE & GRILL LLC
Attn: Asia Majors, stat. agent
3222 Scottwood Road
Columbus, Ohio 43227

AND

DENASH MASSAGE LLC
Attn: Ashley D. Trimble, stat. agent
417 Hill Road North
Pickerington, Ohio 43147

AND

5600 NAICHE LLC

Case No. 22 EVH 060355

JUDGE STEPHANIE MINGO

IMAGED

Attn: Andrea Black, stat. agent
5600 Naiche Road
Columbus, Ohio 43213

AND

WYANDOTTE ATHLETIC CLUB LLC
Attn: Thomas J. Novack, Esq., stat. agent
85 East Wilson Bridge Road
Worthington, Ohio 43085

AND

NAR OHIO LLC
Attn: Austin B. Barnes, III, stat. agent
1213 Prospect Avenue, Suite 300
Cleveland, Ohio 44115

AND

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

AND

REAL PROPERTY LOCATED AT:
5200 Riding Club Lane
Columbus, Ohio 43213

Parcel No. 010-201156-00

Respondents-Defendants.

VERIFIED COMPLAINT FOR PRELIMINARY AND
PERMANENT INJUNCTIVE RELIEF

1. This complaint concerns enforcement of Ohio Revised Code (hereinafter "R.C.") Chapter 3767 et seq., Title 43 of the O.R.C., and Title 47 of the Columbus City Code ("C.C.C."), so as to be within the exclusive jurisdiction of the Environmental Division of the Franklin County Municipal Court pursuant to O.R.C. §1901.181.

PARTIES

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 by R.C. §§ 713.13, 715.30, 3767.03, 3767.41; C.C.C. §§101.08, 4701.08; and at common law with the prevention, prosecution, and abatement of any public nuisance within the City of Columbus, Franklin County, Ohio.
3. The real property that is the subject matter of this complaint is located at 5200 Riding Club Lane, Columbus, Ohio 43213, known as Franklin County Permanent Parcel No. 010-201156 (hereinafter “the Premises”), situated in the City of Columbus, Franklin County, Ohio. (*See Plaintiff's Exhibit A.*) This action is also *in rem* with respect to the Premises.
4. PKWY Lounge and Grill (hereinafter “PKWY”) is an Ohio business operating as a bar, club, and restaurant at the Premises, and is owned and operated by John Delia and Asia Majors.
5. 1714 Zettler LLC is an Ohio corporation which had operated a bar at the Premises formerly known as Atlantis Grill & Sports Bar aka Parkview Bar. 1714 Zettler LLC is also an owner of the Premises by virtue of its ownership of the now-expired Liquor Permit No. 6548277, which had been issued for the operation of liquor sales at the Premises. This permit was cancelled by the Division of Liquor Control on May 4, 2022, for failure to resolve tax issues with the Division, thus revoking the permit. (*See Plaintiff's Exhibits B & C.*) There is no current liquor permit issued to the Premises. Prior to this rejection, PKWY had operated illegally under this permit issued to 1714 Zettler LLC, and by virtue of this, 1714 Zettler LLC is an owner by virtue of its charge, care, and control.
6. John Delia is the owner of the Premises by virtue of his ownership of the business PKWY, his ownership of the now-expired liquor permit issued to 1714 Zettler LLC, and, upon information and belief, his having charge, care, and control of the Premises.
7. PKWY Lounge & Grill LLC is an Ohio corporation doing business as “PKWY Lounge & Grill” at the Premises, and is an owner with charge, care, and control by virtue of its June 2021 application to transfer a liquor permit for the sale of alcohol at the Premises (transfer Permit

No. 6726677). Relator-Plaintiff objected to this transfer. On May 4, 2022, the transfer was rejected for tax issues. PKWY Lounge & Grill LLC does not and has never had a liquor permit issued to the LLC or the Business, and, upon information and belief, it has operated to sell alcohol at the Premises previously illegally under a permit issued to 1714 Zettler LLC.

8. Denash Massage LLC is an Ohio corporation doing business as “PKWY Lounge & Grill” at the Premises, and is an owner with charge, care, and control by virtue of its December 2021 application to transfer a liquor permit for the sale of alcohol at the Premises (pending Permit No. 20138840005). Relator-Plaintiff objected to this transfer, and the objection is still pending. Denash Massage LLC does not and has never had a liquor permit issued to the LLC or the Business, and, upon information and belief, it has operated to sell alcohol at the Premises previously illegally under a permit issued to 1714 Zettler LLC.

9. 5600 Naiche LLC is the real property owner of the Premises, the property located at 5200 Riding Club Lane, Ohio 43213, and is an owner of the Premises as defined by C.C.C. 4703.01(E), by virtue of a Limited Warranty Deed, Instrument No. 201905030051780, filed with the Franklin County Recorder. (*See Plaintiff's Exhibit D.*) 5600 Naiche LLC shares a statutory agent and address with Respondent-Defendant 1714 Zettler LLC, the owner of the now-expired liquor permit. 5600 Naiche LLC is also an owner by virtue of its charge, care, and control of the Premises, which includes the bar-club-restaurant PKWY.

10. Wyandotte Athletic Club LLC is an interested party by virtue of its pending suit in the Franklin County Court of Common Pleas, Case No. 20CV000924, against 5600 Naiche LLC, an interest which may be adversely affected by this action.

11. NAR Ohio, LLC, is an interested party by virtue of its tax lien certificate in its favor against 5600 Naiche LLC, Instrument No. 202111100205925, filed with the Frankling County Recorder, which may be adversely affected by this action.

12. Cheryl Brooks Sullivan is the duly elected, sworn, and serving Treasurer of Franklin County, Ohio, and may claim an interest in the properties for unpaid and future taxes. This interest could be adversely affected by this action.

JURISDICTION & VENUE

13. The Court has personal jurisdiction over the individual defendants pursuant to O.R.C. §2307.382(A)(8), since the basis of this complaint is real property located in Franklin County, Ohio.

14. The 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.

FACTS

15. PKWY Lounge and Grill (formerly known as Atlantis Bar Grill and Sports Bar, and formerly known as Parkview Bar) is a bar, club, and/or restaurant operating at the Premises. PKWY has been operating at the location since at least 2019 under at least one of the aforementioned business names.

16. 5600 Naiche LLC has been the sole record owner of the Premises since May 3, 2019.

17. The Premises came to the attention of the Columbus Police Department (“CPD”) in 2021.

18. Since February 2021, there have been over sixty (60) calls for service and/or reports taken by the Columbus Division of Police (CPD), at the Premises, including shootings, shots fired, fights/disturbances, stabbings, thefts from motor vehicles, criminal damaging, and loud noise.

19. On February 20, 2021, CPD was dispatched to the location on the report of multiple gun shots fired. Officers recovered multiple shell casings in the parking lot. A bullet entered an exterior wall of the bar and entered an interior bathroom. A vehicle was also struck by a bullet. The shots fired were the end result of a fight that began inside the bar.

20. On March 13, 2021, CPD was dispatched to the Premises on a report of several gun shots as a result of a fight inside and outside the bar. Two vehicles in the parking lot were struck by bullets. Officers recovered five shell casings in the parking lot.
21. On March 28, 2021, CPD was dispatched to the Premises when security located a handgun on a patron. While on scene, an unknown suspect fired gunshots in an adjacent parking lot used for bar parking. Shell casings were recovered by CPD.
22. On September 13, 2021, a women reported to CPD being assaulted inside by the bar, during which the suspect also reached for their firearm.
23. On December 12, 2021, a fight occurred in the parking lot of the Premises at the time of bar closing, during which two persons stabbed each other.
24. On January 23, 2022, a victim reported to CPD a fight at 5200 Riding Club involving gunshots, which officers in the area also heard. A witness stated a vehicle's passenger was also firing gunshots from a fleeing vehicle. The gun fire was believed to come from an automatic weapon. Two uninvolved vehicles were struck by a bullet during the incident. One of the vehicles had a 7 year old girl inside who was nearly struck by the bullet. A follow-up investigation determined that the suspects waited outside for people they were fighting inside the Premises.
25. On March 2, 2022, CPD was dispatched to the Premises on reports of a fight at the bar.
26. On March 6, 2022, CPD was dispatched to the Premises on reports of a group of at least ten (10) persons fighting in the parking lot outside the bar after 1:00 AM.
27. On March 19, 2022, CPD was dispatched to the Premises on reports of a group of at least five (5) persons fighting in the parking lot outside the bar.
28. On April 13, 2022, CPD was dispatched to the Premises on a report of a person inside the bar with a handgun.

29. On April 30, 2022, CPD arrested an individual for possession of a handgun inside the bar. The arrestee attempted to flee from officers during the arrest. The arrestee claimed he paid security officers at the bar \$200 to bring the gun inside the bar.
30. Also on April 30, 2022, CPD was dispatched to the Premises on the report of 6-7 gunshots fired at the bar.
31. On May 1, 2022, CPD was dispatched the Premises on reports of a large fight inside the bar.
32. Until May 4, 2022, the only liquor permit properly issued to the Premises was issued to 1714 Zettler LLC, doing business at Atlantis Grill & Sports Bar, Liquor Permit No. 6548277. Defendant John Delia was listed as the owner of this LLC for the purposes of the liquor permit issued to 1714 Zettler LLC.
33. Beginning in April 2021, the Division of Liquor Control opened a case against 1714 Zettler LLC's liquor permit (#6548277) for tax problems that could affect the ability to renew or transfer the permit. (*See Exhibit E.*)
34. In June 2021, PKWY Lounge & Grill applied for a transfer of the liquor permit issued to 1714 Zettler LLC, transfer permit number 6726677. The City of Columbus subsequently objected to this permit transfer. With a hearing still pending, the permit transfer request was rejected due to tax issues with the original permit issued to 1714 Zettler LLC.
35. PKWY Lounge & Grill LLC does not and has never had a liquor permit issued to the LLC or the Business, and, upon information and belief, it has operated to sell alcohol at the Premises previously illegally under a permit issued to 1714 Zettler LLC.
36. On September 30, 2021, the Liquor Control Commission received an appeal of the tax case, the decision for which was stayed the same day. (*See Exhibit E.*)

37. On November 18, 2021, the Division of Liquor Control reaffirmed continued outstanding tax issues for 1714 Zettler LLC that could affect the ability to renew or transfer the permit. (*See Exhibit E.*)
38. In December 2021, Denash Massage LLC applied for a transfer of the liquor permit issued to 1714 Zettler LLC, pending permit number 20138840005. The City of Columbus subsequently objected to this permit transfer, and the objection is still pending.
39. Denash Massage LLC does not and has never had a liquor permit issued to the LLC or the Business, and, upon information and belief, it has operated to sell alcohol at the Premises previously illegally under a permit issued to 1714 Zettler LLC.
40. In December 2021, the City of Columbus objected to the renewal of the liquor permit issued at the Premises to 1714 Zettler LLC.
41. On February 10, 2022, 1714 Zettler LLC received notice from the Division of Liquor Control that its 2022-2023 Liquor Permit Renewal Application would not be issued until the resolution of the outstanding tax issues, which include tax delinquency, liability and/or assessments. (*See Exhibit C.*)
42. The Division served this letter on 1714 Zettler LLC on February 17, 2022, and PKWY continued to sell alcohol at the Premises. (*See Exhibit C.*)
43. 1714 Zettler LLC did not appeal this non-renewal order by the time stated in the order—May 2, 2022.
44. Thus, on May 4, 2022, the Division of Liquor Control rejected the 2022-2023 renewal of the liquor permit issued to 1714 Zettler LLC (#6548277) that was in use for liquor sales at the Premises. As a result, the Division closed its case against this permit and permitholder, and rejected the transfer request of PKWY Lounge & Grill LLC. (*See Exhibits C, D, E.*)
45. As of May 4, 2022, there are no active liquor permits issued to the Premises, to 1714 Zettler LLC, to PWKY Lounge & Grill LLC, to Denash Message LLC, or any other person for

possible use at this Premises. Liquor sales are thus prohibited at the Premises until a new liquor permit is obtained.

