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IN THE SUPREME COURT OF OHIO

IN RE DISQUALIFICATION OF JUDGE W. MONA SCOTT:

CITY OF CLEVELAND v. SHAKER HEIGHTS APARTMENTS OWNER, LLC, et al.

CASE NO. 2023-CVH-002772

CLEVELAND MUNICIPAL COURT, HOUSING DIVISION
CUYAHOGA COUNTY, OHIO

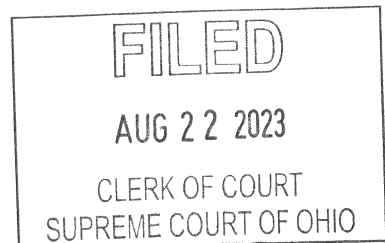
GRANT J. KEATING'S AFFIDAVIT OF DISQUALIFICATION

STATE OF OHIO)
)SS:
COUNTY OF CUYAHOGA)

**GRANT J. KEATING'S AFFIDAVIT OF
DISQUALIFICATION OF JUDGE
W. MONA SCOTT DUE TO
BIAS AND PREJUDICE**

Now comes Grant J. Keating, who being first duly sworn according to law, files this affidavit of disqualification, requesting (1) the disqualification of Judge W. Moná Scott from further participation in this action, and (2) the assignment of this action to another judge, due to bias and prejudice, in accordance with the provisions of Article IV, Section 5(c) of the Ohio Constitution and Ohio R.C. Section § 2701.031, for the following reasons:

1. Affiant is an attorney-at-law licensed to practice in the State of Ohio and is assigned Registration No. 0079381 by the Supreme Court of Ohio.
2. Affiant, his partner Patrick J. Perotti and the law firm of Dworken & Bernstein Co. LPA represent Defendants Shaker Heights Apartments Owner, LLC, Shaker Heights Member, LLC, Michael Chetrit, Danielle Holifield aka Danielle Nickerson, E&M Management, LLC, Eli Weiss aka Eliezer Weiss, Mordecai Weiss AKA Morty Weiss and Yaacov Amar



(collectively “Defendants”) in the matter styled as *City of Cleveland v. Shaker Heights Apartments Owner, LLC*, et al, Case No. 2023-CVH-002772, which is pending in the Cleveland Municipal Court, Housing Division with Judge Scott presiding (the “Matter”).

3. Disqualification is necessary because Judge Scott has admitted that she has prejudged the pending Matter, and has bias against Defendants.. This is confirmed in her statements regarding Defendants to the media and in open court, on the record, during other proceedings.
4. Judge Scott’s remarks demonstrate the formation of a fixed anticipatory judgment on her part, as contra-distinguished from an open state of mind, such that a reasonable person would question whether the decision on the pending Matter will be governed by the law and the facts. *State ex rel. Pratt v. Weygandt*, 164 Ohio St. 463, 46, 58 O.O. 315, 318, 132 N.E.2d 191, 195-196, (1956).
5. Judge Scott has also demonstrated a goal to accomplish a predetermined outcome, and to that end has illegally prevented Defendants from proceeding with evictions in her Court, despite having no evidence or legal justification to do so.
6. Judge Scott’s conduct of attempting to block Defendants (Movants here) from proceeding with their evictions required the filing of more than one petition for an extraordinary writ.. See, *Shaker Heights Apartments Owner, LLC v. Judge W. Moná Scott*, Eight District Court of Appeals Case No. CA23112587; and *Shaker Heights Apartments Owner, LLC v. Judge W. Moná Scott*, Eight District Court of Appeals Case No. CA23112769.
7. In granting Writs of Procedendo and Mandamus, Judge Scott was criticized by the Eighth District Court of Appeals for this conduct. See, *Shaker Heights Apartments Owner, LLC*

v. Judge W. Moná Scott, Eight District Court of Appeals Case No. CA23112769 Journal Entry and Opinion of July 21, 2023.

8. Judge Scott is the only judge in the court where the Matter is pending. There are no hearings scheduled in the Matter, and no hearings have taken place thus far in the Matter. See Docket attached as Exhibit “A” and incorporated herein.
9. Disqualification of Judge Scott is necessary to both prevent a biased judge from presiding over this matter, as well as to "avoid even an appearance of bias, prejudice, or impropriety, and to ensure the parties, their counsel, and the public the unquestioned neutrality of an impartial [court]." *In re Disqualification of Floyd*, 101 Ohio St.3d 1215, 2003-Ohio-7354, 803 N.E.2d 816 ¶10. Indeed, as the Court has said, it is "of vital importance that the litigant should believe that he will have a fair trial." *State ex rel. Turner v. Marshall*, 123 Ohio St. 586, 587, 9 Ohio Law Abs. 670, 176 N.E. 2d 365 (1996).
10. For the reasons detailed below, Judge Scott has made it clear she will not give all parties in the Matter a fair and impartial trial. Allowing her to hear the Matter might reasonably cause Defendants and the public to question the fairness of the proceedings. *In re Disqualification of Sheward*, 77 Ohio St. 3d 1258, 1260, 674 N.E. 2d 365 (1996). Thus, Judge Scott should recuse herself or be disqualified.

STATEMENT OF FACTS

11. On March 6, 2023, City of Cleveland (“Plaintiff”) initiated the Matter by filing a Complaint against Your Movants For Public Nuisance Abatement, Injunctive Relief & Receivership in the Cleveland Municipal Court – Housing Division concerning the properties located at 12500, 12600 & 12701 Shaker Boulevard, Cleveland Ohio 44120 (collectively the “Property”).

12. On the same date, the City of Cleveland filed an Application For Preliminary Injunction with the State Court pursuant to C.C.O. 367.05(c) and O.R.C. 3767.41 requesting the Court to declare the Property a public nuisance subject to abatement, and seeking various injunctive orders enjoining the “Parties in Control” from certain conduct.
13. Plaintiff City of Cleveland identified Defendants as the “Parties in Control”, to wit: Shaker Heights Apartments Owner, LLC; Shaker Heights Member, LLC; E&M Management, LLC; Eli Weiss aka Eliezer Weiss; Mordecai Weiss aka Morty Weiss; Yaacov Amar; Michael Chetrit; and Danielle Nickerson a/k/a Danielle Hollifield.
14. The actual owner and operator of the Property is Defendant, Shaker Heights Apartments Owner, LLC.
15. Judge Scott expressed her biases against Defendants, and specifically Shaker Heights Apartments Owner, LLC. She made inappropriate and unprovoked factual statements about Defendants, on the record, in the unrelated case of *City of Cleveland v. Moreland Ohio, LLC*, Cleveland Municipal Court, Housing Division Case No. 2021-CRB-011774. A copy of the November 14, 2022 transcript of proceedings in the *Moreland* case is attached hereto as Exhibit “B” and incorporated herein.
16. The statements were made during proceedings where Defendants were not present and not represented.
17. Judge Scott knew that members of Cleveland City Council were present at the hearing, and that the media was following that matter.
18. In *Moreland*, Judge Scott stated, factually and on the record, that Your Movant, Defendant, Shaker Heights Apartment Owner, LLC, was “intertwined” with the defendant in

Moreland, because “they’re all out of New York.” *Moreland* Tr. Pp 8-9, 25.¹ Judge Scott indicated that she arrived at this conclusion because she is “gifted”² and she had already used the skills she honed as a prosecutor to do her own factual research about Shaker Heights Apartments Owner, LLC. *Moreland* Tr. pp 9-11.³

19. It is entirely improper for a judicial officer to gather ‘facts’ about a pending matter on her own time, from sources other than the court record. *In re Disqualification of Sutula*, 149 Ohio St.3d 1219, 2016-Ohio-8599, 74 N.E.3d 449, ¶ 9 (disqualifying a judge from resentencing a defendant based on the judge's comments and conduct at the initial sentencing, including her apparent reliance on extrajudicial sources to justify her sentence);

¹ There is no affiliation between the defendant in *Moreland* and Defendants. The defendant in *Moreland* owns a building that is adjacent to one of the Properties owned by Shaker Heights Apartments Owner, LLC.

² “[DEFENSE COUNSEL]: That could be but 12701, 12500, 12600, have zero affiliation or connection.

“[JUDGE SCOTT]: Attorney Wisner, I don't know how you figure that, because then you go pull up the deeds and the names are all intertwined. It's not complicated. It's not complicated. You can't stand here before the Court and tell me -- because one thing I am is, I'm gifted. I used to be a City of Cleveland prosecutor. I used to be a Cuyahoga County Prosecutor, worked in the general felony unit, worked in foreclosure unit. One thing that I'm gifted with is, I read and I remember. I remember all names. May not touch the file, may not be intimate with it, but it comes across because I've got to sign everything. ***” *Moreland* Tr. pg 9.

