

IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY, OHIO

MIAMI TOWNSHIP BOARD OF TRUSTEES,	:	CASE NO. 2019 CV 05444
	:	JUDGE RICHARD S. SKELTON
Plaintiff,	:	
	:	
v.	:	
	:	
DARREN POWLETTE, et al.,	:	<u>AMENDED MOTION TO SHOW</u>
	:	<u>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 20 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 14, 2022, October 15, 2022, October 29, 2022, November 5, 2022, November 25, 2022, December 3, 2022, and April 21, 2023. 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 date of the hearing;

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 25.

2. All receipts/invoices, other documentation, or electronic documentation evidencing any deposits or payments made for the rental of the barn for events held between July 1, 2022, through the date of the hearing, irrespective of whether the payments or deposits were received before or after July 1, 2022;
3. An accounting of all receipts for deposits or payments received for use of the barn for celebratory events from July 1, 2022, through the date of the hearing, irrespective of whether the payments or deposits were received before or after July 1, 2022;
4. Any and all cell phones, laptops, and/or other electronic devices that have access to the email accounts, text messages, applications or other modes of communications that were utilized to communicate with the renters between from the 20 dates listed in Plaintiff's Motion to Show Cause and any additional events held since July 1, 2022;
5. The names, addresses, and contact information for all future renters that are currently scheduled to use the property for a celebratory event;
6. The names, addresses, and contact information for all renters between July 1, 2022 and the date of the hearing including, but not limited to, their phone numbers, email addresses, and social media accounts;
7. Any and all records of payments or deposits for the rental of the barn located at 7757 Upper Miamisburg Road made through applications including, but not limited to, Zelle, Square Cash, Apple Pay, Venmo, PayPal, Cash App, and Google Pay for any celebratory event from July 1, 2022 through the date of the hearing, irrespective of whether the payments or deposits were received before or after July 1, 2022;
8. Production records for any wine produced by Defendants at 7757 Upper Miamisburg Road from July 1, 2022, to the date of the hearing;

9. Sales records for all wine produced and sold at 7757 Upper Miamisburg Road from July 1, 2022, to the date of the hearing;
10. Any and all bank records of Darren Powlette and/or Stoney Hill Rustic Farms including but not limited to bank statements, deposit slips, and deposit receipts that reflect cash deposits in excess of \$500 from January 1, 2022 through the date of the hearing;
11. Any and all bank records Darren Powlette and/or Stoney Hill Rustic Farms including but not limited to bank statements, withdrawal/deposit slips, and withdrawal/deposit receipts that reflect wire transactions or check withdrawals in excess of \$500 from January 1, 2022 through the date of the hearing;
12. Any and all bank records of wire transactions or check withdrawals including but not limited to bank statements, withdrawal slips, and withdrawal receipts reflecting the refunds of all “twenty-one (21) events scheduled in 2022.” Defendants’ Motion to Stay Enforcement of Judgment filed on January 25, 2022; and
13. Darren Powlette and Stoney Hill Rustic Farms’ tax returns including, but not limited to all schedules reflecting the income and revenue produced as a result of events held at the barn located at 7757 Upper Miamisburg Road from January 1, 2020 through 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 May 16, 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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Attorney for Defendants

/s/ Nathaniel W. Rose

Nathaniel W. Rose (0099458)