46. Upon information and belief, PKWY has continued to operate the business, including liquor sales, and CPD opened an investigation in conjunction with the Ohio Investigative Unit.

47. On May 5, 2022, PKWY Lounge Instagram page “pkwy_loungecolumbus_” advertised an event for May 27, 2022, called “Sleazy World Go” performing live with ticket sales through Eventbrite. (*See Exhibit F.*)

48. On May 6, 2022, CPD officers of the PACT unit covertly purchased beer and intoxicating liquor at the Premises. Prior to the covert purchase, PKWY had advertised that there would be a special event with performers that same evening. Officers observed the bar having beer and intoxicating liquor bottles on the shelves behind the bar, for sale.

49. On May 9, 2022, PKWY Lounge Instagram page “pkwy_loungecolumbus_” advertised an event for May 20, 2022, called “Hennessy Carolina”. (*See Exhibit G.*)

50. On May 10, 2022, CPD officers of the PACT unit entered the Premises after witnessing an ad on Instagram advertising “Cameo Tuesday’s” and “Buy one, get one free Hennessy and Tito’s from 8PM to 11PM.” Officers covertly purchased beer and intoxicating liquor from the Premises that evening. Officers witnessed the bartender pour the Tito's Vodka from the bottle. Officers observed the bartender take the 12 oz. commercially bottled Corona Extra beer from the cooler and remove the lid.

51. On May 14, 2022, PACT officers witnessed an Instagram advertisement posted on May 11, 2022, by PKWY Lounge, 5200 Riding Club Lane, stating "MEGA Saturday's" with doors opening at 10PM. Officers arrived at approximately 10:15PM but found the location closed. Upon investigation, your affiant learned the location was vandalized on May 12, 2022 and the gas and water lines were damaged. Columbus Fire responded to scene and shut off the gas. As

of filing, tickets were still being sold for on Eventbrite for May 27, 2022 from 9PM-2AM, "Sleazy World Go." The event is 21 years old and older. (*See Exhibit G.*)

52. On May 15, 2022, PKWY Lounge Instagram page "pkwy_loungecolumbus_" posted again an advertisement, "Hennessy Carolina," at 5200 Riding Club Lane, with doors opening at 8PM on Friday, May 20, 2022. (*See Exhibit G.*)

53. PKWY continues to advertise events, including for concerts on May 20 and May 27, 2022, and their "Cameo Tuesday's" posts reference that they have these specials "each and every Tuesday." (*See Exhibit G.*)

54. The Premises is a public nuisance as defined in R.C. § 3767.01 and/or R.C. § 3767.12 (*et seq.*), C.C.C. § 4703.01(F), and under common law, subject to abatement under R.C. § 3767.

55. The Premises is generally reputed to be kept, conducted, and/or maintained for the purposes of committing violations of Ohio Revised Code Chapter 3767 (Nuisance), Chapter 4301 (Liquor Control) and Columbus City Code – Title 47, and other violent crimes and illegal activity.

56. Defendants, except those named solely as interested parties, 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 the illegal sale of alcohol without a liquor permit (including violations of R.C. §§ 4301, 4303, and 4399), for operating a business in violation of the laws pertaining to violent activity, and the permission or existence of this criminal activity at the Premises substantially interferes with the area's public decency, sobriety, peace, safety, welfare, and good order.

57. The operation of 5200 Riding Club Lane has caused an increase in criminal and nuisance activity within the surrounding community, and continued operation at the subject Premises imposes imminent threat to the life, health, and safety of the area community.

58. Defendants own fixtures, furniture, and moveable property, including alcohol purchased for the purpose of illegal sales, which have been used in conducting, maintaining and facilitating said public nuisance.

59. 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, those at 5200 Riding Club Lane, and that of the Columbus Police.

60. Defendants, except those named solely as interested parties, 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 Defendants knowledge of and acquiescence and/or participation in the nuisance.

COUNT I: O.R.C. TITLE 43 – LIQUOR LAW

61. Paragraphs 1 through 60 of this Complaint are incorporated by reference as if fully rewritten herein.

62. Defendants do not possess a valid liquor permit for the sale or distribution of liquor (including but not limited to beer, wine, and spirituous liquor) at the Premises.

63. Defendants have violated R.C. §§ 4301.22, 4301.58, 4303 (*et seq.*), 4399.09(A), by selling and/or distributing liquor without a permit, and continue to advertise its intent to do so in the future.

COUNTS II & III: O.R.C. TITLE 37; C.C.C. TITLE 47 – NUISANCE

ABATEMENT

64. Paragraphs 1 through 63 of this Complaint are incorporated by reference as if fully rewritten herein.

65. The Premises is a public nuisance as defined by C.C.C. § 4703.01(F), O.R.C. §§ 2923.43, 3719.10, 3767.01, 3767.12, and/common law.

66. The Premises is subject to abatement pursuant to C.C.C. § 4701.08, O.R.C. Chapter 3767, and/or common law.

67. Respondents-Defendants are guilty of maintaining a public nuisance at the Premises pursuant to O.R.C. § 3767.02.

68. Respondents-Defendants are further guilty of maintaining a public nuisance at the Premises based on their actual and constructive knowledge of the public nuisance at the Premises based on their actual and constructive knowledge of the public nuisance, as well as the 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 public nuisance.

69. Respondents-Defendants (except those named only as interested parties) own fixtures, furniture, and moveable property, including alcohol purchased for the purpose of illegal sales, which have been used in conducting, maintaining and facilitating said public nuisance.

70. 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, those at 5200 Riding Club Lane, and that of the Columbus Police.

COUNT IV: COMMON LAW NUISANCE

71. Paragraphs 1 through 70 of this Complaint are incorporated by reference as if fully rewritten herein.

72. The Premises is a public nuisance as defined by the common law of the State of Ohio.

JUDGMENT AND RELIEF DEMANDED

WHEREFORE, Plaintiff demands judgment as follows:

1. Relator-Plaintiff incorporates the proceeding paragraphs 1 through 72 as if fully incorporated herein.

Compliance with Liquor Law

2. An order requiring the defendant(s) and any successor(s) in interest or title to comply with Title 43 of the Ohio Revised Code, specifically, adherence to any and all State Liquor Laws.
3. An order requiring defendant(s) to take measures included, but not limited to, the following in order to ensure ongoing compliance with Title 43:
 - a. Prohibition of any liquor (to include beer, wine, and spirituous liquor) at the Premises;
 - b. Prohibition of any liquor sales at the Premises;
 - c. Seizure of any alcohol intended for sale;
 - d. Limit the Premises' days and hours of operation;
 - e. Closure of the Premises.

Criminal Activity

1. The Court set a preliminary injunction hearing on the matter pursuant to Ohio Civ.R. 65(B)(1).
2. A determination that the Premises constitutes and be declared a public nuisance as defined by C.C.C. § 4703.01(F), R.C. O.R.C. §§ 2923.43, 3719.10, 3767.01, 3767.12, and/or common law.
3. A determination that the Premises is subject to abatement under C.C.C. § 4701.08, O.R.C. Chapter 3767, and/or common law.
4. That Defendants (except for those named only as interested parties) be found guilty of maintaining a public nuisance at the Premises.
5. That Defendants (except for those named only as interested parties), and any heirs successors in interest or title, transferees and/or assigns be preliminarily, permanently, and perpetually enjoined from conducting, maintaining, using, occupying or in any way permitting the use of the Premises as a public nuisance.

6. That Defendants (except for those named only as interested parties) be preliminarily, permanently, and perpetually 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.
7. The Court order, pursuant to ORC 3767.06(A), that Respondents-Defendants (except for those named only as interested parties) abate the public nuisance located at the Premises.
8. The Court order, pursuant to ORC §3767.05(E)(3) that the Premises not be occupied or used for one year after the judgment is rendered.
9. The Court order, pursuant to ORC 3767.06(A), that the Premises be closed against its use for any purpose for a period of one year.
10. The Court order, pursuant to ORC 3767.06(A), that all personal property and contents used in conducting or maintaining the public nuisance at the Premises, including any liquor at the Premises, be removed, and sold, without appraisal, at a public auction to the highest bidder for cash.
11. That the Court tax Respondents-Defendants (except for those named only as interested parties) \$300 in accordance with Revised Code §3767.08, plus the costs of this action.

Criminal Activity – Liquor Law

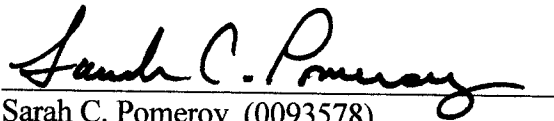
1. The Court specifies that its judgment is entered pursuant to ORC 3767.05(E).
2. The Court order, pursuant to ORC 3767.05(E)(2), that no beer or intoxicating liquor may be manufactured, sold, bartered, possessed, kept, or stored at the Premises.
3. The Court order, pursuant to ORC 3767.05(E)(4), that notice of its judgment be sent to the Ohio Division of Liquor Control, the Ohio Liquor Control Commission, and the Liquor Enforcement Division of the Ohio Department of Public Safety.
4. The Court order, pursuant to ORC 3767.05(G), that a certified copy of its judgment be filed with the Franklin County Board of Elections.

Additional Relief

1. An award of Plaintiff's costs and attorney's fees payable by defendant(s).
2. The Court grant Relator-Plaintiff all such further equitable and other relief this Court determines Relator-Plaintiff to be entitled pursuant to ORC 1901.131, and by law.