³ “[JUDGE SCOTT]: Well, I'm going to tell you what you are going to have to do in order to prove to this Court. You're going to have to file a brief showing that -- with title history, that they at no point did business as -- because what my research shows was *Moreland* Ohio LLC also known as doing business as Cleveland Ohio Residents LLC, who's intertwined with Shaker Heights Apartments Owner, LLC or one of the ones that has failed to appear on the other case that the Prosecutor's prosecuting.

“[DEFENSE COUNSEL]: Sure.

“[JUDGE SCOTT]: You're going to have to show that you're not intertwined with them in order to grant access back to have this stay lifted from these evictions.

“[DEFENSE COUNSEL]: Sure. But the -- Court has any specific documentation that show me that we can address this because it's difficult for me to prove that -- when -- difficult that the Court has specific documentation that I can point to to show that I would be allowed to address and deal with that as well. But I mean, I wouldn't know where to start in terms of addressing that.” *Moreland* Tr. pp 11-12.

citing to *Liteky v. United States*, 510 U.S. 540, 555, 114 S.Ct. 1147, 127 L.Ed.2d 474 (1994).

20. Judge Scott stated that the “relationship” between Defendant Shaker Heights Apartments Owner, LLC, and the other New York entities was “incestuous.”⁴ She emphasized her

⁴ “[JUDGE SCOTT]: It's incestuous. You can stand here and have it, but listen, all of it -- why would I pull this? I'm not picking. But if you see -- if they file -- and that's their fatal mistake. They filed on behalf of it and then over here, their -- that's the game that's played. But you've got to be a little smarter than that, right? Because I think people think I don't read. There's no way possible the judge would catch this. Yes, I would. I'm good.

“[DEFENSE COUNSEL]: I disagree, Your Honor.

“[JUDGE SCOTT]: Yes. Yes. I think you guys got shocked that I caught it.

[DEFENSE COUNSEL]: There's no connection between the 12500 and the 701.

“[JUDGE SCOTT]: All right. You've got to convince me. You've got to convince me. It's 1,000 percent a connection. Because you filed it one way in my civil court, and then it's filed another way here when the prosecutor has filed it.

“[DEFENSE COUNSEL]: To be

“[JUDGE SCOTT]: Because when you show proof of ownership -- because in the civil side, you can file either the property manager can file or the building owner can file, right?

“[DEFENSE COUNSEL]: Yeah.

“[JUDGE SCOTT]: And so the property manager will file. But you've still got to show proof of ownership. And so when you show proof of ownership, my magistrates still have to write who that proof of ownership is. And when I'm looking through the files, I'll see that is -- whether it's Shaker Apartments, or Shaker Heights Apartment Owners LLC, or Shaker One LLC, and I'll see the number. And then I'll come over here and I'll see that we have a CRB. So my deputy sheriff's -- my deputy bailiff's who are always cross-checking on my clean hands doctrine, well, we've got a CRB over here waiting for you guys.

“[DEFENSE COUNSEL] So in my eviction filings, we have two plaintiffs. I always file the property owner and the property manager. The property owner is always listed as a plaintiff on the case. And there's no doing business as or aka, it is always the two separate plaintiffs on the case. Ownership -- obviously, ownership is attached. So the owners are not related to the other entities at Shaker. It is one building -- it's the 12700 building. And that is Cleveland Ohio Residents does not manage or deal with any other properties regarding Shaker homes or Shaker Apartments LLC. Shaker One LLC is it's own individual LLC which is not connected. They're neighbors to 12701 but Your Honor, they're being punished for the sins of the 12701. And I can't reiterate that enough that they are not connected to those three other buildings at Shaker Square.

“[JUDGE SCOTT]: Well, argue it in a brief. Argue it in the brief. Put your bar number on it.

[DEFENSE COUNSEL]: Can we have findings of facts closer to (indiscernible)? Because I need to be able to respond to it.

“[JUDGE SCOTT]: No. You argue it in a brief and say that they're not related and therefore you want the stay to be lifted. I mean, the Court -- I'm not obligated to prove it.” *Moreland Tr.* Pp 21-23.

prejudgment and heated bias against Defendant Shaker Heights Apartments Owner, LLC and other out-of-state landlords from New York in the following diatribe:

[JUDGE SCOTT]: *** "I deal with defendants that own 10 to 100 properties. You won't be the first. Your client -- not you as an attorney, but these clients from out of New York, they are not the first ones I've dealt with. I do it all the time. The prosecutors deal with them too.

[DEFENSE COUNSEL]: I don't even represent any

[JUDGE SCOTT]: Out of New York. You know, they own several properties. And they'll -- it'll be a group of ten and they'll separate into five, and then they'll come back together and then there's 20. I don't know. They'll change the names. They have multiple names. They're legions.⁵ I don't know.

[DEFENSE COUNSEL]: Uh-huh.

[JUDGE SCOTT]: That's just how they -- that's what they do. It's business. It's not personal. It's business. This is how they move properties. They're out-of-state investors. They're not vested in the state of Ohio. They're not vested in the communities here. They're running money. It's residual income for them. And they don't really care about the properties or the people that live in them."

Moreland Tr. 24-25

21. Judge Scott further confirmed that she was basing her factual conclusions on stories in the media concerning Shaker Heights Apartments Owner, LLC and the Property (*Moreland Tr. Pp. 17-18*).
22. Most troublingly, and completely improperly, Judge Scott provided *an interview* with the Cleveland Media concerning the Property. See Pagonakis, Joe, *Cleveland councilwoman travels to New York City to confront apartment owners about poor living conditions*, News

⁵ In the Christian Bible the term "Legion" is used to refer to a group of demons. Wikipedia, the Free Encyclopedia, Legion (demons) at [https://en.wikipedia.org/w/index.php?title=Legion_\(demons\)&oldid=1165629750](https://en.wikipedia.org/w/index.php?title=Legion_(demons)&oldid=1165629750)

5 CLEVELAND, 12:23 A.M. February 11, 2023 and updated 1:40 p.m. February 13, 2023, <https://www.news5cleveland.com/news/local-news/cleveland-councilwoman-travels-to-new-york-city-to-confront-apartment-owners-about-poor-livingconditions#:~:text=Cleveland%20councilwoman%20travels%20to%20New,owners%20about%20poor%20living%20conditions&text=Cleveland%20Councilwoman%20Deborah%20Gray%20travel%20demanding%20quality%20of%20life%20improvements>, copy attached as Exhibit “C” and incorporated herein..

23. In the interview concerning Defendants and the Property, Judge Scott again made specific factual statements (before any evidence, hearing or testimony had been taken) confirming her prejudgment of the Matter and her bias against the Movants:

“You see they have 24 different names, and they’re so used to switching real fast, they think no one is paying attention, Scott said. “We’re dealing with a building that doesn’t have working elevators, doesn’t have working heat, doesn’t have working hot water.”

24. Judge Scott’s quote announces conclusions about factual allegations that are in dispute in the Matter without hearing any evidence.
25. The Code of Judicial Conduct prohibits judges from making public comments on pending and impending cases. See Jud.Cond.R. 2.10 and 4.1. Those rules are intended to protect the public's confidence in the independence, integrity, and impartiality of the judiciary. See Jud.Cond.R. 2.10, Comment 1. That is, judges decide cases based on the law, and based on the individual facts before them contained in the record. Statements about how a judge will act, or what she has concluded before the case even has a first hearing, is prohibited. It conveys that the judge will not consider each case on the merits.

26. Judge Scott's comments lead any reasonable observer to see that she has prejudged the Matter and is biased against Defendants. Any reasonable objective observer would necessarily have doubts about whether she could fairly decide the Matter.
27. Judge Scott's bias is not just limited to the foregoing statements by the Judge on the record, and to the media. One of the City of Cleveland's requests for relief in its March 6, 2023 Complaint was an injunction prohibiting Defendants from pursuing any actions for forcible entry and detainer under R.C. 1923 et. seq. until Defendants prove that the Property is in full compliance with applicable State law and Local Ordinances with all past due utility accounts current.
28. Four (4) days later, on March 10, 2023, without a hearing or any evidence, Judge Scott summarily granted Plaintiff's request: issuing illegal orders staying all of Defendant, Shaker Heights Apartment Owner, LLC's, pending evictions in her Court.
29. Defendant, Shaker Heights Apartment Owner, LLC was forced to seek a Writ of Procedendo against Judge Scott in *Shaker Heights Apartments Owner, LLC v. Judge W. Moná Scott*, Eight District Court of Appeals Case No. CA23112587.
30. On April 7, 2023, the Eight District issued an alternative writ to Judge Scott to vacate the stay orders and proceed in the twenty-eight (28) evictions or show cause. Being compelled to either do so, or explain her behavior, Judge Scott lifted the stays.
31. Despite doing so, Judge Scott failed and refused to issue her ruling in *Shaker Heights Apartments Owner, LLC v. Granberry, Cleveland M.C. No. 2023-CVG-002960*. Therefore, Shaker Heights Apartment Owner, LLC was forced to seek yet another extraordinary writ against Judge Scott in *Shaker Heights Apartments Owner, LLC v. Judge W. Moná Scott*, Eight District Court of Appeals Case No. CA23112769,. In that case, the

Eight District granted writs of mandamus and procedendo against Judge Scott, and both noted and criticized her pattern of recalcitrance and delay in Defendants' forcible entry and detainer cases.

