

IN THE COURT OF COMMON PLEAS
MOTGOMERY COUNTY, OHIO

MIAMI TOWNSHIP BOARD OF TRUSTEES, 2700 Lyons Road Miamisburg, Ohio 45342,	:	CASE NO. 2019 CV 05444
	:	JUDGE RICHARD S. SKELTON
Plaintiff,	:	
	:	
v.	:	
	:	
DARREN POWLETTE, et al. 7757 Upper Miamisburg Road Miamisburg, Ohio 45342,	:	
	:	<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, Defendants have hosted celebratory and/or special events for a fee at the Property on at least six occasions: to wit: April 15, 2022, April 17, 2022, May 14, 2022, and May 16, 2022, May 19, 2022 and May 20, 2022. Defendants continue to operate a commercial business in violation of the Miami Township zoning ordinances. Furthermore, the rights of the Plaintiff have been defeated, 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 Judgment and injunction levied against the Defendants.

Plaintiff further request that this Court order Plaintiff to produce the following at the show cause hearing:

1. All rental agreements for events scheduled at the barn located at 7757 Upper Miamisburg Road from January 1, 2022, through December 31, 2022;
2. All receipts/invoices or other documentation evidencing any deposits made for the rental of the barn from January 1, 2022, through December 31, 2022;
3. An accounting of all receipts for payments received for use of the barn for celebratory events from January 1, 2022, through the date of the hearing;

4. Production records for any wine produced by Defendants at 7757 Upper Miamisburg Road from January 1, 2022, to the date of the hearing;
5. Sales records for all wine produced and sold at 7757 Upper Miamisburg Road from January 1, 2022, to the date of the hearing; and
6. Copy of any permit issued by the Ohio Division of Liquor control for the manufacture and/or sale of wine at 7757 Upper Miamisburg Road.

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

Respectfully submitted,

/s/ Edward J. Dowd
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CERTIFICATE OF SERVICE

I hereby certify that on May 27, 2022, I electronically filed the foregoing with the Montgomery County Clerk of Courts, which will send notification of such filing to all counsel of record, and that I mailed and emailed a copy of the foregoing to the following counsel of record:

Gregory Page
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Attorney for Defendants

/s/ Edward J. Dowd
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