Respectfully submitted,

**CITY OF COLUMBUS, DEPARTMENT OF LAW
ZACH KLEIN, CITY ATTORNEY**



Sarah C. Pomeroy (0093578)

Christopher C. Clark (0096257)

Assistant City Attorney

375 South High Street, 17th Floor

Columbus, Ohio 43215

Phone: 614-645-8619

Fax: 614-645-6548

scpomeroy@columbus.gov

cccclark@columbus.gov

Attorney for Plaintiff City of Columbus

Parcel ID: 010-201156-00
5600 NAICHE LLC

Map Routing: 010-O102G -003-02
5200 RIDING CLUB LN

OWNER

Owner	5600 NAICHE LLC
Owner Mailing / Contact Address	5200 RIDING CLUB LN COLUMBUS OH 43213 Submit Mailing Address Correction Request
Site (Property) Address	5200 RIDING CLUB LN Submit Site Address Correction Request
Legal Description	NATIONAL ROAD R21 T12 S15 0.943 ACRE
Calculated Acres	.89
Legal Acres	0
Tax Bill Mailing	View or Change on the Treasurer's Website If you have recently satisfied or refinanced your mortgage, please visit the above link to review your tax mailing address to ensure you receive your tax bill and other important mailings.
Parcel Permalink	https://apps.franklincountyauditor.com/redir/Link/Parcel/010-201156-00
eAlerts	Sign Up for or Manage Property eAlerts The Auditor's office provides a Property eAlerts tool through which a property owner can sign up to receive an automated email alert whenever a change in owner or value is made to their property record. Click on the above button to sign up for or manage your Property eAlerts.
Tools	View Google Map  Print Parcel Summary

MOST RECENT TRANSFER

Transfer Date	MAY-03-2019
Transfer Price	\$265,000
Instrument Type	LW
Parcel Count	1

2021 TAX STATUS

Property Class	C - Commercial
Land Use	436 - FAMILY RESTAURANT/DINING ROOM
Tax District	010 - CITY OF COLUMBUS
School District	2503 - COLUMBUS CSD [SD Income Tax]
City/Village	COLUMBUS CITY
Township	
Appraisal Neighborhood	X6800
Tax Lien	Yes

EXHIBIT

A

CAUV Property	No
Owner Occ. Credit	2021: No 2022: No
Homestead Credit	2021: No 2022: No
Rental Registration	No
Rental Exception	No
Board of Revision	No
Zip Code	43232
Pending Exemption	No

2021 AUDITOR'S APPRAISED VALUE

	Land	Improvements	Total
Base	67,800	405,200	473,000
TIF			
Exempt			
Total	67,800	405,200	473,000
CAUV	0		

2021 TAXABLE VALUE

	Land	Improvements	Total
Base	23,730	141,820	165,550
TIF			
Exempt			
Total	23,730	141,820	165,550

2021 TAXES

Net Annual Tax	Total Paid	CDQ
12,468.30	29,051.18	

BUILDING DATA

Yr Built	Eff Yr	Stry	Structure Type	Sq Ft	Grade
1933	1988	01	RESTAURANT	5,634	AVERAGE QUALITY
Total:				5,634	

SITE DATA

Frontage	Depth	Acres	Historic District
		.943	

1714 ZETTLER LLC



6548277 A014
R231 File

EXHIBIT

tabbles®

B



**Department
of Commerce**

Division of Liquor Control

03
Mike DeWine, Governor
Sheryl Maxfield, Director

TAX NON-RENEWAL ORDER

1714 ZETTLER LLC
DBA ATLANTIS GRILL & SPORTS BAR
5200 RIDING CLUB LN & PATIO
COLUMBUS OHIO 43213

Permit No:

6548277
1714 ZETTLER LLC
DBA ATLANTIS GRILL & SPORTS BAR
5200 RIDING CLUB LN & PATIO
COLUMBUS OHIO 43213

YOUR 2022-2023 RENEWAL APPLICATION WILL NOT BE ISSUED AS OF February 1, 2022

The Division of Liquor Control has received notice from the Ohio Tax Commissioner that you are: delinquent in filing returns, submitting any information required by the Tax Commissioner, or remitting any payments with respect to horse-racing, alcoholic beverage, motor fuel, petroleum activity, sales, or use, cigarette, other tobacco products, employer withholding, commercial activity, or gross casino revenue taxes, or any fees, charges, penalties, or interest related to the taxes. Ohio law provides that the Division of Liquor Control shall not renew your permit until the Division is notified by the Tax Commissioner that the tax delinquency, liability or assessment has been resolved. R.C. 4303.271(D)(2)(a).

Any sale of alcoholic beverages after February 1, 2022, will be illegal. To resolve your tax problems, you should immediately contact the Ohio Department of Taxation, 4485 Northland Ridge Blvd., Columbus, Ohio 43229, or email liquorgroup@tax.state.oh.us.

If you resolve this tax matter, you should know that the Division of Liquor Control expressly reserves the right to reject your renewal application for matters not related to your tax problems. The Division may reject your renewal application for good cause as provided in R.C. 4303.271(A) or where an objection by your local governmental unit has been sustained as provided in R.C. 4303.271(B).

You are entitled to appeal this order to the Ohio Liquor Control Commission. If you want to appeal this order you must file your appeal by May 2 2022, with the: Liquor Control Commission, 77 S. High Street, 18th Floor, Columbus, Ohio 43215. Your appeal should contain a statement of your reasons for appeal and include a copy of this letter. If an appeal is not filed by May 2, 2021, this order will become final, and your permit will be cancelled.

Sincerely,

James V. Canepa, Superintendent

Mailed:

Certified Mail/Return Receipt Requested

02/10/2022

Licensing Renewal Section
6606 Tussing Road
PO Box 4005
Reynoldsburg, OH 43068-9005 U.S.A.



An Equal Opportunity Employer and Service Provider

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com™

9214 7969 0099 9790 1808 0659 49

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$

☐ Return Receipt (electronic) \$ **\$3.05**

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$ **\$0.00**

☐ Adult Signature Restricted Delivery \$

Postage

\$ **\$0.530**

Total Postage and Fees

\$ **\$7.330**

Postmark
Here

Sent To

6548277

Street, Apt. No.,
or PO Box No.

1714 ZETTLER LLC

City, State, Zip+4

6200 RIDING CLUB LN and PATIO
COLUMBUS, OH 43213

2/14/2022 9:48:25 AM

PS Form 3800, April 2015

See Reverse for Instructions

Code:
Code2:

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

6548277
1714 ZETTLER LLC
5200 RIDING CLUB LN and PATIO
COLUMBUS, OH 43213

2/14/2022 9:48:25 AM



9290 9969 0099 9708 0659 58

2. Article Number (Transfer from service label)

9214 7969 0099 9790 1808 0659 49

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X **CUIA**

☒ Agent

☐ Addressee

B. Received by (Printed Name)

enid

C. Date of Delivery

2/12/20

D. Is delivery address different from item 1? ☐ Yes
If YES enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☐ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ Insured Mail

☐ Insured Mail Restricted Delivery (over \$500)

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Return Receipt for Merchandise

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt



**Department
of Commerce**

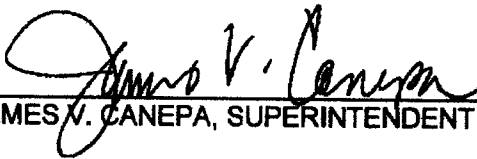
Mike DeWine, Governor
Jon Husted, Lt. Governor

Division of Liquor Control
Sheryl Maxfield, Director

CERTIFICATION

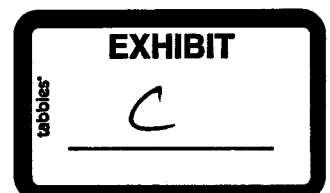
I, James V. Canepa, Superintendent of the Division of Liquor Control, State of Ohio, under the authority of Sections 4301.10(A)(2) and 121.20 of the Ohio Revised Code, and Rule 902 of the Ohio Rules of Evidence, do hereby certify that 1714 Zettler, LLC, dba Atlantis Grill & Sports Bar (Permit No. 6548277), located at 5200 Riding Club Lane & Patio in Columbus, Ohio 43213 is not the holder of valid permit.

Specifically, the Division received 1714 Zettler's 2022-2023 renewal application on February 2, 2022, for its Class D-1-2-3-3A-6 liquor permit. On February 10, 2022, the Division issued an Order rejecting 1714 Zettler's 2022-2023 renewal application due to a tax hold that was placed by the Ohio Department of Taxation. On February 17, 2022, the Division served its Order via certified mail, return receipt. 1714 Zettler did not appeal this Order to the Ohio Liquor Control Commission by the time stated in the Order, which was May 2, 2022; therefore, the Division cancelled this permit on May 4, 2022.


JAMES V. CANEPA, SUPERINTENDENT

5/4/2022

DATE



TRANSFERRED

MAY 03 2019

MICHAEL STINZIANO
AUDITOR
FRANKLIN COUNTY, OHIO

8245

Conveyance
Mandatory: 265.00
Permissive: 265.00 Bn
MICHAEL STINZIANO FRANKLIN COUNTY AUDITOR

File No.: 01032-23341

LIMITED WARRANTY DEED

Raymond E. Baker III and Cheryl Baker, husband and wife, for valuable consideration paid, grants with limited warranty covenants to 5600 NAICHE LLC, an Ohio limited liability company, whose tax mailing address is: 5200 Riding Club Lane, Columbus, OH 43213 the following Real Property:

SEE EXHIBIT "A" ATTACHED HERETO

Property Address: 5200 Riding Club Lane, Columbus, OH 43213

Parcel Number: 010-201156-00

Prior Instrument Reference: Instrument No. 199911040277890, of the Franklin County, Ohio Records.

Excepting from said limited warranty covenants, all legal highways, restrictions, and easements of record, and taxes and assessments from the date of the closing

Executed this 29th day of April, 2019.

Raymond E. Baker III
Raymond E. Baker III

Cheryl Baker
Cheryl Baker

State of Ohio, County of Franklin

The foregoing deed was acknowledged before me this 29th day of April, 2019, by Raymond E. Baker III Cheryl Baker.

CH 1041
Stewart Title Agency
of Columbus Box

Beulah C Howell
Notary Public
My Commission Expires:

This instrument was prepared by:
Joseph E. Budde
Attorney at Law
259 W. Schrock Road
Westerville, OH 43081



BEULAH C. HOWELL
Notary Public, State of Ohio
My Commission Expires 09-07-2023

EXHIBIT

D

PERMIT HOLDER VIOLATIONS INFORMATION

This online service will allow you to obtain information on liquor permit violations within the State of Ohio.

Searching Instructions

Enter the known information and click the "Search" button. For best results, search only **ONE** criteria at a time. If you try to put too much information and it does not match exactly, the search will return a message "No records to display". The results will initially pull up general information (i.e., Permit Number, Name, City, etc.). To view the violation list of that permit holder you must click on the ► button to the left of the permit number to expand the violation data history.

You may sort the information in ascending or descending order, by clicking on any of the column headers.

To do another search, click the "Reset" button.