32. Judge Scott's impartiality and objectivity in this Matter may be fairly questioned. A fair and impartial hearing in this matter is at risk given the existence, as well as the appearance, of Judge Scott prejudgment, bias and prejudice against Affiant's clients.

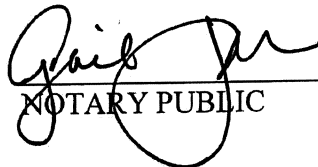
33. These factors compel disqualification of Judge Scott "to avoid even the appearance of any prejudice or partiality and to insure the public's confidence in the integrity of the judicial system." *In re Disqualification of Nugent*, 47 Ohio St.3d 601, 602, 546 N.E.2d 927 (1987).

34. The within Affidavit is not being asserted for the purposes of delay.

Further Affiant Sayeth Naught.


GRANT J. KEATING

SWORN TO BEFORE ME and subscribed in my presence this 22nd day of August, 2023.


NOTARY PUBLIC



GAIL D. JERE
NOTARY PUBLIC
FOR THE
STATE OF OHIO
My Commission Expires
September 21, 2024

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Affidavit of Disqualification was served by hand delivery upon the Honorable Judge W. Moná Scott, Cleveland Municipal Housing Court, 1200 Ontario Street, 13th Floor, Cleveland, OH 44113 this 22nd day of August, 2023, and upon all parties below via email and U.S. mail.

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Katy, Texas 77450

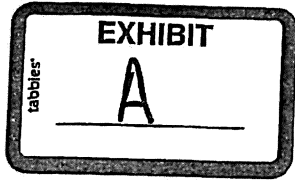
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The Supreme Court of Ohio
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/s/ Grant J. Keating

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Patrick J. Perotti (#0005481)
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Chetrit, Danielle Holifield aka Danielle Nickerson, E&M
Management, LLC, Eli Weiss aka Eliezer Weiss,
Mordecai Weiss AKA Morty Weiss and Yaacov Amar*



Cleveland Municipal Court

Case Summary

Case No. 2023-CVH-002772

**City Of Cleveland vs Shaker Heights
Apartments Owner LLC et al.**

§ Location
§ **Housing**
§ Judicial Officer
§ **Administrative Judge, Housing
Division**
§ Filed on
§ **03/06/2023**

Case Information

Case Type: Other Civil - Nuisance Abatement With TRO
(Housing)

Case Status: **03/06/2023 Active**

Assignment Information

Current Case Assignment

Case Number 2023-CVH-002772

Court Housing

Date Assigned 03/06/2023

Judicial Officer Administrative Judge, Housing Division

Party Information

Plaintiff City Of Cleveland
601 Lakeside Ave
Cleveland, OH 44113

**Douglass, David M
Esq.
Retained**

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Katy, TX 77450

Amar, Yaacov

420 Madison Ave Ste 1001
New York, NY 10017

Attorney General of The State of Ohio

30 East Broad St 22nd Floor
Columbus, OH 43215

Chetrit, Michael

512 7th Ave 16th Floor
New York, NY 10018

Cuyahoga County Treasurer

2079 East 9th St
Cleveland, OH 44115

O'Malley, Michael C
Retained

Delewski, Brent

6700 Queens Way
North Royalton, OH 44133

E & M Management LLC

6200 Biltmore Ave
Baltimore, MD 21215

Holifield, Danielle

20710 Chagrin Blvd
Shaker Hts, OH 44122

K Kern Painting LLC

211 N Reynolds Road 15B
Toledo, OH 43615

K Kern Painting LLC

T-839 County Rd 15B
Napolean, OH 43545

Marbelle Industries Inc B&H Coin Laundry Service

Attn: Tamara J Hrynik
21639 Mile Rd #4
Cleveland, OH 44128

Metropolitan Commercial Bank

99 Park Avenue
New York, NY 10018

New York Community Bank

Attn Loan Servicing
LN#290718140 NYCB Plaza
102 Duffy Avenue 3rd Floor
Hicksville, NY 11801

Office of United States Attorney

801 West Superior Ave Suite 400
Cleveland, OH 44113

Ohio Bureau of Workers Compensation

30 West Spring St
Columbus, OH 43215

Ohio Department of Job & Family Services

30 East Broad St 22nd Floor
Columbus, OH 43215

Shaker Heights Apartments Owner LLC

4400 Easton Common Way Suite 125
Columbus, OH 43219

Shaker Heights Member LLC

1209 Orange St
Wilmington, DE 19801

State of Ohio Department of Taxation

30 East Broad St 22nd Floor
Columbus, OH 43215

**United States Treasury Department Internal
Revenue Service**

1111 Constitution Ave NW
Washington, DC 20224

Weiss, Eli

1402 Avenue K Apt 2P
Brooklyn, NY 11230

Weiss, Mordecai










734 W 68th St
Shreveport, LA 71106

Property Address **12500-12600 & 12701 Shaker Blvd Cleveland, OH
44120**

12500-12600 & 12701 Shaker Blvd

Cleveland, OH 44120

Events and Orders of the Court

- 08/21/2023 
Notice Of Filing
Civil Docket from U>S> District Court
- 08/21/2023 
Notice Of Filing
Opinion from the United States District Court
- 08/17/2023 
Dismissal Filed By:
Defendant Marbelle Industries D/B/A B & H
Party: Attorney Douglass, David M Esq.
- 08/17/2023 
Request For Certified Mail (H) Filed With Clerk And Paid By:
Party: Plaintiff City Of Cleveland
- 08/04/2023 
Notice Filed
Notice of Remand and Request for Expedited Hearing
Party: Attorney Douglass, David M Esq.;
Plaintiff City Of Cleveland
- 04/04/2023 
Appearance Of Counsel Filed With Clerk By Atty/Firm
Appearance Of Counsel Filed With Clerk By Attorney/Firm
Party: Attorney O'Malley, Michael C
- 04/04/2023 Appearance Of Counsel Filed With Clerk By Atty/Firm
Appearance Of Counsel Filed With Clerk By Attorney/Firm
Party: Attorney O'Malley, Michael C
- 03/27/2023 
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03/24/2023



Magistrates Order Filed And Recorded In;

Defendant(s) having filed its Notice of Removal to the U.S. District Court, pursuant to 28 U.S.C. 1446, this Court shall take no further action in this matter unless or until the case is remanded.

03/23/2023 **CANCELED Housing TRO/ Injunctive Relief** (10:30 AM) (Judicial Officer:
Administrative Judge, Housing Division)
Transfer to Another Court

03/22/2023



Notice Of Filing

Party: Defendant Amar, Yaacov;
Defendant Chetrit, Michael;
Defendant E & M Management LLC;
Defendant Holifield, Danielle;
Defendant Shaker Heights Apartments Owner LLC;
Defendant Shaker Heights Member LLC;
Defendant Weiss, Eli;
Defendant Weiss, Mordecai

03/22/2023



Signature

Party: Defendant Metropolitan Commercial Bank

03/22/2023 Signature

03/21/2023



Notice Of Filing

Notice of Filing Status of Service of Complaint for Public Nuisance, Injunctive Relief, & Receivership (R.C. 3767.41)

Party: Attorney Douglass, David M Esq.;
Plaintiff City Of Cleveland

03/21/2023



Notice Of Filing

Notice of Filing Subpoena Duces Tecum Pursuant to Civil Rule 45

Party: Attorney Douglass, David M Esq.;
Plaintiff City Of Cleveland

03/20/2023



Notice Of Filing

Notice of Filing Subpoena Duces Tecum Pursuant to Civil Rule 45

Party: Attorney Douglass, David M Esq.;
Plaintiff City Of Cleveland

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03/20/2023
Delivered
Package # 9214890155207023047474 on 03/20/2023 at 05:24 AM at location WILMINGTON,DE.

03/17/2023
Delivered
Package # 9214890155207023047535 on 03/17/2023 at 02:02 PM at location SHREVEPORT,LA.

03/17/2023
Delivered
Package # 9214890155207023047580 on 03/17/2023 at 11:11 AM at location TOLEDO,OH.

03/16/2023
Business Closed
Package # 9214890155207023047580 on 03/16/2023 at 06:00 PM at location TOLEDO,OH.

03/16/2023
Delivered
Package # 9214890155207023047603 on 03/16/2023 at 11:45 AM at location KATY,TX.


03/16/2023
Moved Left No Address
Package # 9214890155207023047542 on 03/16/2023 at 09:49 AM at location NEW YORK,NY.

03/16/2023
Delivered
Package # 9214890155207023047627 on 03/16/2023 at 04:35 AM at location COLUMBUS,OH.

