

IN THE JACKSON COUNTY MUNICIPAL COURT
JACKSON, OHIO

KIM WOODS
3509 Monroe Hollow Road
Oak Hill, Ohio 45656

Plaintiff,

-vs-

DANNY COLEMAN
3509 Monroe Hollow Road
Oak Hill, Ohio 45656,

Defendant.

FILED

APR 26 2001

Case No. 01 CVG 444

JACKSON CO. MUNICIPAL COURT Judge JOHNSTON
Kimberly A. Riegel, Clerk

**ORDER AND PRELIMINARY
INJUNCTION**

Pursuant to the order of this Court, on April 25, 2001 this matter came for evidentiary hearing on issues relating to Plaintiff's request for a Preliminary Injunction. Present were Plaintiff, Plaintiff's counsel Benjamin Home and Jim Buchanan, and Defendant.

ORDER

Plaintiff, through her testimony as well as the testimony and evidence offered by Mindy Daiton of the Jackson County Health Department, has met the burdens of Ohio Civil Rule 65. Specifically, she has shown:

1) There will be irreparable harm to Plaintiff and her family if the injunctive relief is not ordered. Plaintiff and her family have been harmed and will continue to be harmed by living in a house with no working toilet and no running water. The evidence shows that because of the lack

of a working toilet, Plaintiff and her family are forced to use a public rest area or request to use the bathrooms of friends and neighbors. The evidence shows that with no running water, Plaintiff and her family must ask friends or relatives for drinking water, haul water from a creek for cooking and cleaning, and bathe at a relative's residence. There is no way to fully compensate Plaintiff for this harm by money damages.

2) The balance between this irreparable harm and the hardship upon the Defendant if the injunctive relief is ordered clearly favors the Plaintiff. Plaintiff's irreparable harm if the injunctive relief is not granted is mentioned above and is substantial. The hardship on the Defendant if the injunction is granted is minimal because Defendant will only be "restrained" to do what he is legally required to do. This injunction will not be "burdensome" upon the Defendant in that the law otherwise demands this action.

3) Plaintiff has overwhelmingly shown a high likelihood of success of the merits of her suit. The evidence before the court demonstrates that the Defendant has been aware of his obligations as a landlord under Ohio Revised Code section 5321.04, and has refused to comply with those duties, causing irreparable harm to Plaintiff and her family.

4) There will be benefits to the public interest if this injunction is granted. Compliance with the laws created by the state legislature is unquestionably in the public interest.

Upon consideration of the evidence heard in open court, it appears that Defendant is in violation of Ohio's Landlord-Tenant law, O.R.C. 5321.04, in that he has refused to provide Plaintiff's residence with running water and a working septic system or to repair conditions in violation of Ohio law and Jackson County Health Department Regulations. Plaintiff will be irreparably injured unless Defendant is preliminarily enjoined from continuing these violations,

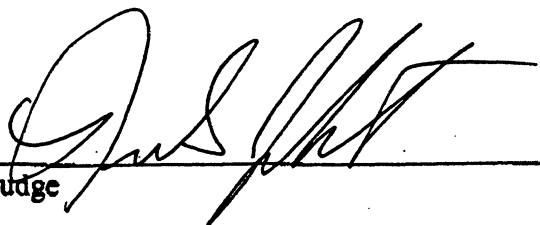
and her family will suffer immediate harm.

THEREFORE it is ORDERED, ADJUDGED, AND DECREED that:

1. Defendant Danny Coleman be, and hereby is, preliminarily enjoined from
 - (A) refusing to pump or otherwise remedy the septic system of plaintiff's residence so as to provide plaintiff and her family with a working toilet,
 - (B) refusing to supply running water and reasonable amounts of hot water to plaintiff's residence,
 - (C) refusing to comply with Ohio's Landlord-Tenant law and Jackson County's Sanitary Housing Regulations.
2. Defendant will make all repairs required to correct the violations of O.R.C. 5321.04 and Jackson County's Sanitary Housing Regulations by ~~April~~ ^{MAY 7, 2001.} _____, 2001.
3. This Preliminary Injunction shall remain in effect until final disposition of this case, unless earlier modified or vacated by further Order of this Court.
4. Pursuant to Civil Rule 65(C), the Court fixes the amount of the bond at \$0.
5. Any person 18 years of age or older and not a party to this suit may serve this Preliminary Injunction on the Defendants or it may be served as provided in Civil Rule 65(E).

It is so ordered.

April 26, 2001
Date



Judge