SEARCH CRITERIA**Permit Number**

6548277

Permit Name / DBA**City****County**

--Select County--

[Wait](#)[Reset](#)[Main Menu](#)

View Details	Permit Number	Name	DBA	City	County
	6548277	1714 ZETTLER LLC	DBA ATLANTIS GRILL & SPORTS BAR	COLUMBUS	FRANKLIN

EXHIBIT
tabbies' £

View Details	Permit Number	Name	DBA	City	County	
	Case Number	Status	Violation Code	Report IOC Date	Description	Log Date
	Case Number: 05					
	05	INACTIVE	L0CH	01/26/2022	REQUEST FOR EXPANSION RECEIVED	01/26/2022
	05	INACTIVE	L277	01/27/2022	EXPANSION APPROVED	01/27/2022
	05	INACTIVE	L227	01/27/2022	CASE TERMINATED DK	01/27/2022
	Case Number: 04					
	04	ACTIVE	L0C5	12/20/2021	RENEWAL OBJECTION SCHEDULE HEARING	12/20/2021
	Case Number: 03					
	03	ACTIVE	L0CL	11/18/2021	TAX PROBLEM SUB H B 231	11/18/2021
	Case Number: 02					
	02	ACTIVE	L0CK	06/01/2021	DEPT OF TAXATION DO NOT PROCEED LETTER	06/01/2021
	Case Number: 01					
	01	ACTIVE	L0CL	04/07/2021	TAX PROBLEM SUB H B 231	04/07/2021
	01	ACTIVE	L312	09/30/2021	LCC ISSUES STAY ORDER AS OF 093021	10/12/2021
	01	ACTIVE	L320	09/30/2021	APPEAL TO LCC	10/12/2021
	01	ACTIVE	L418	09/30/2021	DOCKET CASE 128STA21	10/12/2021
	01	ACTIVE	L418	05/10/2022	DOCKET 6468 CASE 128STA21	04/12/2022

VIOLATION CODES (first letter of Violation Code)

"L" = Violation issued/entered by Liquor Control

"O" = Violation issued/entered by the Department of Public Safety – please contact them directly at (614) 644-2415 for public records or questions pertaining to this violation.

- Ohio.Gov
- [Ohio Department of Commerce](http://Ohio.Department.of.Commerce)

[Commerce Home](#) | [Press Room](#) | [CPI Policy](#) | [Privacy Statement](#) | [Public Records Request Policy](#) | [Disclaimer](#) | [Employment](#) | [Contacts](#)

eventbrite



Search

Browse Events

Organize

Help



Create an event



Log In

Sign Up

MAY
27

Sleazy World Go / 21& Older Event

by Derrick Porter & Sa'd Watkins

55 followers [Follow](#)

\$50

\$50

Tickets



Date and time

Fri, May 27, 2022, 9:00 PM –
Sat, May 28, 2022, 2:00 AM EDT



Location

PKWY Lounge and Grill
5200 Riding Club Lane
Columbus, OH 43213
[View Map](#)



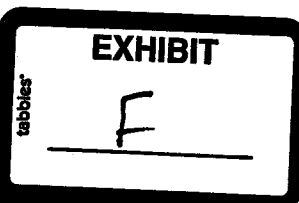
Refund policy

Contact the organizer to request a refund.
Eventbrite's fee is nonrefundable.



THIS EVENT IS 21 & UP SECTIONS ARE ALSO AVAILABLE PLEASE TXT THE NUMBER ONLY FOR SECTIONS

About this event



FRIDAY 27TH



SLEAZY WORLD GO

DOORS OPEN 9:00PM-2:30AM

PKWY
LOUNGE & GRILL

3200 E. LONG AVE. COLUMBUS, OH 43217



Tags

United States Events

Ohio Events

Things to do in Columbus, OH

Columbus Appearances

Columbus Music Appearances

Instagram

Log In

Sign Up

JEFF CUMBERLAND'S ALL WHITE PARTY

DOORS OPEN 9:00PM - 2:30AM

PKWY

SLEAZY WORLD GO

DOORS OPEN 9:00PM - 2:30AM

FRIDAY 6TH

TAURUS ALL WHITE PARTY

DOORS OPEN 9:00PM - 2:30AM

PKWY

TUESDAY

CAME TUESDAY'S

DOORS OPEN 9:00PM - 2:30AM

PKWY

ONE BIG ASS 30TH

EVERYBODY FREE W/ FLYER REPOST

Show More Posts from pkwy_loungecolumbus_

Related Accounts

See All

- eclipseultralounge

Eclipse Ultra Lounge

Follow
- _freaky.couples_

#1 Freak/Spam Page

Follow
- damnittezproducti...

DamnitTez Producti...

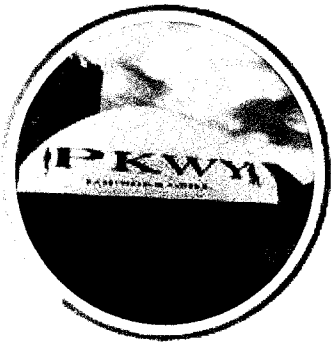
Follow
- trap _

ThinkTwice Do!

Follow

Instagram

Log In Sign Up



pkwy_loungecolumbus_

Follow ...

3,494 posts

5,425 followers

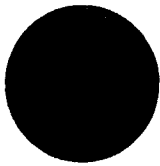
2,108 following

Parkway Lounge

PKWY LOUNGE & GRILL 🍷🍸🍹🍺

5200 riding club lane

Columbus, Ohio 43213 for birthdays/ party's dm page

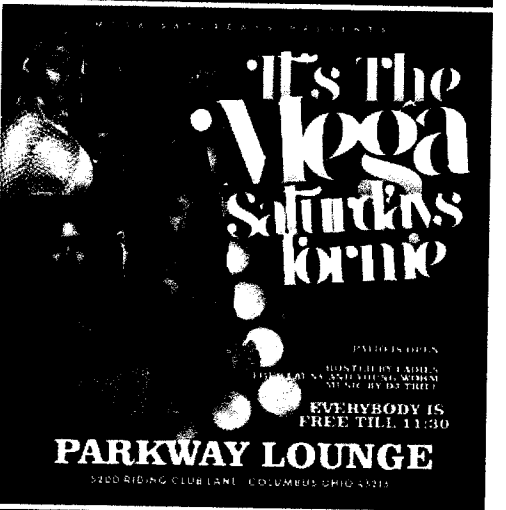
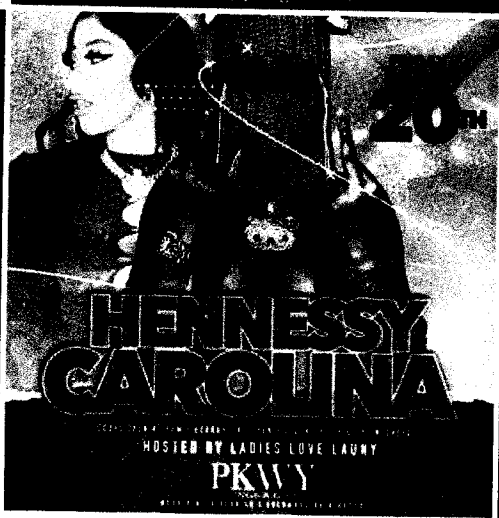
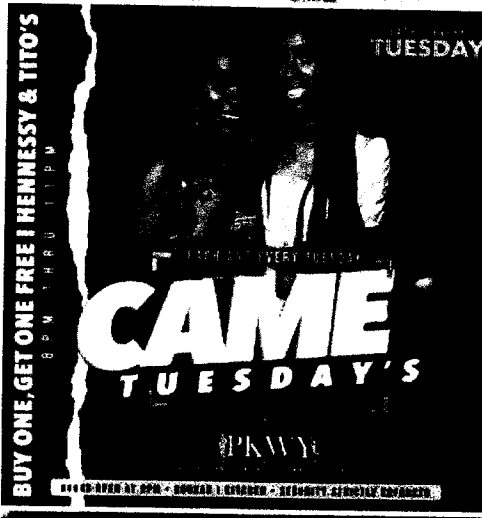
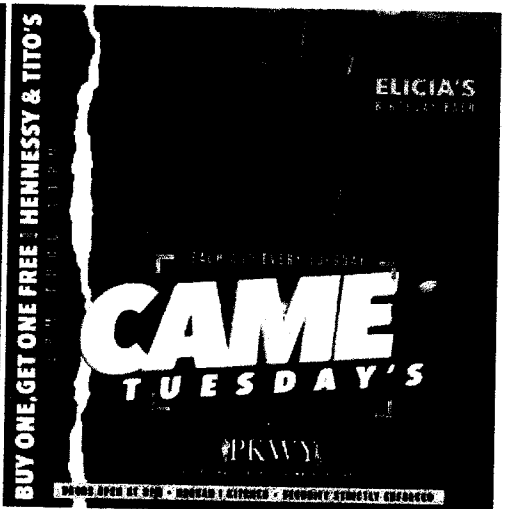
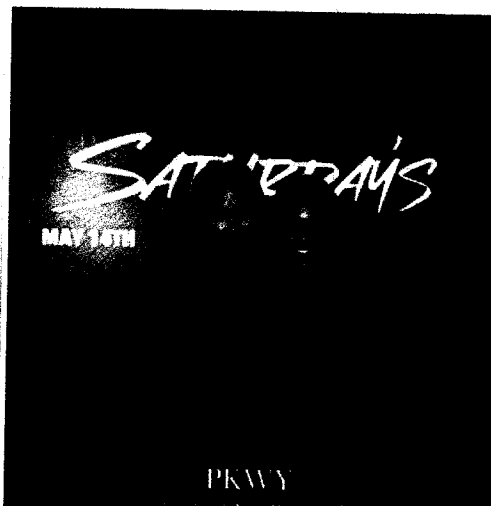
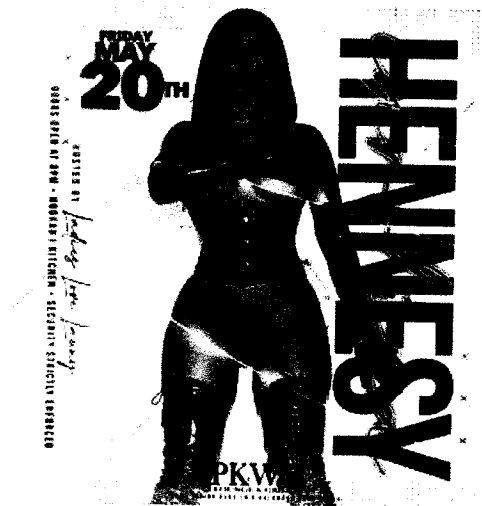


POSTS

REELS

VIDEOS

TAGGED



Use Eventbrite

[How it Works](#)

[Pricing](#)

[Event Blog](#)

Plan Events

[Online Registration](#)

[Sell Event Tickets](#)

[Event Management Software](#)

Find Events

[Browse Columbus Events](#)

[Get the Eventbrite App](#)

Connect With Us

[Report This Event](#)

[Help Center](#)

[Terms](#)

[Privacy](#)

[CA Privacy Notice](#)

[Accessibility](#)

[Community Guidelines](#)