03/15/2023

Delivered

Package # 9214890155207023047597 on 03/15/2023 at 12:03 PM at location NAPOLEON,OH.

03/15/2023 

Answer Filed By

Party: Attorney O'Malley, Michael C

03/15/2023

Delivered

Package # 9214890155207023047559 on 03/15/2023 at 09:58 AM at location HICKSVILLE,NY.

03/15/2023

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Package # 9214890155207023047658 on 03/15/2023 at 05:26 AM at location COLUMBUS,OH.

03/15/2023

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Package # 9214890155207023047634 on 03/15/2023 at 06:02 AM at location COLUMBUS,OH.

03/15/2023

Delivered

Package # 9214890155207023047641 on 03/15/2023 at 06:04 AM at location COLUMBUS,OH.

03/14/2023



Dismissal Filed By:

*Notice of Voluntary Dismissal Without Prejudice of Defendants United States Treasury
Department Internal Revenue Service and the Office of the United States Attorney Only*

Party: Attorney Douglass, David M Esq.;

Plaintiff City Of Cleveland

03/14/2023

Delivered

Package # 9214890155207023047528 on 03/14/2023 at 01:04 PM at location BROOKLYN,NY.

03/14/2023

Delivered

Package # 9214890155207023047481 on 03/14/2023 at 01:24 PM at location NEW YORK,NY.

03/14/2023



Forwarded

Package # 9214890155207023047542 on 03/14/2023 at 09:09 AM at location NEW YORK,NY.

03/13/2023

Delivered

Package # 9214890155207023047573 on 03/13/2023 at 05:04 PM at location NORTH ROYALTON,OH.

03/13/2023

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Package # 9214890155207023047504 on 03/13/2023 at 01:29 PM at location BEACHWOOD,OH.

03/13/2023

Delivered

Package # 9214890155207023047672 on 03/13/2023 at 10:45 AM at location CLEVELAND,OH.

03/13/2023

Delivered

Package # 9214890155207023047467 on 03/13/2023 at 10:58 AM at location COLUMBUS,OH.

03/13/2023

Delivered

Package # 9214890155207023047610 on 03/13/2023 at 09:57 AM at location CLEVELAND,OH.

03/10/2023 Civil Certified Mail Issued

Shaker Heights Apartments Owner LLC

Served: 03/13/2023 10:58 AM



Shaker Heights Member LLC

Served: 03/20/2023 05:24 AM



Chetrit, Michael

Served: 03/14/2023 01:24 PM



Metropolitan Commercial Bank

Unserved



Holifield, Danielle

Served: 03/13/2023 01:29 PM



E & M Management LLC

Unserved



Weiss, Eli

Served: 03/14/2023 01:04 PM



Weiss, Mordecai

Served: 03/17/2023 02:02 PM



Amar, Yaacov

Returned Unserved

03/16/2023

Return Date/Time: 03/16/2023 09:49 AM



New York Community Bank

Served: 03/15/2023 09:58 AM



Marbelle Industries Inc B&H Coin Laundry Service

Unserved



Delewski, Brent

Served: 03/13/2023 05:04 PM



K Kern Painting LLC


Served: 03/17/2023 11:11 AM


Return Date/Time: 03/16/2023 06:00 PM





K Kern Painting LLC


Served: 03/15/2023 10:00 PM

03/10/2023  Civil Certified Mail Issued To
 AAA Staffing Defendant AAA Staffing LLC;
 Served: 03/15/2023 12:03 PM
 Defendant Amar Maacov;
 Defendant Attorney General of The State of Ohio;
 Defendant Chetrit, Michael;
 Cuyahoga County Treasurer
 Served: 03/15/2023 09:57 AM
 Defendant Cuyahoga County Treasurer;
 Defendant Delewski, Brent;
 Defendant E & M Management LLC;
 State of Ohio Department of Taxation
 Served: 03/16/2023 04:35 AM
 Defendant Holifield, Danielle;
 Defendant K Kern Painting LLC;
 Defendant K Kern Painting LLC;
 Attorney General of The State of Ohio
 Served: 03/15/2023 06:02 AM
 Defendant Marbelle Industries Inc B&H Coin Laundry Service;
 Defendant Metropolitan Commercial Bank;
 Defendant New York Community Bank;
 Ohio Bureau of Workers Compensation
 Served: 03/15/2023 06:04 AM
 Defendant Office of United States Attorney;
 Defendant Ohio Bureau of Workers Compensation;
 Defendant Ohio Department of Job & Family Services;
 Ohio Department of Job & Family Services
 Served: 03/15/2023 08:26 AM
 Defendant Shaker Heights Apartments Owner LLC;
 Defendant Shaker Heights Member LLC;
 Defendant State of Ohio Department of Taxation;
 United States Treasury Department Internal Revenue Service
 Unserved Defendant United States Treasury Department Internal Revenue Service;
 Defendant Weiss, Eli;
 Defendant Weiss, Mordecai
 Office of United States Attorney
 Served: 03/13/2023 10:45 AM

03/08/2023  Notice Of Filing Of Lis Pendens Filed
City of Cleveland's Notice of Filing of Recorded Notice
 Party: Attorney Douglass, David M Esq.

03/07/2023  Notice Of Filing
Property Status Report
 Party: Attorney Douglass, David M Esq.;
 Plaintiff City Of Cleveland

03/06/2023  Housing Motion For TRO Hearing
 Party: Plaintiff City Of Cleveland

03/06/2023  Civil Complaint Filed By

Other Documents



03/10/2023
Civil Form
1 Pages



03/10/2023
Civil Form
1 Pages



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03/10/2023

Civil Summons

CIVLCHSREC

2 Pages

Financial Information

Plaintiff City Of Cleveland

Total Financial Assessment

296.00

Total Payments and Credits

296.00

Balance Due as of 8/21/2023**0.00**

03/06/2023 Transaction Assessment

267.00

03/06/2023 Transaction Assessment

15.00

03/06/2023 Counter Payment

Receipt # CV-2023-12063

(282.00)

08/17/2023 Transaction Assessment

14.00

08/17/2023 Counter Payment

Receipt # CV-2023-42507

(14.00)

EXHIBIT

B

1

CLEVELAND MUNICIPAL HOUSING COURT

CLEVELAND, OHIO

STATE OF OHIO/CITY OF
CLEVELAND,

CASE NO. 2021-CRB-011774

CA No. UNIDENTIFIED

Plaintiff,

TRANSCRIPT OF PROCEEDINGS
(Hearing)

-vs-

MORELAND OHIO LLC,

Defendant.

PRESIDING: UNIDENTIFIED

APPEARANCES: ON BEHALF OF THE STATE
Mr. Ryan Ault
Cuyahoga County Prosecutor's Office
1200 Ontario
Cleveland, Ohio 44101

ON BEHALF OF THE DEFENDANT
Mr. Wisner (phonetic)

DATES: November 14, 2022

PROCEEDINGS RECORDED BY ELECTRONIC SOUND RECORDING.

TRANSCRIBED BY: Deanna Hinchy

* * *

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INDEX TO EXAMINATIONS

State's Witnesses: DX CX RDX RCX

None

* * *

Defendant's Witnesses: DX CX RDX RCX

None

* * *

INDEX TO EXHIBITS

State's Exhibit:	<u>ID</u>	<u>ADM</u>
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None

* * *

<u>Defendant's Exhibit:</u>	<u>ID</u>	<u>ADM</u>
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None

* * *

1 (Monday, November 14, 2022)

2 THE CLERK: City of Cleveland v Moreland Ohio LLC.

3 THE COURT: And present on the record is?

4 MR. WISNER: Attorney for Moreland, Mr. Wisner, and
5 Michael Bloom.

6 THE COURT: Who's your client?

7 THE COURT: He's a new managing member of Moreland
8 Ohio.

9 THE COURT: Attorney Wisner, you've got to speak up.
10 One, because this is being recorded.

11 MR. WISNER: Sorry about that.

12 This is Michael Bloom, new management -- he's a
13 managing member for Moreland Ohio LLC.

14 THE COURT: All right. He's a new managing member?

15 MR. WISNER: Correct, Your Honor.

16 THE COURT: All right. Attorney Wisner --

17 MR. WISNER: Yes, Your Honor.

18 THE COURT: So this is one of Moreland Ohio LLC.

19 Let's see --

20 Mr. Bloom, raise your right hand.

21 MICHAEL BLOOM

22 a witness of lawful age, being first duly cautioned and sworn
23 was examined and testified as follows:

24 THE COURT: All right. State your full name. Spell
25 your last name for the record.



1 THE WITNESS: Michael Bloom, B-L-O-O-M.

2 THE COURT: Mr. Bloom, what's your standing with
3 Moreland Ohio LLC?

4 THE WITNESS: I was brought in recently -- I live
5 locally -- to help them with their issues.

6 THE COURT: Are you the property manager?

7 THE WITNESS: I'm the manager. They've given me full
8 authority to make decisions to --

9 THE COURT: Are you the property manager?

10 THE WITNESS: I am going to be the property manager.

11 THE COURT: All right.

12 THE WITNESS: I'm just getting ready with all of these
13 issues and we're going to try and fix everything.

14 THE COURT: Attorney Wisner, is he a partner, board
15 member, trustee with Moreland Ohio LLC?

16 MR. WISNER: Yes.

17 THE COURT: Okay. How do you establish that? Because
18 he doesn't seem -- he just looks like he's new to this batch
19 of -- let me be clear Attorney Wisner. It must be an active
20 member of Moreland Ohio LLC with authority to agree to any
21 pleas or to move on behalf of Moreland Ohio LLC -- cannot be a
22 property manager with no authority to make decisions.

