

IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY, OHIO

MIAMI TOWNSHIP BOARD OF TRUSTEES,	:	CASE NO. 2019 CV 05444
Plaintiff,	:	JUDGE RICHARD S. SKELTON
	:	
v.	:	
	:	
DARREN POWLETTE, et al.,	:	<u>MOTION TO SHOW CAUSE</u>
Defendants.	:	

Now comes the Plaintiff, Miami Township Board of Trustees, by and through counsel, and moves this Court for an order to show cause why Darren Powlette and Stoney Hill Rustic Wedding, LLC should not be held in contempt. On December 29, 2021, this Court issued its Final Judgement Entry: Injunction, wherein this Court expressly held:

Now therefore, it is hereby ORDERED, ADJUDGED, AND DECREED that Defendants, Darren Powlette and Stoney Hill Rustic Wedding, LLC (including officers, agents, servants, and employees, attorneys and those persons in active concert or participation with them), are ENJOINED AND PROHIBITED from renting, leasing, or otherwise operating for a fee, the barn located at 7757 Upper Miamisburg Road, Miami Township, Montgomery County, Ohio, for weddings, receptions, graduation parties, or other celebratory events; it is FURTHER ORDERED that Defendants shall pay the costs of this action and this Court will retain jurisdiction for the purpose of enforcing this Judgment.

Subsequent to the issuance of this Order, Plaintiff filed a Motion to Show Cause on May 27, 2022. Consequently, this Court issued an Order Setting the Show Cause Hearing for July 1, 2022. As a result of said hearing, this Court entered a decision on August 30, 2022 finding the

Defendants in contempt of this Court's December 29, 2021 Injunction. Since the July 1, 2022 hearing, and more importantly the August 30, 2022 contempt finding in which Defendants were again put on notice of the consequence of hosting celebratory events, Defendants have hosted celebratory and/or special events at the property on at least 18 occasions:¹ to wit: July 9, 2022, July 16, 2022, July 23, 2022, July 30, 2022, August 6, 2022, August 13, 2022, August 27, 2022, September 3, 2022, September 8, 2022, September 10, 2022, September 17, 2022, September 25, 2022, October 1, 2022, October 15, 2022, October 29, 2022, November 5, 2022, November 25, 2022, and December 3, 2022. Defendants continue to operate a commercial business and allow large groups to congregate in violation of the Miami Township zoning ordinances. Furthermore, the rights of the Plaintiff have been disregarded, impaired, and prejudiced as additional efforts and resources must now be expended to force Defendants to abide by and comply with both the zoning ordinances of Miami Township, and the lawful order of this Court.

Plaintiff, Miami Township Board of Trustees therefore respectfully requests the Court to issue an order to show cause why Darren Powlette and Stoney Hill Rustic Weddings, LLC should not be punished for contempt for failure to obey and adhere to the Judgement and injunction levied against the Defendants.

Plaintiff further requests that this Court order Defendants to produce and bring the following to the show cause hearing:

1. All rental agreements for events scheduled at the barn located at 7757 Upper Miamisburg Road from July 1, 2022, through the present;

¹ Based on information and belief, if you include rehearsal dinners, setup and breakdowns by vendors and other crews of people, the number rises to 23.

2. All receipts/invoices, other documentation, or electronic documentation evidencing any deposits made for the rental of the barn from July 1, 2022, through the date of the hearing;
3. An accounting of all receipts for payments received for use of the barn for celebratory events from July 1, 2022, through the date of the hearing;
4. Any and all cell phones, laptops, and/or other electronic devices that have access to the email accounts and text messages that were utilized to communicate with the renters between from the 18 dates listed in Plaintiff's Motion to Show Cause and any additional events held since December 3, 2022;
5. Provide the Court with the names, addresses, and contact information for all future renters that are currently scheduled to use the property for a celebratory event;
6. Production of records for any wine produced by Defendants at 7757 Upper Miamisburg Road from July 1, 2022, to the date of the hearing; and
7. Sales records for all wine produced and sold at 7757 Upper Miamisburg Road from July 1, 2022, to the date of the hearing.

In the event Defendants are found in contempt, Plaintiff respectfully requests the Court to:

1. Impose substantial fines against Defendants to encourage compliance with the court order;
2. Order the Sheriff to lock the barn structure on the property hosting these events;
3. Sentence Darren Powlette to 60 days in jail. *See* Post-Brief Hearing (“[Defendants] will not risk the prospect of angering this Court by using the barn for a fee while the injunction order is in place. R.C 2705.05 provides more than

sufficient deterrent for any future violation, e.g., up to 60 days in jail for a second violation.”);

4. Award Plaintiff attorney fees and expenses incurred in pursuing the show cause order; and
5. Take any additional action it deems necessary to prevent Defendants from continuing to violate this Court’s Order and Entry of Injunction.

Respectfully submitted,

/s/ Nathaniel W. Rose

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CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2023, I electronically filed the foregoing with the Montgomery County Clerk of Courts, which will send notification of such filing to the following:

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/s/ Nathaniel W. Rose

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