© 2022 Eventbrite



PKWY Lounge and Grill



5200 Riding Club Lane, Columbus, OH 43213



Other events you may like



Wine Down Thursday

Thu, May 19, 6:00 PM

311 E Market St • Lima, OH

Starts at \$25.00





Share with friends



Date and time

Fri, May 27, 2022, 9:00 PM –

Sat, May 28, 2022, 2:00 AM EDT

Location

PKWY Lounge and Grill

5200 Riding Club Lane

Columbus, OH 43213

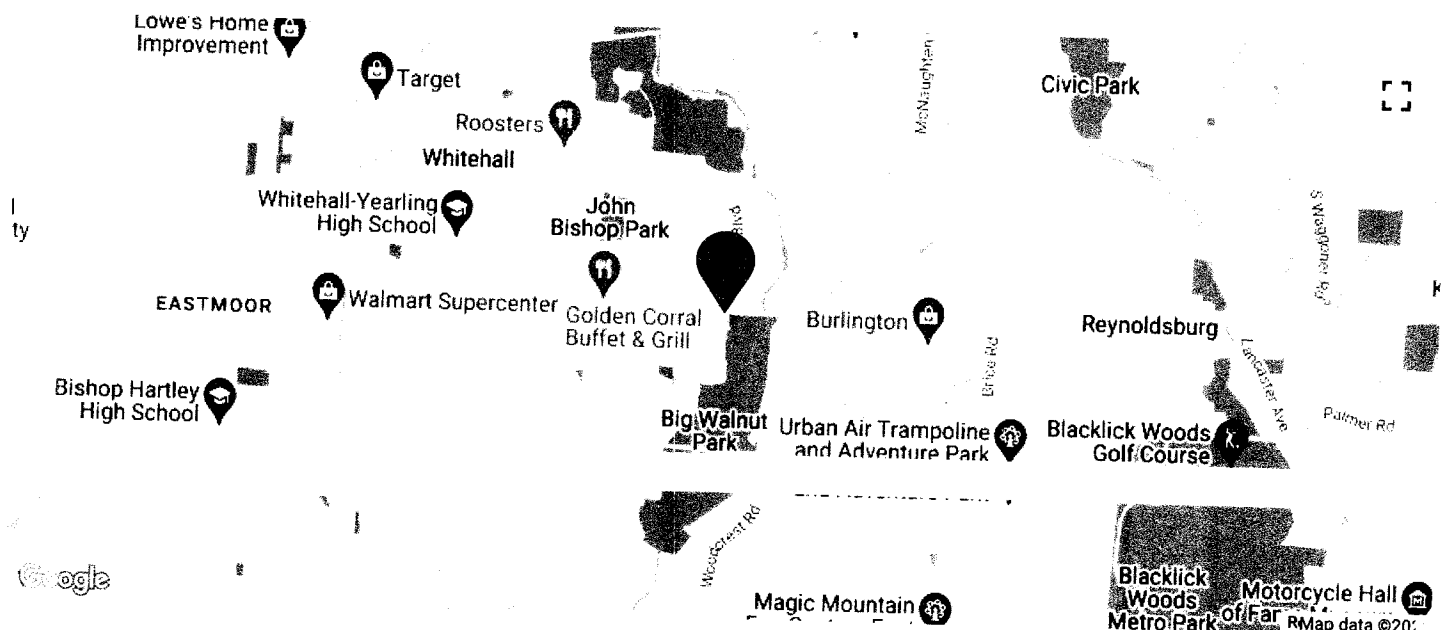
[View Map](#)

Refund policy

Contact the organizer to request a refund.
Eventbrite's fee is nonrefundable.

Derrick Porter & Sa'd Watkins

Organizer of Sleazy World Go / 21& Older Event

[Follow](#)[Contact](#)**Sleazy World Go / 21& Older Event**

at

INSTRUCTIONS FOR SERVICE

and

WAIVER OF NOTIFICATION

FILED
2022 MAY 16 PM 1:30

FRANKLIN COUNTY MUNICIPAL COURT
ENVIRONMENTAL CIVIL DIVISION, THIRD FLOOR
375 SOUTH HIGH STREET, COLUMBUS, OHIO 43215

FRANKLIN COUNTY
MUNICIPAL COURT
FORUM TRACK

STATE EX REL COLUMBUS CITY
ATTORNEY ZACH M. KLEIN

vs.

PKWY LOUNGE AND GRILL, ET AL.

Case No. 22 EVH 060355

TO THE CLERK OF COURTS:

You are instructed to make bailiff and certified mail service, return receipt requested, to the defendants at the addresses set forth in the caption of this complaint. If service of process by certified mail is returned by the postal authorities with an endorsement of "refused" or "unclaimed" and if the certificate of mailing can be deemed complete not less than five (5) days before any scheduled hearing, the undersigned waives notice of the failure of service by the clerk and requests ordinary mail service in accordance with civil rule 4.6 (c) or (d) and O.R.C. 1923.06.

Sarah C. Pomeroy (0093578)
Assistant City Attorney
City of Columbus 645-8619
ATTORNEY OF RECORD

Date: 5/16/22

Signature Sarah C. Pomeroy

2022 MAY 16 PM 1:32

V.

Defendants.

Case No.

JUDGE STEPHANIE MINGO

Parcel No. 010-201156-00

1. No attempts have been made to notify Respondents-Defendants of this motion for an *ex parte* temporary restraining order.
2. Notice of this Motion for an *ex parte* temporary restraining order should not be required because:
3. 5200 Riding Club Lane, Parcel No. 010-201156, Columbus, Ohio (“the Premises”) came to the attention of the Columbus Police Department (“CPD”) in 2021.
4. The Premises is a bar, club, and restaurant venue located on the East side of Columbus.
5. Since February 2021, there have been over sixty (60) calls for service and/or reports taken by the Columbus Division of Police (CPD), at the Premises, including shootings, shots fired, fights/disturbances, stabbings, thefts from motor vehicles, criminal damaging, and loud noise.
6. On February 20, 2021, CPD was dispatched to the location on the report of multiple gun shots fired. Officers recovered multiple shell casings in the parking lot. A bullet entered

an exterior wall of the bar and entered an interior bathroom. A vehicle was also struck by a bullet. The shots fired were the end result of a fight that began inside the bar.

7. On March 13, 2021, CPD was dispatched to the Premises on a report of several gun shots as a result of a fight inside and outside the bar. Two vehicles in the parking lot were struck by bullets. Officers recovered five shell casings in the parking lot.
8. On March 28, 2021, CPD was dispatched to the Premises when security located a handgun on a patron. While on scene, an unknown suspect fired gunshots in an adjacent parking lot used for bar parking. Shell casings were recovered by CPD.
9. On September 13, 2021, a women reported to CPD being assaulted inside by the bar, during which the suspect also reached for their firearm.
10. On December 12, 2021, a fight occurred in the parking lot of the Premises at the time of bar closing, during which two persons stabbed each other.
11. On January 23, 2022, a victim reported to CPD a fight at 5200 Riding Club involving gunshots, which officers in the area also heard. A witness stated a vehicle's passenger was also firing gunshots from a fleeing vehicle. The gun fire was believed to come from an automatic weapon. Two uninvolved vehicles were struck by a bullet during the incident. One of the vehicles had a 7 year old girl inside who was nearly struck by the bullet. A follow-up investigation determined that the suspects waited outside for people they were fighting inside the Premises.
12. On March 2, 2022, CPD was dispatched to the Premises on reports of a fight at the bar.
13. On March 6, 2022, CPD was dispatched to the Premises on reports of a group of at least ten (10) persons fighting in the parking lot outside the bar after 1:00 AM.
14. On March 19, 2022, CPD was dispatched to the Premises on reports of a group of at least five (5) persons fighting in the parking lot outside the bar.

15. On April 13, 2022, CPD was dispatched to the Premises on a report of a person inside the bar with a handgun.
16. On April 30, 2022, CPD arrested an individual for possession of a handgun inside the bar. The arrestee attempted to flee from officers during the arrest. The arrestee claimed he paid security officers at the bar \$200 to bring the gun inside the bar.
17. Also on April 30, 2022, CPD was dispatched to the Premises on the report of 6-7 gunshots fired at the bar.
18. On May 1, 2022, CPD was dispatched the Premises on reports of a large fight inside the bar.
19. Until May 4, 2022, the only liquor permit properly issued to the Premises was issued to 1714 Zettler LLC, doing business at Atlantis Grill & Sports Bar, Liquor Permit No. 6548277. Defendant John Delia was listed as the owner of this LLC for the purposes of the liquor permit issued to 1714 Zettler LLC.
20. Beginning in April 2021, the Division of Liquor Control opened a case against 1714 Zettler LLC's liquor permit (#6548277) for tax problems that could affect the ability to renew or transfer the permit. (*See Complaint Exhibit E.*)
21. In June 2021, PKWY Lounge & Grill applied for a transfer of the liquor permit issued to 1714 Zettler LLC, transfer permit number 6726677. The City of Columbus subsequently objected to this permit transfer. With a hearing still pending, the permit transfer request was rejected due to tax issues with the original permit issued to 1714 Zettler LLC.
22. PKWY Lounge & Grill LLC does not and has never had a liquor permit issued to the LLC or the Business, and, upon information and belief, it has operated to sell alcohol at the Premises previously illegally under a permit issued to 1714 Zettler LLC.
23. On September 30, 2021, the Liquor Control Commission received an appeal of the tax case, the decision for which was stayed the same day. (*See Complaint Exhibit E.*)

24. On November 18, 2021, the Division of Liquor Control reaffirmed continued outstanding tax issues for 1714 Zettler LLC that could affect the ability to renew or transfer the permit. (See *Complaint Exhibit E.*)
25. In December 2021, Denash Massage LLC applied for a transfer of the liquor permit issued to 1714 Zettler LLC, pending permit number 20138840005. The City of Columbus subsequently objected to this permit transfer, and the objection is still pending.
26. Denash Massage LLC does not and has never had a liquor permit issued to the LLC or the Business, and, upon information and belief, it has operated to sell alcohol at the Premises previously illegally under a permit issued to 1714 Zettler LLC.
27. In December 2021, the City of Columbus objected to the renewal of the liquor permit issued at the Premises to 1714 Zettler LLC.
28. On February 10, 2022, 1714 Zettler LLC received notice from the Division of Liquor Control that its 2022-2023 Liquor Permit Renewal Application would not be issued until the resolution of the outstanding tax issues, which include tax delinquency, liability and/or assessments. (See *Complaint Exhibit C.*)
29. The Division served this letter on 1714 Zettler LLC on February 17, 2022, and PKWY continued to sell alcohol at the Premises. (See *Complaint Exhibit C.*)
30. 1714 Zettler LLC did not appeal this non-renewal order by the time stated in the order—May 2, 2022.
31. Thus, on May 4, 2022, the Division of Liquor Control rejected the 2022-2023 renewal of the liquor permit issued to 1714 Zettler LLC (#6548277) that was in use for liquor sales at the Premises. As a result, the Division closed its case against this permit and permitholder, and rejected the transfer request of PKWY Lounge & Grill LLC. (See *Complaint Exhibits C, D, E.*)