23 MR. WISNER: So as I understand it, he's a member.
24 But we did as well have an additional person who lived here
25 today, who I did contact the Court about getting it -- I asked



1 for a Zoom link. I was informed that I would be given a Zoom
2 link by staff attorney, I believe it was Olivia Lawson. That
3 did not happen. I think I contacted her Friday and was told
4 there wasn't one. So --

5 THE COURT: No. There's not going to be a Zoom link.
6 I ordered everybody in person. And let me tell you why. This
7 organization -- these properties -- and you and I had a
8 conversation with one of the other clients that is part of the
9 properties that's before this Court -- and I'm not even going
10 to make any qualms about it -- has 1, has 2, has 3, Ohio
11 residents LLC listed.

12 We were in here before. The reason why the City of
13 Cleveland struggles to get service on the criminal cases is
14 because we continue to get PO Box numbers for service purposes
15 or we get no address. And if you recall, on record, when
16 you're representing someone, I told you to file something
17 because it was minor misdemeanor cases.

18 MR. WISNER: Yes.

19 THE COURT: And that the service would not be -- hold
20 on -- that the service, that it would probably be before this
21 Court again. Because I believe -- needless to say, my staff
22 attorney was very clear multiple times when it was called back.
23 Because she reported every time she received a phone call, that
24 it was a request for a Zoom link. It was denied; that a member
25 from the organization needed to be present.



1 It's without a doubt that these properties -- Moreland
2 Ohio LLC -- because that's who we're dealing with, does not
3 have a property manager on site.

4 MR. WISNER: In other words, sorry -- can I -- you
5 want to have somebody in the office or --

6 THE COURT: I mean, there's tenants here that will
7 probably say something about it, if we were to call them up
8 here. I mean, we're not here to talk about that.

9 We're here to deal with -- one of the biggest things
10 that we're dealing with is -- I want an answer for this --
11 these -- are all three of these minor misdemeanors Prosecutor
12 Ault?

13 MR. AULT: That's accurate. (Indiscernible).

14 THE COURT: You know I have a duty, Attorney Wisner.
15 Is one, the first thing is to perfect service on criminal
16 cases. And one thing I should not have to do is to get
17 Moreland Ohio LLC to come in here to answer for these criminal
18 cases -- is to pause their evictions. Which is the only time I
19 get to see you.

20 MR. AULT: I agree, Your Honor.

21 MR. WISNER: So the -- this case, I looked up the
22 Secretary of State's website, and obviously, I didn't you know
23 file those -- make those filings on the website. The address
24 is incorrect on the statutes -- on the Secretary of State's
25 website. I -- as soon as I saw these -- these violations, I

1 made an appearance for my client.

2 They weren't aware of these violations. I believe
3 they stem from an issue regarding not enough trash cans outside
4 of the property, and there was a build up of some sort of
5 material in between the two trash cans in the back of the
6 building. So there was -- they were remedied. I'm not even
7 sure it was from our client. It may have been from somebody
8 else, the neighbors et cetera, but they were resolved pretty
9 quickly. And I believe that they're no longer there, for sure,
10 by now.

11 And as soon as I heard of these violations, I made an
12 appearance. So -- and we wanted to inform the Court that this
13 past week, myself and my client appeared with the Director of
14 Building and Housing of Cleveland, Sally Martin. We met with
15 Councilman Gray. And we are actively cooperating with the City
16 to make sure that these buildings are up to par in terms of
17 making sure the tenants have a safe and healthy place to
18 reside.

19 We -- I believe on Wednesday or Thursday, as well, we
20 met with the Police Commander Kurtz -- Kutz -- one of the
21 police commissioners -- to make sure there's adequate safety
22 measures being taken place in these buildings. Specifically,
23 the 12700 building. So they are taking adequate measures. At
24 least, at this point, they're trying to really resolve the
25 issues.



1 So I would say that as of now, my client is not
2 looking to avoid service on these violations. They are looking
3 to handle them -- to address them. They've hired many, many,
4 additional people in order to make sure that these properties
5 are being well taken care of as of now.

6 I know that maybe in the past they weren't doing that
7 but I think that from your -- some of the measures that the
8 Court has taken and me informing them of the severity of the
9 issues have brought them to make those changes.

10 So I can't speak for the other defendants that were
11 previously called but I can say for my client, there's
12 definitely a major concerted effort to try and bring these --
13 try and adjust some of these concerns that the Court has voiced
14 today.

15 THE COURT: I have to tell you that -- first, let me
16 acknowledge that the Council President, Blaine Griffin --
17 Cleveland City Council Blain Griffin is in the audience and a
18 large portion of these properties also sits in his wards. I
19 think this Moreland Property sits in Council Gray's ward.

20 But can I see one of those? Let me see this Moreland
21 Property file. I just need to see one of them. I don't know
22 how to part and parcel these. Because Moreland Ohio LLC was
23 also doing business as Cleveland Ohio Resident LLC, whose also
24 representing Shaker Heights Apartments Owner LLC, whose also
25 representing the residents at Shaker Square, the Vista at



1 Shaker Square, the Shaker Heights Apartment Owner LLC. I don't
2 know how you part and parcel, because when you go and pull up
3 on the Secretary of State, they all intertwined.

4 MR. WISNER: So I would say that they have a
5 connection with Shaker One, which owns the property at 12700.

6 THE COURT: Oh. And listen, we also can pull up --
7 when they transfer, and flip, and gift --

8 MR. WISNER: So --

9 THE COURT: -- amongst each other. And they're all
10 out of New York.

11 MR. WISNER: That could be but 12701, 12500, 12600,
12 have zero affiliation or connection.

13 THE COURT: Attorney Wisner, I don't know how you
14 figure that, because then you go pull up the deeds and the
15 names are all intertwined. It's not complicated. It's not
16 complicated.

17 You can't stand here before the Court and tell me --
18 because one thing I am is, I'm gifted. I used to be a City of
19 Cleveland prosecutor. I used to be a Cuyahoga County
20 Prosecutor, worked in the general felony unit, worked in
21 foreclosure unit. One thing that I'm gifted with is, I read
22 and I remember. I remember all names. May not touch the file,
23 may not be intimate with it, but it comes across because I've
24 got to sign everything.

25 And unlike my magistrates who hear all these, I touch

1 it and I sign it. When I sign the capias -- when they can't
2 get service on you, I've got to sign the continuances. I've
3 got to sign the evictions. So what am I doing? I'm cross
4 checking.

5 Because I see the dockets and how they all have access
6 to civil side. But you won't show up for my criminal docket.
7 And so when they won't show up for one or the other, what do I
8 do? I just go over here and look.

9 MR. WISNER: Uh-huh.

10 THE COURT: And then I pull documents. I just get my
11 staff attorneys to start pulling documents, or I just ask the
12 prosecutors to start pulling documents.

13 Imagine you can't get service in your criminal, but
14 they're full -- present over here in evictions to evict
15 tenants. Why the tenants not paying? Because you all won't
16 respond to their needs to clean -- because they've got rent
17 deposits, also. And so that's a problem.

18 MR. WISNER: I definitely agree with that. I -- the
19 Court does have the documentation that we want to be
20 responsible for the (indiscernible) to try to address that. I
21 can honestly stand here and tell the Court that 12700,
22 (indiscernible) is not managed by the same management company
23 as Vista or as the other -- those three buildings; the ones
24 that were the subject of the previous case.

25 The 12500, the 12600, the 12701, those are different



1 entities. Those are different owners. I have zero -- my
2 client has zero affiliations. They are not managed by the same
3 companies and they share nothing in common. They share no --
4 they don't share the same plumbing company. They have no
5 contact with each other whatsoever.

6 And the -- I think there may have been -- some of the
7 names here, they do sound a little bit similar but Shaker
8 Apartments and Shaker Owner do sound similar but they are not
9 connected.

10 THE COURT: Well, I'm going to tell you what you are
11 going to have to do in order to prove to this Court. You're
12 going to have to file a brief showing that -- with title
13 history, that they at no point did business as -- because what
14 my research shows was Moreland Ohio LLC also known as doing
15 business as Cleveland Ohio Residents LLC, who's intertwined
16 with Shaker Heights Apartments Owner, LLC or one of the ones
17 that has failed to appear on the other case that the
18 Prosecutor's prosecuting.

