

STATE OF OHIO :
 : SS
CUYAHOGA COUNTY :

IN THE COURT OF COMMON PLEAS

CASE NO. 981546

LINDA NIXON, et al :

Plaintiffs :

vs :

ORDER

JOHNNY SCALES :

Defendant :

SAM A. ZINGALE, J.:

This cause was heard on the twenty-eighth day of March, 1978, upon the Verified Complaint, Motion to Show Cause, Motion for Preliminary Injunction, Motion to Dismiss, and the testimony of witnesses and exhibits received into evidence. The Court makes the following findings of fact, conclusions of law, and orders:

FINDINGS OF FACT

Plaintiffs have demonstrated by sufficient, reliable and probative evidence that:

1. Each of the plaintiffs is a tenant at the residential premises known as 2894 East 102nd Street, Cleveland, Ohio;
2. Defendant is the owner and landlord of the residential premises located at 2894 East 102nd Street, Cleveland, Ohio;
3. Plaintiffs have not been furnished heat at the residential premises since March 3, 1978 and have not been furnished hot water at the residential premises since March 13, 1978, and continue to be without heat and hot water at the residential premises;
4. Plaintiffs have notified the defendant of the lack of utility services and the defendant has not restored heat and hot water services to the residential premises;

5. Defendant has notified plaintiffs to terminate their tenancy and vacate the residential premises;

6. The tenancy is one within the purview of Revised Code Chapter 5321;

7. Defendant terminated the utility services of heat and hot water to the residential premises for the purpose of recovering possession of the premises in violation of Revised Code §5321.15;

8. The relief demanded is one to which the plaintiffs are entitled;

9. Such relief consists in restraining the commission or continuance of an act the commission or continuance of which, during the litigation, would produce irreparable injury to the plaintiffs and tend to render the judgment ineffectual;

10. Plaintiffs have suffered and continue to suffer irreparable injury tending to render any judgment ineffectual;

11. The giving of bond in the sum of One Dollar (\$1.00) will secure to defendant any damages he may sustain if it is finally decided that this order should not have been granted.

CONCLUSIONS

1. This Court has jurisdiction of the subject matter of this action;

2. This Court has jurisdiction over all the parties to this action;

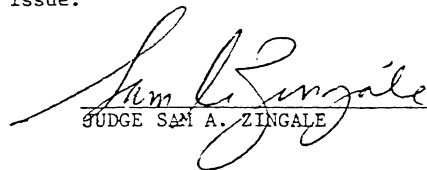
3. This Court has the authority to enjoin violations of Section 5321.15 of the Revised Code;

4. Plaintiffs have demonstrated by sufficient, reliable and probative evidence that a preliminary injunction should issue;

It is therefore ordered that, pending a trial on the merits, defendant Johnny Scales, his agents, employees, attorneys, successors and assigns, and all other persons in active concert and participation with them and they hereby are, enjoined from initiating any act, including termination of utilities or services, against plaintiffs, for the purpose of recovering possession of the premises other than as provided in Chapters 1923, 5303 and 5321 Ohio Revised Code, or as otherwise provided by law.

It is further ordered that plaintiffs shall post with the clerk a cash bond in the sum of One Dollar (\$1.00).

Preliminary injunction to issue.


JUDGE SAM A. ZINGALE

4/6/78
Date