32. As of May 4, 2022, there are no active liquor permits issued to the Premises, to 1714 Zettler LLC, to PWKY Lounge & Grill LLC, to Denash Message LLC, or any other person for possible use at this Premises. Liquor sales are thus prohibited at the Premises until a new liquor permit is obtained.
33. Upon information and belief, PKWY has continued to operate the business, including liquor sales, and CPD opened an investigation in conjunction with the Ohio Investigative Unit.
34. On May 5, 2022, PKWY Lounge Instagram page "pkwy_loungecolumbus_" advertised an event for May 27, 2022, called "Sleazy World Go" performing live with ticket sales through Eventbrite. (*See Complaint Exhibit F.*)
35. On May 6, 2022, CPD officers of the PACT unit covertly purchased beer and intoxicating liquor at the Premises. Prior to the covert purchase, PKWY had advertised that there would be a special event with performers that same evening. Officers observed the bar having beer and intoxicating liquor bottles on the shelves behind the bar, for sale.
36. On May 9, 2022, PKWY Lounge Instagram page "pkwy_loungecolumbus_" advertised an event for May 20, 2022, called "Hennessy Carolina". (*See Complaint Exhibit G.*)
37. On May 10, 2022, CPD officers of the PACT unit entered the Premises after witnessing an ad on Instagram advertising "Cameo Tuesday's" and "Buy one, get one free Hennessy and Tito's from 8PM to 11PM." Officers covertly purchased beer and intoxicating liquor from the Premises that evening. Officers witnessed the bartender pour the Tito's Vodka from the bottle. Officers observed the bartender take the 12 oz. commercially bottled Corona Extra beer from the cooler and remove the lid.
38. On May 14, 2022, PACT officers witnessed an Instagram advertisement posted on May 11, 2022, by PKWY Lounge, 5200 Riding Club Lane, stating "MEGA Saturday's" with doors opening at 10PM. Officers arrived at approximately 10:15PM but found the location

closed. Upon investigation, your affiant learned the location was vandalized on May 12, 2022 and the gas and water lines were damaged. Columbus Fire responded to scene and shut off the gas. As of filing, tickets were still being sold for on Eventbrite for May 27, 2022 from 9PM-2AM, "Sleazy World Go." The event is 21 years old and older. (*See Complaint Exhibit G.*)

39. On May 15, 2022, PKWY Lounge Instagram page "pkwy_loungecolumbus_" posted again an advertisement, "Hennessy Carolina," at 5200 Riding Club Lane, with doors opening at 8PM on Friday, May 20, 2022. (*See Complaint Exhibit G.*)

40. PKWY continues to advertise events, including for concerts on May 20 and May 27, 2022, and their "Cameo Tuesday's" posts reference that they have these specials "each and every Tuesday." (*See Complaint Exhibit G.*)

41. The Premises, and specifically the violent crime and illegal liquor sales at the property, constitute an imminent danger for those at the property and for those around the property.

42. Defendants plan to host additional events in the coming week, in which it is highly probable they will sell and/or distribute liquor, despite its failure to obtain a valid liquor permit from the State of Ohio, Division of Liquor Control.

43. 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 Defendants and the community.

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

45. Failure to issue a temporary restraining order to prohibit the presence, sale, and/or distribution of liquor at the Premises, until further Order of this Court, will allow the illegal liquor sales to continue and to be amplified through the events planned for the upcoming week. This blatant disregard for the law will occur but for an Order from

this Court. The sale of liquor at the Premises without a permit will result in immediate and irreparable injury, loss, and damage to the Plaintiff and thus the community.

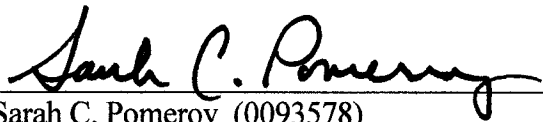
46. *Ex parte* orders governing the sale of liquor at the property is necessary in order to prevent the sale and/or distribution of liquor at events planned at the Premises this upcoming week.

47. 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.

48. The property rights of Defendants will be sufficiently protected in that they will be notified in advance of the hearing for Preliminary Injunctive Relief that will be held within roughly ten (10) days after issuing the *ex parte* Temporary Restraining Order.

Respectfully submitted,

**CITY OF COLUMBUS, DEPARTMENT OF LAW
ZACH KLEIN, CITY ATTORNEY**



Sarah C. Pomeroy (0093578)
Christopher C. Clark (0096257)
Assistant City Attorney
375 South High Street, 17th Floor
Columbus, Ohio 43215
Phone: 614-645-8619
Fax: 614-645-6548

scpomeroy@columbus.gov
cccclark@columbus.gov

Attorney for Plaintiff City of Columbus

IN THE FRANKLIN COUNTY MUNICIPAL COURT
ENVIRONMENTAL DIVISION
COLUMBUS, OHIO

2022 MAY 16 PM 1:33

STATE EX REL COLUMBUS CITY
ATTORNEY ZACH M. KLEIN

Plaintiff,

v.

PKWY LOUNGE AND GRILL, ET AL.

Defendants.

Case No.

JUDGE STEPHANIE MINGO

Parcel No. 010-201156-00

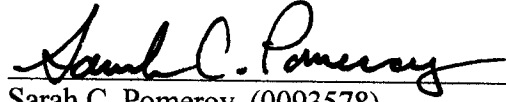
MOTION FOR EX PARTE TEMPORARY RESTRAINING ORDER

Plaintiff Columbus City Attorney Zach Klein. hereby moves for a temporary restraining order ("TRO") pursuant to R.C. 3767.04(B)(2) and Civ.R. 65(A). Support for this motion is found in the Affidavit Columbus Police Department Sergeant Stephen Oboczky (*Exhibit 1*), and the Certification of Assistant City Attorney Sarah C. Pomeroy (*Exhibit 2*) for Relator-Plaintiff Columbus City Attorney Zach Klein (hereinafter "Plaintiff"). Plaintiff moves this Court for an *ex parte* temporary restraining order against the Defendants and all persons acting in concert or participating with them in violating the Ohio Revised Code (hereinafter "R.C.") and Columbus City Code liquor laws at 5200 Riding Club Lane (hereinafter "Premises") or any other location pending hearing and determination of the Complaint for Preliminary and Permanent Injunctive Relief filed in the above-styled case. The illegal activity occurring at the Premises, as evidenced by the attached Complaint and Affidavit violates O.R.C. §§ 3767, Title 43, and Title 47 of the Columbus City Code, and constitutes a public nuisance as defined by O.R.C. § 3767 and C.C.C. § 4703 and constitutes an immediate threat to the life, health and safety of the area community.

Plaintiff further requests that the Premises be closed and padlocked against its use for any purpose until further order of this Court.

Respectfully Submitted,

**CITY OF COLUMBUS, DEPARTMENT OF LAW
ZACH KLEIN, CITY ATTORNEY**

A handwritten signature in black ink, appearing to read "Sarah C. Pomeroy", is written over a horizontal line.

Sarah C. Pomeroy (0093578)

Christopher C. Clark (0096257)

Assistant City Attorney

375 South High Street, 17th Floor

Columbus, Ohio 43215

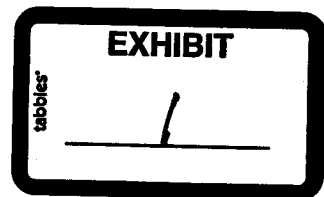
Phone: 614-645-8619

Fax: 614-645-6548

scpomeroy@columbus.gov

cccclark@columbus.gov

Attorney for Plaintiff City of Columbus



STATE OF OHIO)
CITY OF COLUMBUS) ss:
FRANKLIN COUNTY)

Affidavit of Sergeant Stephen Oboczky, Columbus Police Department:

Now comes Sergeant Stephen Oboczky, Columbus Police Department having been duly cautioned and sworn who says:

1. I am a Sergeant the Police and Community Together (PACT) Unit of the Columbus Police Department, and I am tasked with, in part, investigating and enforcing the Liquor Laws of the State of Ohio, as well as investigating criminal activity at liquor-permitted establishments in the City of Columbus.
2. 5200 Riding Club Lane, Parcel No. 010-201156, Columbus, Ohio ("the Premises") came to the attention of the Columbus Police Department ("CPD") in 2021.
3. The Premises is a bar, club, and restaurant venue located on the East side of Columbus.
4. Since February 2021, there have been over sixty (60) calls for service and/or reports taken by the Columbus Division of Police (CPD), at the Premises, including shootings, shots fired, fights/disturbances, stabbings, thefts from motor vehicles, criminal damaging, and loud noise.
5. On February 20, 2021, CPD was dispatched to the location on the report of multiple gun shots fired. Officers recovered multiple shell casings in the parking lot. A bullet entered an exterior wall of the bar and entered an interior bathroom. A vehicle was also struck by a bullet. The shots fired were the end result of a fight that began inside the bar.
6. On March 13, 2021, CPD was dispatched to the Premises on a report of several gun shots as a result of a fight inside and outside the bar. Two vehicles in the parking lot were struck by bullets. Officers recovered five shell casings in the parking lot.

7. On March 28, 2021, CPD was dispatched to the Premises when security located a handgun on a patron. While on scene, an unknown suspect fired gunshots in an adjacent parking lot used for bar parking. Shell casings were recovered by CPD.
8. On September 13, 2021, a women reported to CPD being assaulted inside by the bar, during which the suspect also reached for their firearm.
9. On December 12, 2021, a fight occurred in the parking lot of the Premises at the time of bar closing, during which two persons stabbed each other.
10. On January 23, 2022, a victim reported to CPD a fight at 5200 Riding Club involving gunshots, which officers in the area also heard. A witness stated a vehicle's passenger was also firing gunshots from a fleeing vehicle. The gun fire was believed to come from an automatic weapon. Two uninvolved vehicles were struck by a bullet during the incident. One of the vehicles had a 7 year old girl inside who was nearly struck by the bullet. A follow-up investigation determined that the suspects waited outside for people they were fighting inside the Premises.
11. On March 2, 2022, CPD was dispatched to the Premises on reports of a fight at the bar.
12. On March 6, 2022, CPD was dispatched to the Premises on reports of a group of at least ten (10) persons fighting in the parking lot outside the bar after 1:00 AM.
13. On March 19, 2022, CPD was dispatched to the Premises on reports of a group of at least five (5) persons fighting in the parking lot outside the bar.
14. On April 13, 2022, CPD was dispatched to the Premises on a report of a person inside the bar with a handgun.
15. On April 30, 2022, CPD arrested an individual for possession of a handgun inside the bar. The arrestee attempted to flee from officers during the arrest. The arrestee claimed he paid security officers at the bar \$200 to bring the gun inside the bar.