19 MR. WISNER: Sure.

20 THE COURT: You're going to have to show that you're
21 not intertwined with them in order to grant access back to have
22 this stay lifted from these evictions.

23 MR. WISNER: Sure. But the -- Court has any specific
24 documentation that show me that we can address this because
25 it's difficult for me to prove that -- when -- difficult that

1 the Court has specific documentation that I can point to to
2 show that I would be allowed to address and deal with that as
3 well. But I mean, I wouldn't know where to start in terms of
4 addressing that.

5 THE COURT: Well, let's deal with these cases. What
6 are you doing with these three criminal cases?

7 MR. AULT: With the three (indiscernible)?

8 THE COURT: Yes.

9 MR. AULT: I had a chance to take a look with Attorney
10 Wisner. After pre-trying -- like he said, they're willing to
11 pay the waiver to reduce tickets, which would be cases 22-CRB-
12 1424 and 1425. The City moves to dismiss case 21-11774.

13 THE COURT: What's the one case you're not leaving?

14 MR. WISNER: It's the health case, Your Honor. Code
15 21-CRB-011774.

16 THE COURT: And I do apologize, because I don't have
17 the criminal files up here. And is -- tell me a little bit
18 slower, because I don't have the numbers actually in front of
19 me or the JE's in front of me. The one that you're
20 (indiscernible)?

21 MR. WISNER: The case that the city's moving to
22 dismiss is case 2021-CRB- --

23 THE COURT: Uh-huh.

24 MR. WISNER: -- 011774.

25 THE COURT: 774. Okay. And then the other two

1 you're --

2 MR. AULT: It's my understanding (indiscernible).

3 THE COURT: And those waivers are -- 500 plus court
4 costs.

5 I'm going to be clear. Any time I start seeing these
6 names on here, we're just going to start ticking. Every time
7 you fail to answer and I have to activate my clean hand
8 doctorate, it's just going to automatically start activating a
9 \$1,000 per day cost. Because I'm always having to freeze cases
10 with these properties over here on Shaker Boulevard and South
11 Moreland.

12 And I've asked multiple times that an address -- a
13 viable address where service can be perfected; whether it's
14 through the statutory agent, which is always where it's
15 supposed to be. And when there is more than four units, you're
16 supposed to have a local property manager, real estate agent,
17 actually, or broker. That is supposed to be by the Ohio revised
18 code, show the property and lease the property. It's not
19 supposed to be somebody out of state. Not supposed to be a
20 trademarked name, where it's one of the active members and
21 everything like that. I mean, you know.

22 I'm trying to really get an understanding because
23 individuals who rent from these apartment complexes are
24 supposed to be able to have a property manager when they have
25 issues with their property and say hey, you know, my toilet's

1 not working, my water's gone out, my pipes are frozen, the heat
2 is out of the building, and we're getting ready to go through
3 that season where things are not working.

4 THE COURT: And so Mr. Michael Bloom, who is standing
5 before this Court, under oath and penalty of perjury and where
6 do you reside Mr. Bloom?

7 THE WITNESS: University Heights, Ohio.

8 THE COURT: What was that again?

9 THE WITNESS: University Heights, Ohio.

10 THE COURT: University Heights, Ohio.

11 And when you spoke -- Attorney Wisner, when you spoke
12 to Councilwoman Gray -- and while Council President Griffin is
13 standing before this Court -- and you're saying you're the new
14 retained property manager, and individuals that live in the
15 South Moreland property is tenants. And they're -- I don't
16 know, something happens to the property, is it now being
17 articulated to the tenants who they can contact regarding the
18 property manager?

19 MR. WISNER: There's a 24-hour phone number that all
20 tenants can contact this property. We were at the meeting on
21 Thursday, or Wednesday, and there's a 24-hour number all
22 tenants can contact that will automatically enter in service
23 orders for all of the tenants who are being managed by these
24 properties. So there's definitely a process that these tenants
25 have now to address any concerns that they have. That does

1 exist.

2 THE COURT: Was this number always in place?

3 MR. WISNER: I think it's been there for the past
4 seven months.

5 THE COURT: Do we have tenants here from the -- what's
6 the property address Prosecutor Ault?

7 MR. AULT: The property address on the case that's
8 before the Court are 2968 South Moreland.

9 THE COURT: Is -- any tenants here form 2968 South
10 Moreland?

11 Yes, ma'am?

12 UNIDENTIFIED SPEAKER: I have a question, Your Honor.
13 One of them has to do from another property and our heat no
14 longer works on the weekend. They said the 24-hour number, no
15 number returned that call, and I would knock on every door. It
16 was an elderly man that's on Section 8. Section 8 never passed
17 the inspection.

18 THE COURT: Is that on South Moreland address?

19 UNIDENTIFIED SPEAKER: Yes, it is. Yes, it is. I,
20 physically myself -- my father worked for the City of Cleveland
21 president for 32 years. When another one came up, I had a
22 pulled meniscus -- an ACL repair. I had the repair. I have to
23 have another surgery because the elevator been out. They
24 haven't came and did -- they got a man that walked in on me
25 naked in the shower but I made a writ. I had to file charges.



1 But this -- the same Attorney Wisner, who just called
2 and strong arm me with money. That he just got -- when he just
3 got hired and the old -- the old owner -- the old attorney, got
4 fired on Friday. I talked to this man on Monday and he told me
5 (indiscernible) that I didn't pay, but it just so happened that
6 I had came upon my receipts to give you. I actually over paid.

7 THE COURT: Okay.

8 UNIDENTIFIED SPEAKER: So it's ongoing for three years
9 straight.

10 THE COURT: Hold on. Hold on for a minute, ma'am.
11 Hold on. Hold on. Because I can't go on to any other cases.

12 UNIDENTIFIED SPEAKER: Thank you.

13 THE COURT: Is it other properties -- is that
14 property -- what's the --

15 UNIDENTIFIED SPEAKER: That's called the
16 (indiscernible). The old attorney --

17 THE COURT: Hold on. Hold on. Hold on. Don't go
18 into any details on the case. So do Moreland Ohio LLC own
19 property on Larchmere?

20 MR. WISNER: On Larchmere? No. The Larchmere
21 building may be -- the building's called Larchmere, but they
22 don't own properties there.

23 Your Honor, this just happened. I don't know --
24 certainly we're not here to --

25 THE COURT: All right. Oh my gosh. Let me -- let me

1 just deal with these two cases. And Chief Barnwell, have a
2 discussion with this young lady back here in the back about
3 what she needs to do with rent deposit.

4 With -- regarding the two cases, when can you make the
5 \$520 payment on each case, or I think it's \$520 -- let me know
6 the total cost on the two cases.

7 THE CLERK: I'm done with the --

8 THE COURT: Yeah. I think -- it's \$520 is what I've
9 been seeing in the system.

10 When can you make the payments?

11 MR. WISNER: In short order, the next three days.

12 THE COURT: So yeah. It's time to pay. It's \$525.
13 It's time to pay -- or maybe more because they had to get you
14 guys in here.

15 THE CLERK: Yeah. So right now, the amount owed is
16 \$525. And the time to pay would be 15. And that's on case
17 4135. I can look up 41 --

18 THE COURT: So it'll be -- so about \$540 on each case?

19 THE CLERK: Let me just look up 14 report. It's the
20 exact same, yes.

21 THE COURT: And that's -- so that's by -- so today's
22 Monday -- by Wednesday. I'm telling you that these buildings
23 are on building and housing radar. It's like Councilwoman
24 Gray -- Council President Griffin is now on to these buildings.
25 The media has been brought in on these buildings, unbeknownst

1 to me. Building and Housing, Health Department has been
2 brought on these buildings. I mean, it's ridiculous. They've
3 been running stories on out-of-state investors. Ridiculous.

4 And one thing that can't continue to happen is you
5 can't keep evicting people, because why should people continue
6 to pay rent when they're not getting heat, they're not getting
7 their demands made, and you want to go back and forth with them
8 about heat when you won't respond to their basic needs for
9 heat, water, and not living with bedbugs, roaches, and rats.

10 I mean --

11 MR. WISNER: I agree, Your Honor.

12 THE COURT: Attorney Wisner, you need to collect all
13 of your property owners and have a discussion with them,
14 because at the end of the day, it's a thing. The clean hand
15 doctrine cannot come into court with unclean hands. You can't
16 have access to evict and you're not taking care of affording
17 people safe housing. That's just what it is. And they have to
18 have property managers on-site to address these needs.

19 MR. WISNER: Your Honor, again, the news article that
20 was discussed prior to --

21 THE COURT: I didn't even read it. I try not to even
22 read it. I don't know what's going on with it.

23 MR. WISNER: Those are the issues that are not related
24 to my client's properties. They are not related properties.
25 So I understand that they're obviously -- my client inherited,

1 they purchased these buildings just a few years ago. And
2 there's significant problems that they're trying to get
3 resolved. And they are working with the City to try to get
4 those matters resolved.

