

TRIAL NO. _____

APPEAL NO. _____

RELATED APPEALS _____

Court of Appeals of Ohio Second Appellate District

CIVIL DOCKET STATEMENT

CLERKS USE ONLY

☒ DIRECT APPEAL ☐ CROSS-APPEAL ☐ JOINT APPEAL

NOTE: A TIME-STAMPED COPY OF THE FINAL JUDGMENT BEING APPEALED MUST BE ATTACHED TO THIS STATEMENT.

CASE CAPTION (SEE INSTRUCTION NO. 7 ON REVERSE SIDE)	
VERSUS	
Miami Township Board of Trustees Plaintiff-Appellant / Appellee (Circle Designation) Edward S. Dowd (0018681) Counsel for Plaintiff, S. Ct. Regs. No./Pro Se Plaintiff 8163 Old Yankee St., Ste. C, Dayton, OH 45458 Address (927) 222-2333 Phone Number (List additional attorneys on bottom of this sheet.) Edward S. Dowd Indicate Primary Counsel	Darren Powlette Defendant-Appellant / Appellee (Circle Designation) Gregory S. Page (0065264) Counsel for Defendant, S. Ct. Regs. No./Pro Se Defendant 7501 Paragon Road, Dayton, OH 45459 Address (937) 434-1908 Phone Number (List additional attorneys on bottom of this sheet.) Gregory S. Page Indicate Primary Counsel

HISTORY OF THE CASE:

(Check appropriate box and provide requested information)

TRIAL COURT Montgomery County Common Pleas DATES: JUDGMENT APPEALED 09/27/2022 NOTICE OF APPEAL _____

DOES THIS APPEAL INVOLVE SUMMARY JUDGMENT? ☐ Yes ☒ No MOTION TO DISMISS? ☐ Yes ☐ No

GRANT/VACATE DEFAULT JUDGMENT? ☐ Yes ☒ No EXPEDITED PER LOC. R. 2.8(A)? ☐ Yes ☐ No

NATURE OF THE CASE:

☒ ORIGINAL ACTION ☐ DOMESTIC RELATIONS ☐ ADMINISTRATIVE APPEAL ☐ GENERAL CIVIL APPEAL ☐ JUVENILE /PROBATE

PROBABLE ISSUE(S) FOR REVIEW AND SPECIFY NATURE Whether the Defendants violated an injunction;

Whether the Defendants were lawfully held in contempt of court;

Whether the fine issued by the Trial Court was excessive or unlawful

MULTIPLE CLAIMS/PARTIES: CIV. R. 54(B) APPLY: ☐ Yes ☒ No

IS THERE "NO JUST REASON FOR DELAY" CERTIFICATION: ☐ Yes ☒ No

THE RECORD (Indicate the type of record to be filed):

☐ SUMMARY OF DOCKET AND JOURNAL ENTRIES ONLY (No transcript, App. R. 9(C) statement, or agreed statement will be filed).

☐ STATEMENT OF THE RECORD PURSUANT TO APP. R. 9(C) ☐ AGREED STATEMENT OF THE RECORD PURSUANT TO APP. R. 9(D)

☒ TRANSCRIPT OF PROCEEDINGS: ☒ Full ☐ Partial - (If partial, designate parts/dates of hearing) _____

NAME OF THE COURT REPORTER:

PROJECTED DATE FOR FILING TRANSCRIPT:

NOTE: A COPY OF THE REQUEST FOR THE TRANSCRIPT MUST BE FILED WITH THE CLERK & A FILE-STAMPED COPY SERVED ON THE COURT REPORTER.

USE THIS SPACE FOR ADDITIONAL ATTORNEYS

_____	_____
_____	_____
_____	_____

IN THE COURT OF COMMON PLEAS, MONTGOMERY COUNTY, OHIO
CIVIL DIVISION

Miami Township Board of Trustees, :	Case No. 2019 CV 05444
Plaintiff, :	Hon. Richard S. Skelton
v. :	
Darren Powlette, et al., :	
Defendants. :	

DECISION AND ENTRY HOLDING DEFENDANTS IN CONTEMPT

This matter came before the Court for an evidentiary hearing on the motion of plaintiffs to hold the defendants in contempt of court for violating the terms of the Final Judgment; Injunction entered herein. The parties appeared with counsel and presented evidence and argument to the Court. Having heard the evidence and the arguments of counsel, the Court finds by clear and convincing evidence that the defendants have operated the barn located at 7757 Upper Miamisburg Road, Miami Township for celebratory events in defiance of this Court's injunction. In fact, this Court specifically finds Mr. Powlette disobeyed the Court's December 29, 2021 Order and that the evidence demonstrates intentional disregard of the Court's Order. In certain respects, the Court finds Mr. Powlette's conduct reprehensible. It appears to this Court and the Court specifically finds that the Defendant Powlette engaged in some type of "game playing" with the specific intent to "get around" the Court's Order. Get around this: Sanction of Fifty Thousand Dollars payable within 30 days to Plaintiff. Attorney Fees to be awarded to Plaintiff; hearing to be scheduled per a telephone conference September 7, 2022 at 8:30 am.

SO ORDERED.

Richard S. Skelton, Judge

Cc: Edward J. Dowd
937 222-2333
Attorney for Plaintiffs

Gregory S. Page
937 434-1908
Attorney for Defendants

Cynthia Miller, Bailiff, 225-4368; Cynthia.miller@montcourt.oh.gov



General Division
Montgomery County Common Pleas Court
41 N. Perry Street, Dayton, Ohio 45422

Case Number:
2019 CV 05444

Case Title:
MIAMI TOWNSHIP BOARD OF TRUSTEES vs DARREN
POWLETTE

Type:

Decision

So Ordered,