16. Also on April 30, 2022, CPD was dispatched to the Premises on the report of 6-7 gunshots fired at the bar.
17. On May 1, 2022, CPD was dispatched the Premises on reports of a large fight inside the bar.
18. Until May 4, 2022, the only liquor permit properly issued to the Premises was issued to 1714 Zettler LLC, doing business at Atlantis Grill & Sports Bar, Liquor Permit No. 6548277. Defendant John Delia was listed as the owner of this LLC for the purposes of the liquor permit issued to 1714 Zettler LLC.
19. Beginning in April 2021, the Division of Liquor Control opened a case against 1714 Zettler LLC's liquor permit (#6548277) for tax problems that could affect the ability to renew or transfer the permit.
20. In June 2021, PKWY Lounge & Grill applied for a transfer of the liquor permit issued to 1714 Zettler LLC, transfer permit number 6726677. The City of Columbus subsequently objected to this permit transfer. With a hearing still pending, the permit transfer request was rejected due to tax issues with the original permit issued to 1714 Zettler LLC.
21. PKWY Lounge & Grill LLC does not and has never had a liquor permit issued to the LLC or the Business, and, upon information and belief, it has operated to sell alcohol at the Premises previously illegally under a permit issued to 1714 Zettler LLC.
22. On September 30, 2021, the Liquor Control Commission received an appeal of the tax case, the decision for which was stayed the same day.
23. On November 18, 2021, the Division of Liquor Control reaffirmed continued outstanding tax issues for 1714 Zettler LLC that could affect the ability to renew or transfer the permit.
24. In December 2021, Denash Massage LLC applied for a transfer of the liquor permit issued to 1714 Zettler LLC, pending permit number 20138840005. The City of Columbus subsequently objected to this permit transfer, and the objection is still pending.

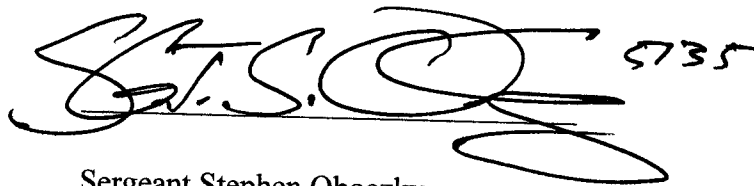
25. Denash Massage LLC does not and has never had a liquor permit issued to the LLC or the Business, and, upon information and belief, it has operated to sell alcohol at the Premises previously illegally under a permit issued to 1714 Zettler LLC.
26. In December 2021, the City of Columbus objected to the renewal of the liquor permit issued at the Premises to 1714 Zettler LLC.
27. On February 10, 2022, 1714 Zettler LLC received notice from the Division of Liquor Control that its 2022-2023 Liquor Permit Renewal Application would not be issued until the resolution of the outstanding tax issues, which include tax delinquency, liability and/or assessments.
28. The Division served this letter on 1714 Zettler LLC on February 17, 2022, and PKWY continued to sell alcohol at the Premises.
29. 1714 Zettler LLC did not appeal this non-renewal order by the time stated in the order—May 2, 2022.
30. Thus, on May 4, 2022, the Division of Liquor Control rejected the 2022-2023 renewal of the liquor permit issued to 1714 Zettler LLC (#6548277) that was in use for liquor sales at the Premises. As a result, the Division closed its case against this permit and permitholder, and rejected the transfer request of PKWY Lounge & Grill LLC.
31. As of May 4, 2022, there are no active liquor permits issued to the Premises, to 1714 Zettler LLC, to PWKY Lounge & Grill LLC, to Denash Message LLC, or any other person for possible use at this Premises. Liquor sales are thus prohibited at the Premises until a new liquor permit is obtained.
32. Upon information and belief, PKWY has continued to operate the business, including liquor sales, and CPD opened an investigation in conjunction with the Ohio Investigative Unit.

33. On May 5, 2022, PKWY Lounge Instagram page "pkwy_loungecolumbus_" advertised an event for May 27, 2022, called "Sleazy World Go" performing live with ticket sales through Eventbrite.
34. On May 6, 2022, CPD officers of the PACT unit covertly purchased beer and intoxicating liquor at the Premises. Prior to the covert purchase, PKWY had advertised that there would be a special event with performers that same evening. Officers observed the bar having beer and intoxicating liquor bottles on the shelves behind the bar, for sale.
35. On May 9, 2022, PKWY Lounge Instagram page "pkwy_loungecolumbus_" advertised an event for May 20, 2022, called "Hennessy Carolina".
36. On May 10, 2022, CPD officers of the PACT unit entered the Premises after witnessing an ad on Instagram advertising "Cameo Tuesday's" and "Buy one, get one free Hennessy and Tito's from 8PM to 11PM." Officers covertly purchased beer and intoxicating liquor from the Premises that evening. Officers witnessed the bartender pour the Tito's Vodka from the bottle. Officers observed the bartender take the 12 oz. commercially bottled Corona Extra beer from the cooler and remove the lid.
37. On May 14, 2022, PACT officers witnessed an Instagram advertisement posted on May 11, 2022, by PKWY Lounge, 5200 Riding Club Lane, stating "MEGA Saturday's" with doors opening at 10PM. Officers arrived at approximately 10:15PM but found the location closed. Upon investigation, your affiant learned the location was vandalized on May 12, 2022 and the gas and water lines were damaged. Columbus Fire responded to scene and shut off the gas. As of filing, tickets were still being sold for on Eventbrite for May 27, 2022 from 9PM-2AM, "Sleazy World Go." The event is 21 years old and older.
38. On May 15, 2022, PKWY Lounge Instagram page "pkwy_loungecolumbus_" posted again an advertisement, "Hennessy Carolina," at 5200 Riding Club Lane, with doors opening at 8PM on Friday, May 20, 2022.

39. PKWY continues to advertise events, including for concerts on May 20 and May 27, 2022, and their "Cameo Tuesday's" posts reference that they have these specials "each and every Tuesday."
40. The Premises, and specifically the violent crime and illegal liquor sales at the property, constitute an imminent danger for those at the property and for those around the property.
41. Defendants plan to host additional events in the coming week, in which it is highly probably they will sell and/or distribute liquor, despite its failure to obtain a valid liquor permit from the State of Ohio, Division of Liquor Control.
42. 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 Defendants and the community.
43. *Ex parte* closure of the property is necessary in order to prevent destruction or removal of contraband or other property.
44. Failure to issue a temporary restraining order to prohibit the presence, sale, and/or distribution of liquor at the Premises, until further Order of this Court, will allow the illegal liquor sales to continue and to be amplified through the events planned for the upcoming week. This blatant disregard for the law will occur but for an Order from this Court. The sale of liquor at the Premises without a permit will result in immediate and irreparable injury, loss, and damage to the Plaintiff and thus the community.
45. *Ex parte* orders governing the sale of liquor at the property is necessary in order to prevent the sale and/or distribution of liquor at events planned at the Premises this upcoming week.
46. 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.

47. The property rights of Defendants will be sufficiently protected in that they will be notified in advance of the hearing for Preliminary Injunctive Relief that will be held within roughly ten (10) days after issuing the *ex parte* Temporary Restraining Order.

FURTHER SAYETH NAUGHT.

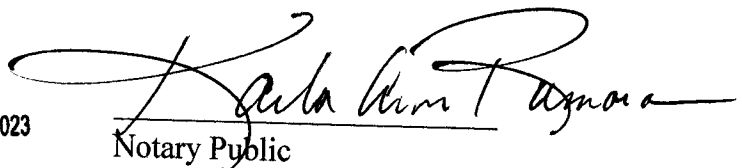
 5735

Sergeant Stephen Oboczky

Sworn to and Subscribed in my presence this 16th day of May 2022.



KARLA ANN RUMORA
Notary Public, State of Ohio
My Commission Expires 04-10-2023


Notary Public

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

**STATE EX REL COLUMBUS CITY
ATTORNEY ZACH M. KLEIN**
Columbus City Attorney, Zone Initiative
375 South High Street, 17th Floor
Columbus, Ohio 43215,

Relator-Plaintiff,

v.

PKWY LOUNGE AND GRILL
Attn: John Delia and/or Asia Majors, owner
5200 Riding Club Lane
Columbus, Ohio 43213

AND

1714 ZETTLER LLC
Attn: Andrea Black, stat. agent
5600 Naiche Road
Columbus, Ohio 43213

AND

JOHN DELIA
5600 Naiche Road
Columbus, Ohio 43213

AND

PKWY LOUNGE & GRILL LLC
Attn: Asia Majors, stat. agent
3222 Scottwood Road
Columbus, Ohio 43227

AND

DENASH MASSAGE LLC
Attn: Ashley D. Trimble, stat. agent
417 Hill Road North
Pickerington, Ohio 43147

AND

5600 NAICHE LLC

Case No. **22 EVH 060355**

JUDGE STEPHANIE MINGO

FILED
Franklin Co. Municipal Court

MAY 16 2022

Lori M. Tyack Clerk

By _____
Deputy Clerk

IMAGED

Attn: Andrea Black, stat. agent :
5600 Naiche Road :
Columbus, Ohio 43213 :

AND :

WYANDOTTE ATHLETIC CLUB LLC :
Attn: Thomas J. Novack, Esq., stat. agent :
85 East Wilson Bridge Road :
Worthington, Ohio 43085 :

AND :

NAR OHIO LLC :
Attn: Austin B. Barnes, III, stat. agent :
1213 Prospect Avenue, Suite 300 :
Cleveland, Ohio 44115 :

AND :

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

AND :

REAL PROPERTY LOCATED AT: :
5200 Riding Club Lane :
Columbus, Ohio 43213 :

Parcel No. 010-201156-00

Respondents-Defendants. :

TEMPORARY RESTRAINING ORDER

This matter came before the Court on May 16, 2022, on Relator-Plaintiff'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-Plaintiff has established that Respondents-Defendants are owners and/or person in charge, care or control of the property

located at 5200 Riding Club Lane, Columbus, Ohio, Parcel No. 010-201156 (“the Premises”).

Plaintiff asserts and the Court hereby **FINDS** the following:

1. The real property that is the subject matter of this complaint is located at 5200 Riding Club Lane, Columbus, Ohio 43213, known as Franklin County Permanent Parcel No. 010-201156 (hereinafter “the Premises”), situated in the City of Columbus, Franklin County, Ohio.
2. 5600 Naiche LLC is the real property owner of the Premises, the property located at 5200 Riding Club Lane, Ohio 43213, and has been the owner since May 3, 2019.
3. There is no valid liquor permit issued to the Premises.
4. The Premises is a bar, club, and restaurant venue located on the East side of Columbus.
5. Since February 2021, there have been over sixty (60) calls for service and/or reports taken by the Columbus Division of Police (CPD), at the Premises, including shootings, shots fired, fights/disturbances, stabbings, thefts from motor vehicles, criminal damaging, and loud noise.
6. On February 20, 2021, CPD was dispatched to the location on the report of multiple gun shots fired. Officers recovered multiple shell casings in the parking lot. A bullet entered an exterior wall of the bar and entered an interior bathroom. A vehicle was also struck by a bullet. The shots fired were the end result of a fight that began inside the bar.
7. On March 13, 2021, CPD was dispatched to the Premises on a report of several gun shots as a result of a fight inside and outside the bar. Two vehicles in the parking lot were struck by bullets. Officers recovered five shell casings in the parking lot.
8. On March 28, 2021, CPD was dispatched to the Premises when security located a handgun on a patron. While on scene, an unknown suspect fired gunshots in an adjacent parking lot used for bar parking. Shell casings were recovered by CPD.