5 THE COURT: All right. We're looking for payments on
6 this property by Wednesday.

7 MR. WISNER: Regarding the eviction pause for those
8 three LLC's, Shaker One, Moreland Ohio, (indiscernible).
9 Obviously, my client's requesting that those stays end and are
10 lifted or resumed.

11 THE COURT: I'm not sure on that. I will bring that
12 back up as soon as payments are made on this case. I'm about
13 to do a MyPlace search now, as we speak, and have my staff
14 attorneys do a MyPlace title search on this. And also, pull
15 the Secretary of State's.

16 You need to clean up the Secretary of State's and
17 provide proof that a property manager is viable with contact
18 information and not a 24-hour phone number that they can be in
19 contact with.

20 And if they're any rent deposits cases on-site with
21 regards to the properties that Moreland Ohio LLC owns; have
22 these been resolved? These tickets? These minor misdemeanor
23 tickets; have they been resolved?

24 MR. AULT: Is the property in compliance?

25 THE COURT: Yes.

1 MR. AULT: It's my understanding that the property --
2 yes, the Moreland Ohio property with the outdoor -- yeah, there
3 was a problem with the dumpsters. It is my understanding that
4 that has been cleaned up.

5 THE COURT: Okay.

6 MR. AULT: I was made aware of this hearing mid-week
7 last week, so I have not sent the inspectors back out since
8 mid-week last week. But as the you know, Defendant indicated,
9 they've been in touch with Building and Housing, councilmembers
10 so, if there's remaining issues, I'm sure those will be
11 inspected and brought to their attention.

12 THE COURT: And they don't have any more citations?

13 MR. AULT: We searched. So all of the corporate
14 entities that were listed in the notices that we were
15 provided --

16 THE COURT: Uh-huh.

17 MR. AULT: -- we seared our records for any additional
18 cases. The only additional case that was not listed on the
19 notices was for that Shaker Heights Apartments Owner LLC.

20 THE COURT: Okay.

21 Once payments have been made on the case, and I'm not
22 sure how many cases we have with Moreland Ohio LLC pending in
23 court -- in the civil court. But --

24 MR. WISNER: There's also the eviction regarding the
25 Cleveland OH Residents, one of those. The property

1 management --

2 THE COURT: Oh, Cleveland Ohio Residents, no. Because
3 Cleveland Ohio Residents is involved with the other property.
4 That's exactly what I was talking about. Those are definitely
5 frozen until Cleveland Ohio Residents come in and answer to --
6 for the other 1200 -- for the Shaker Apartments.

7 MR. WISNER: They're --

8 THE COURT: I'm not going to have that discussion
9 because you don't represent them. Do you represent them or
10 not?

11 MR. WISNER: Cleveland Ohio? Yes.

12 THE COURT: Yeah. Cleveland Ohio is under that Shaker
13 Apartments then.

14 MR. WISNER: No.

15 THE COURT: All right. Well, you -- I mean, hey.
16 Have that discussion with Cleveland Ohio. They're intertwined.
17 Attorney Wisner. They're intertwined. All of it is
18 intertwined. It's incestuous.

19 MR. WISNER: Findings of that conclusion of law on
20 that.

21 THE COURT: It's incestuous. You can stand here and
22 have it, but listen, all of it -- why would I pull this? I'm
23 not picking. But if you see -- if they file -- and that's
24 their fatal mistake. They filed on behalf of it and then over
25 here, their -- that's the game that's played. But you've got

1 to be a little smarter than that, right? Because I think
2 people think I don't read. There's no way possible the judge
3 would catch this. Yes, I would. I'm good.

4 MR. WISNER: I disagree, Your Honor.

5 THE COURT: Yes. Yes. I think you guys got shocked
6 that I caught it.

7 MR. WISNER: There's no connection between the 12500
8 and the 701.

9 THE COURT: All right. You've got to convince me.
10 You've got to convince me. It's 1,000 percent a connection.
11 Because you filed it one way in my civil court, and then it's
12 filed another way here when the prosecutor has filed it.

13 MR. WISNER: To be --

14 THE COURT: Because when you show proof of
15 ownership -- because in the civil side, you can file -- either
16 the property manager can file or the building owner can file,
17 right?

18 MR. WISNER: Yeah.

19 THE COURT: And so the property manager will file.
20 But you've still got to show proof of ownership. And so when
21 you show proof of ownership, my magistrates still have to write
22 who that proof of ownership is. And when I'm looking through
23 the files, I'll see that is -- whether it's Shaker Apartments,
24 or Shaker Heights Apartment Owners LLC, or Shaker One LLC, and
25 I'll see the number. And then I'll come over here and I'll see

1 that we have a CRB. So my deputy sheriff's -- my deputy
2 bailiff's who are always cross-checking on my clean hands
3 doctrine, well, we've got a CRB over here waiting for you guys.

4 MR. WISNER: So in my eviction filings, we have two
5 plaintiffs. I always file the property owner and the property
6 manager. The property owner is always listed as a plaintiff on
7 the case. And there's no doing business as or aka, it is
8 always the two separate plaintiffs on the case.

9 Ownership -- obviously, ownership is attached. So the
10 owners are not related to the other entities at Shaker. It is
11 one building -- it's the 12700 building. And that is --
12 Cleveland Ohio Residents does not manage or deal with any other
13 properties regarding Shaker homes or Shaker Apartments LLC.
14 Shaker One LLC is it's own individual LLC which is not
15 connected. They're neighbors to 12701 but Your Honor, they're
16 being punished for the sins of the 12701. And I can't
17 reiterate that enough that they are not connected to those
18 three other buildings at Shaker Square.

19 THE COURT: Well, argue it in a brief. Argue it in
20 the brief. Put your bar number on it.

21 MR. WISNER: Can we have findings of facts closer to
22 (indiscernible)? Because I need to be able to respond to it.

23 THE COURT: No. You argue it in a brief and say that
24 they're not related and therefore you want the stay to be
25 lifted. I mean, the Court -- I'm not obligated to prove it.



1 You disprove it. Disprove it. Say, hey, we would like our
2 stay to be lifted because they're not related. I'm telling you
3 verbally, I'm staying it because it all falls up under
4 Cleveland Ohio Residents LLC. There. What is the stay going
5 on? You've got that piece of paper that was sent to you
6 saying, a judgement order from me. So take that judgement
7 order and then disprove that this is not the case. Put your
8 attorney letter on it -- your attorney bar number on it and the
9 firm that your clients are not interrelated with Cleveland Ohio
10 Residents LLC.

11 MR. WISNER: No, they are related to it. But they are
12 not related to any of the other -- those other entities who
13 are -- I'll tell you specifically, but once --

14 THE COURT: No, no, no. I'm not doing an oral
15 argument, Attorney Wisner. I just need for you to tell me in a
16 brief how they're not related and attach some documentation
17 disproving me, because I'm telling you here, that they are.
18 And I'm not lifting the stay until Shaker -- the main culprit
19 from the 12701 or whichever one -- I don't know, I'm not about
20 to get into this. Come here, answer for this criminal
21 complaint.

22 MR. WISNER: That is -- those people are not my
23 client. That's what I'm trying --

24 THE COURT: I know. But all of your clients -- it's
25 still related to the Moreland -- which is related to -- and so

1 on -- and so on -- and so on. They part and parcel this all
2 the day -- I deal with defendants that own 10 to 100
3 properties. You won't be the first. Your client -- not you as
4 an attorney, but these clients from out of New York, they are
5 not the first ones I've dealt with. I do it all the time. The
6 prosecutors deal with them too.

7 MR. WISNER: I don't even represent any --

8 THE COURT: Out of New York. You know, they own
9 several properties. And they'll -- it'll be a group of ten and
10 they'll separate into five, and then they'll come back together
11 and then there's 20. I don't know. They'll change the names.
12 They have multiple names. They're legions. I don't know.

13 MR. WISNER: Uh-huh.

14 THE COURT: That's just how they -- that's what they
15 do. It's business. It's not personal. It's business. This
16 is how they move properties. They're out-of-state investors.
17 They're not vested in the state of Ohio. They're not vested in
18 the communities here. They're running money. It's residual
19 income for them. And they don't really care about the
20 properties or the people that live in them.

21 But I'm on the bench, and so that's the order of this
22 Court. I expect a payment Wednesday. File your brief by
23 then -- by the time you make a payment. And if you're
24 convincing, we'll come back, you know. And if you don't like
25 the ruling on it, I mean, if you say, hey -- if I read it and I



1 say, okay, I understand now. So I'll separate Moreland Ohio
2 LLC from the rest of the pack and then I'll lift the stay, and
3 you guys can have access back to the civil docket -- the civil
4 side.

5 But I suspect that may not be the case.

6 MR. WISNER: It'll be the case, Your Honor.

7 THE COURT: Okay. All right. We'll see you back.

8 But the payment verification will be by end of
9 business Wednesday. You said, three days? Thursday -- by end
10 of business Thursday.

11 MR. WISNER: Correct.

12 THE COURT: All right. We will not look for you, if
13 it's not paid by end of business Thursday. What day is that?
14 Today is the 14th?

15 MR. WISNER: I think that's correct, Your Honor.

16 THE COURT: 15, 16, 17th. We will put you back on
17 corporate docket, and it's a \$1,000 per day sanction.

18 MR. WISNER: Thank you, Your Honor.

19 THE COURT: All right. Thank you.

20 MR. AULT: Thank you, Your Honor.

21 THE COURT: You're welcome.

22 I apologize for the other cases on the defendant -- on
23 the Shaker Apartment case did not make an appearance today.
24 They're still on the corporate docket employing a sanction.

25 MR. AULT: Your Honor, when is this corporate docket?

1 THE COURT: I believe it is scheduled and Moreland is
2 not here --

3 THE CLERK: (Indiscernible).

4 MR. AULT: It's (indiscernible)?

5 THE CLERK: (Indiscernible).

6 THE COURT: I believe it's -- the corporate docket is
7 December 5th.

8 THE CLERK: I think December 15th.

9 MR. AULT: Okay.

10 THE COURT: Not sure if she sent out a service for
11 that for them. She may not have. Because we try to get them
12 in here for this one to appear.

13 MR. AULT: Uh-huh.

14 THE COURT: And they still did not appear so -- tell
15 Moyer (phonetic) to send out a service for that. But they just
16 added another case also. They didn't receive service on -- I
17 think you guys have to receive service on that but for that
18 other case, December 5th, to send out service for the corporate
19 docket for that day.

20 MR. AULT: Thank you, Your Honor.

21 THE COURT: You're welcome.

22 (Proceedings concluded)

23 * * *

24

25



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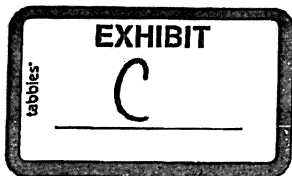
I, Deanna Hinchy, the court-approved transcriber, do hereby certify the foregoing is a true and correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter.

Deanna M. Hinchy
DEANNA HINCHY, CDLT-254

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Cleveland councilwoman travels to New York City to confront apartment owners about poor living conditions

Cleveland Ward 4 Councilwoman Deborah Gray demands
Residences of Shaker Square owners make repairs

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Cleveland Councilwoman Deborah Gray traveled to the New York City headquarters of the company that owns a series of Shaker Square area apartment buildings, demanding quality of life improvements.



By: Joe Pagonakis

Posted at 12:23 AM, Feb 11, 2023 and last updated 1:40 PM, Feb 13, 2023

CLEVELAND — Cleveland Ward 4 Councilwoman Deborah Gray took matters into her own hands, traveling to the New York City headquarters of the company that owns a series of Shaker Square area apartment buildings, demanding quality of life improvements.

Gray walked into Chetrit Group Headquarters on New York's Madison Avenue on Feb. 10 without an appointment, calling on the owners of the Residences of Shaker Square to make badly needed improvements at three of their apartment buildings. Gray even paid a visit to one of the uptown New York mansion of one of the owners in the search for answers.

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Robert Frederick

Cleveland Councilwoman Deborah Gray visits the New York City mansion of Shaker Square apartment owner.

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"We're sick and tired of them not having heat, water; electrical problems, just deplorable conditions," Gray said from in front of corporate headquarters. "We're here in New York, and I'm going to address the situation. I will show these pictures to the brothers that own the buildings on Shaker Boulevard."

Gray said she was finally able to meet with one of the building co-owners, who said his team will now be traveling to Cleveland on Feb. 22 to meet with city leaders and tenants in the quest to enact a repair plan.

News 5 has spent the past year reporting on intermittent problems with garbage collection, heating, plumbing, electrical and elevator service at all three locations.



Mark Durdak

Poor living conditions at the Residences at Shaker Square apartment complex.

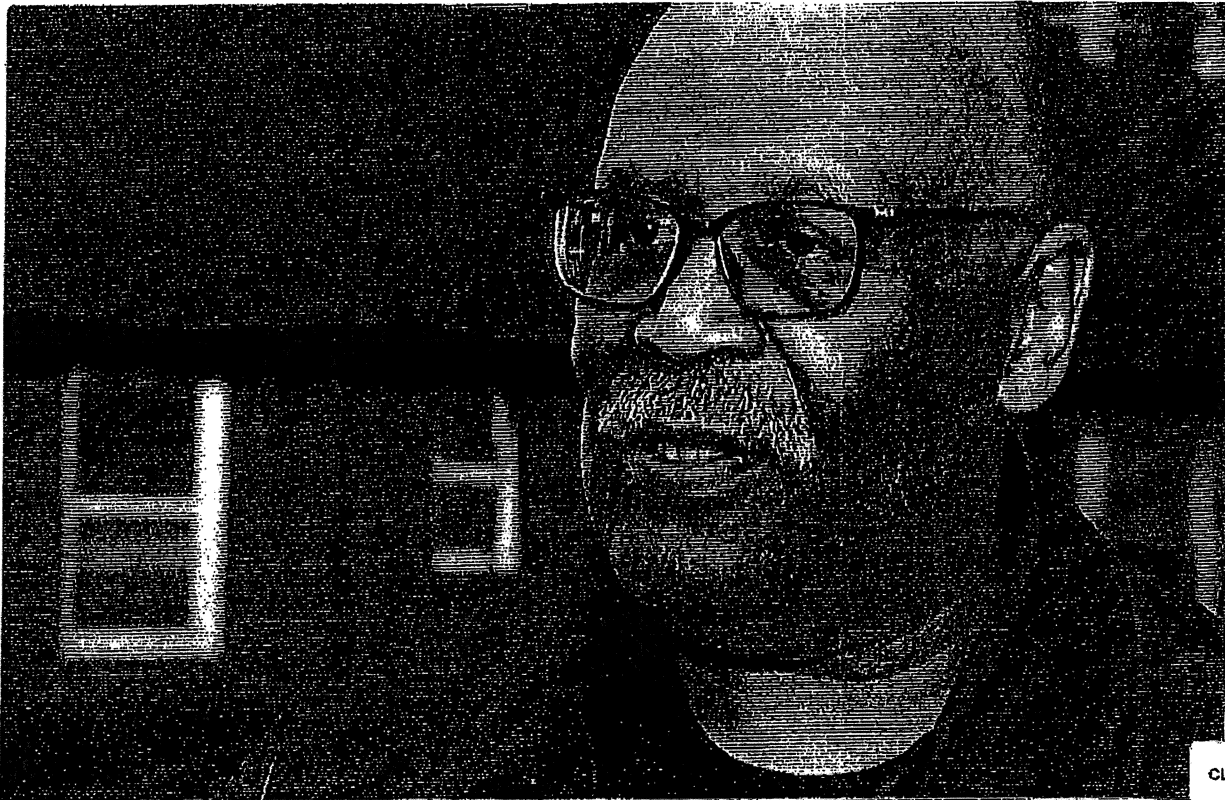
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"The owners seem not to want to appreciate the seriousness of the situation here," James said. "The only way we can compel them to do something is to withhold rent and cut into their income."

James said the process of signing up for the rent escrow program is not difficult.

"You need to first send a 30-day written notice to your landlord asking for needed repairs, if repairs don't happen, you need to go to Cleveland Housing Court on the 13th floor of the Justice Center to sign-up," James explained. "Then, they will send you down to the second floor to the clerks office to get a certified check or money order made out to the clerk of courts and you can set up an account."



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Cleveland Housing Court Judge Mona Scott told News 5 she's working to streamline the rent escrow application process in the near future. Scott said it can be difficult to track down out-of-town owners, because in some cases, they are often changing company names and addresses.

"You see they have 24 different names, and they're so used to switching real fast, they think no one is paying attention, Scott said. "We're dealing with a building that doesn't have working elevators, doesn't have working heat, doesn't have working hot water."

Scott said there are currently only 199 tenants taking advantage of Cleveland's rent escrow program. She pointed to the courts easy to follow instructions, but stressed a tenant must be current with their rent to sign up for the program.



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“It kind of preserves your credit, your integrity that your intention was there to pay rent in the first place, but that you don’t deserve to live in the kind of conditions that you’re living in,” Scott said. “Then you come in and set up a rent deposit, you get a case number, it’s held with the court and if you make the repairs yourself—guess what—you get the money back.”

News 5 will continue to follow this developing story.

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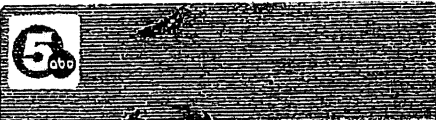
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