9. On September 13, 2021, a women reported to CPD being assaulted inside by the bar, during which the suspect also reached for their firearm.
10. On December 12, 2021, a fight occurred in the parking lot of the Premises at the time of bar closing, during which two persons stabbed each other.
11. On January 23, 2022, a victim reported to CPD a fight at 5200 Riding Club involving gunshots, which officers in the area also heard. A witness stated a vehicle's passenger was also firing gunshots from a fleeing vehicle. The gun fire was believed to come from an automatic weapon. Two uninvolved vehicles were struck by a bullet during the incident. One of the vehicles had a 7 year old girl inside who was nearly struck by the bullet. A follow-up investigation determined that the suspects waited outside for people they were fighting inside the Premises.
12. On March 2, 2022, CPD was dispatched to the Premises on reports of a fight at the bar.
13. On March 6, 2022, CPD was dispatched to the Premises on reports of a group of at least ten (10) persons fighting in the parking lot outside the bar after 1:00 AM.
14. On March 19, 2022, CPD was dispatched to the Premises on reports of a group of at least five (5) persons fighting in the parking lot outside the bar.
15. On April 13, 2022, CPD was dispatched to the Premises on a report of a person inside the bar with a handgun.
16. On April 30, 2022, CPD arrested an individual for possession of a handgun inside the bar. The arrestee attempted to flee from officers during the arrest. The arrestee claimed he paid security officers at the bar \$200 to bring the gun inside the bar.
17. Also on April 30, 2022, CPD was dispatched to the Premises on the report of 6-7 gunshots fired at the bar.
18. On May 1, 2022, CPD was dispatched the Premises on reports of a large fight inside the bar.

19. Until May 4, 2022, the only liquor permit properly issued to the Premises was issued to 1714 Zettler LLC, doing business at Atlantis Grill & Sports Bar, Liquor Permit No. 6548277. Defendant John Delia was listed as the owner of this LLC for the purposes of the liquor permit issued to 1714 Zettler LLC.
20. Beginning in April 2021, the Division of Liquor Control opened a case against 1714 Zettler LLC's liquor permit (#6548277) for tax problems that could affect the ability to renew or transfer the permit.
21. In June 2021, PKWY Lounge & Grill applied for a transfer of the liquor permit issued to 1714 Zettler LLC, transfer permit number 6726677. The City of Columbus subsequently objected to this permit transfer. With a hearing still pending, the permit transfer request was rejected due to tax issues with the original permit issued to 1714 Zettler LLC.
22. PKWY Lounge & Grill LLC does not and has never had a liquor permit issued to the LLC or the Business, and, upon information and belief, it has operated to sell alcohol at the Premises previously illegally under a permit issued to 1714 Zettler LLC.
23. On September 30, 2021, the Liquor Control Commission received an appeal of the tax case, the decision for which was stayed the same day.
24. On November 18, 2021, the Division of Liquor Control reaffirmed continued outstanding tax issues for 1714 Zettler LLC that could affect the ability to renew or transfer the permit.
25. In December 2021, Denash Massage LLC applied for a transfer of the liquor permit issued to 1714 Zettler LLC, pending permit number 20138840005. The City of Columbus subsequently objected to this permit transfer, and the objection is still pending.
26. Denash Massage LLC does not and has never had a liquor permit issued to the LLC or the Business, and, upon information and belief, it has operated to sell alcohol at the Premises previously illegally under a permit issued to 1714 Zettler LLC.

27. In December 2021, the City of Columbus objected to the renewal of the liquor permit issued at the Premises to 1714 Zettler LLC.
28. On February 10, 2022, 1714 Zettler LLC received notice from the Division of Liquor Control that its 2022-2023 Liquor Permit Renewal Application would not be issued until the resolution of the outstanding tax issues, which include tax delinquency, liability and/or assessments.
29. The Division served this letter on 1714 Zettler LLC on February 17, 2022, and PKWY continued to sell alcohol at the Premises.
30. 1714 Zettler LLC did not appeal this non-renewal order by the time stated in the order—May 2, 2022.
31. Thus, on May 4, 2022, the Division of Liquor Control rejected the 2022-2023 renewal of the liquor permit issued to 1714 Zettler LLC (#6548277) that was in use for liquor sales at the Premises. As a result, the Division closed its case against this permit and permit holder, and rejected the transfer request of PKWY Lounge & Grill LLC.
32. As of May 4, 2022, there are no active liquor permits issued to the Premises, to 1714 Zettler LLC, to PWKY Lounge & Grill LLC, to Denash Message LLC, or any other person for possible use at this Premises. Liquor sales are thus prohibited at the Premises until a new liquor permit is obtained.
33. Upon information and belief, PKWY has continued to operate the business, including liquor sales, and CPD opened an investigation in conjunction with the Ohio Investigative Unit.
34. On May 5, 2022, PKWY Lounge Instagram page “pkwy_loungecolumbus_” advertised an event for May 27, 2022, called “Sleazy World Go” performing live with ticket sales through Eventbrite.

35. On May 6, 2022, CPD officers of the PACT unit covertly purchased beer and intoxicating liquor at the Premises. Prior to the covert purchase, PKWY had advertised that there would be a special event with performers that same evening. Officers observed the bar having beer and intoxicating liquor bottles on the shelves behind the bar, for sale.
36. On May 9, 2022, PKWY Lounge Instagram page “pkwy_loungecolumbus_” advertised an event for May 20, 2022, called “Hennessy Carolina”.
37. On May 10, 2022, CPD officers of the PACT unit entered the Premises after witnessing an ad on Instagram advertising “Cameo Tuesday’s” and “Buy one, get one free Hennessy and Tito’s from 8PM to 11PM.” Officers covertly purchased beer and intoxicating liquor from the Premises that evening. Officers witnessed the bartender pour the Tito's Vodka from the bottle. Officers observed the bartender take the 12 oz. commercially bottled Corona Extra beer from the cooler and remove the lid.
38. On May 14, 2022, PACT officers witnessed an Instagram advertisement posted on May 11, 2022, by PKWY Lounge, 5200 Riding Club Lane, stating "MEGA Saturday's" with doors opening at 10PM. Officers arrived at approximately 10:15PM but found the location closed. Upon investigation, your affiant learned the location was vandalized on May 12, 2022 and the gas and water lines were damaged. Columbus Fire responded to scene and shut off the gas. As of filing, tickets were still being sold for on Eventbrite for May 27, 2022 from 9PM-2AM, "Sleazy World Go." The event is 21 years old and older.
39. On May 15, 2022, PKWY Lounge Instagram page “pkwy_loungecolumbus_” posted again an advertisement, “Hennessy Carolina,” at 5200 Riding Club Lane, with doors opening at 8PM on Friday, May 20, 2022.
40. PKWY continues to advertise events, including for concerts on May 20 and May 27, 2022, and their “Cameo Tuesday’s” posts reference that they have these specials “each and every Tuesday.”

41. The Premises, and specifically the violent crime and illegal liquor sales at the property, constitute an imminent danger for those at the property and for those around the property.
42. Defendants plan to host additional events in the coming week, in which it is highly probable they will sell and/or distribute liquor, despite its failure to obtain a valid liquor permit from the State of Ohio, Division of Liquor Control.
43. 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 Defendants and the community.
44. *Ex parte* closure of the property is necessary in order to prevent destruction or removal of contraband or other property.
45. Failure to issue a temporary restraining order to prohibit the presence, sale, and/or distribution of liquor at the Premises, until further Order of this Court, will allow the illegal liquor sales to continue and to be amplified through the events planned for the upcoming week. This blatant disregard for the law will occur but for an Order from this Court. The sale of liquor at the Premises without a permit will result in immediate and irreparable injury, loss, and damage to the Plaintiff and thus the community.
46. *Ex parte* orders governing the sale of liquor at the property is necessary in order to prevent the sale and/or distribution of liquor at events planned at the Premises this upcoming week.
47. 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.
48. The property rights of Defendants will be sufficiently protected in that they will be notified in advance of the hearing for Preliminary Injunctive Relief that will be held within roughly ten (10) days after issuing the *ex parte* Temporary Restraining Order.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

City's Exhibits A-G are admitted.

Relator-Plaintiff has established by clear and convincing evidence that the liquor violations, violent crimes, and illegal/unsafe activity occurring at the Premises—in violation of O.R.C. Titles 37 and 43 and C.C.C. Title 47—continue to cause irreparable harm to the community. Respondents-Defendants have violated provisions of O.R.C. §§ 4301.22, 4301.58, 4303 (*et seq.*), 4399.09(A) in continuing to sell liquor without a valid permit; and that the property is a nuisance per se as defined in O.R.C. § 3719.10 and § 3767.01, and C.C.C. § 4703.01.

It is further **ORDERED** that all persons are hereby preliminarily enjoined from further maintaining a public nuisance at or on the Premises.

It is further **ORDERED** that the Premises located at 5200 Riding Club Lane in its entirety, including all structures, buildings, curtilage, parking lot areas and/or enclosures, 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 O.R.C. § 3767.04. Board-up of the Premises shall be executed by close-of-business on May 17, 2022.

It is further **ORDERED** 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 business. Said occupants may be forcibly detained during the execution of this order.

It is further **ORDERED** that the Columbus Police is authorized to seize and inventory any and all personal property located in 5200 Riding Club Lane related to or in connection with the illegal conduct, including but not limited to any beer or intoxicating liquor stored at the Premises. The Columbus Division of Police may 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.

It is further **ORDERED** that there shall not be any liquor (to include beer, wine, and spirituous liquor) present at the Premises until further order of this Court. Furthermore, there shall be no sale or distribution of any liquor (to include beer, wine, and spirituous liquor) at the Premises until further order of this Court.

Any violation of this order, including mutilation of this order, is contempt of court, punishable as a first degree misdemeanor.

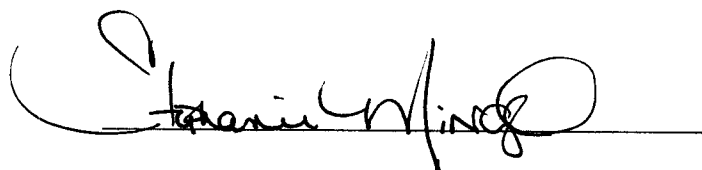
This case is continued for further preliminary hearing on the merits of Plaintiff's Complaint for Preliminary and Permanent Injunctive Relief on the 26th day of May, 2022 at 9AM A.M./P.M. in courtroom 15B, located on the 15th floor of 375 S. High Street, Columbus, Ohio 43215. This Order shall remain 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-Plaintiff'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, liquor, 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.

5-16-2022

DATE

A handwritten signature in black ink, appearing to read "Stephanie Mingo", is written over a horizontal line. The signature is fluid and cursive.

JUDGE STEPHANIE MINGO