

23CVG 008981

IN THE CLEVELAND MUNICIPAL COURT
HOUSING DIVISION
CUYAHOGA COUNTY, OHIO
JUDGE W. MONÁ SCOTT

2023 AUG -8 AM 11:42

CLEVELAND COUNTY
#3

CITY OF CLEVELAND
601 Lakeside Avenue
Cleveland, Ohio 44114-1077
Plaintiff

-vs.-

SKINNY LABS, INC.
d.b.a. SPIN
c/o Business Filings, Inc.
4400 Easton Commons Way, Suite 125
Columbus, OH 43219

Defendant

CASE NO.

COMPLAINT FOR

CIVIL FIRE PREVENTION
ABATEMENT; INJUNCTIVE
OTHER RELIEF

The City of Cleveland ("City"), for its cause of action, states the following:

THE PARTIES

1. The City of Cleveland is a municipal corporation organized and operating under Article XVIII, Section 3, of the Constitution of the State of Ohio and a Charter duly adopted by its citizens.
2. Skinny Labs, Inc. (Skinny Labs) is a corporation incorporated in Delaware and registered to do business in Ohio. Skinny Labs in direct control of a portion of the interior of the structure at 4200 Lakeside Avenue, Cleveland, Ohio (Permanent Parcel Number 104-03-001). On information and belief, Skinny Labs, Inc. has a written rental agreement with the owner, Chelm Properties, Inc., which approved Skinny Labs to file an appeal to the Cleveland Board of Building Standards and Building Appeals (BBS) as evidenced by a letter of permission attached to the appeal Skinny Labs filed with the BBS. The balance

of the interior of the structure at 4200 Lakeside is rented to a company that stores chemicals there.

3. Skinny Labs began to use the interior of the property at 4200 Lakeside, Cleveland, Ohio prior to March 9, 2023, for the storage of electric scooters with lithium-ion batteries used to power the scooters without obtaining a permit for storing a hazardous substance in violation of Cleveland Codified Ordinance 381.05(a).
4. Cleveland Fire Marshall David J. Telban, one day after learning of the hazardous storage of the scooters, issued to Skinny Labs an order to cease use and operation at 4200 Lakeside, Cleveland, Ohio, a true and accurate copy of the Cease Use of Operation order attached to this Complaint as Exhibit A.
5. Lithium-ion batteries are a hazard for the following reasons.
 - i. Damaged or unstable batteries and improper charging, storage or disposal can cause the batteries to overheat, leading to an explosive, aggressive fire that spreads rapidly, can reignite and is challenging to extinguish.
 - ii. Water may not prevent a battery from burning and spreading. Battery cells are known to explode and quickly spread to another battery. These batteries may continue to generate heat even when there is no visible sign of fire. Once heat reaches a certain level fire may reignite on the battery and surrounding area.
 - iii. Fire Extinguishers do not work on lithium-ion batteries fires.
 - iv. Reignition of lithium-ion batteries is common. Lithium-Ion batteries are known to unexpectedly re-ignite (without warning) minutes, hours and even days after all visible fire has been put out.

- v. Lithium-ion batteries can enter an uncontrollable, self-heating state. This can result in the release of gas, cause fire and possible explosion.
- 6. The Cease Use of Operation order specifically ordered Skinny Labs to remove the scooters and lithium-ion batteries by March 13, 2023.
- 7. Skinny Labs appealed the Cease Use of Operation order to the Cleveland BBS, Appeal A-55-23 filed March 16, 2023.
- 8. The Cleveland BBS held a hearing March 29, 2023, and announced at the hearing that it would uphold the Cease Use of Operation order and deny the appeal, adopting that decision by written resolution adopted April 12, 2023, a true and accurate copy of the Resolution attached as Exhibit B.
- 9. Skinny Labs had the right to appeal the BBS decision by May 12, 2023, but did not file any appeal.
- 10. On information and belief, Skinny Labs has not, as of August 7, 2023, removed the electric scooters and lithium-ion batteries from 4200 Lakeside Avenue, Cleveland, Ohio.
- 11. On information and belief, Skinny Labs, which does business as “Spin” renting electric scooters to the public, does not rent out the scooters stored at 4200 Lakeside Cleveland; the scooters are non-functional and have been brought to Cleveland from locations across the United States; nor does Skinny Labs cause the scooters to be repaired, as repair is not cost effective. Skinny Labs is only using 4200 Lakeside Avenue as a dumping ground for the nonfunctioning scooters.
- 12. This Court, that Housing Division of the Cleveland Municipal Court (commonly called the Cleveland Housing Court) has exclusive jurisdiction to enforce the City’s Fire

Prevention and Building and Housing Codes, ordinances and regulations under the provisions of Ohio Revised Code Section 1901.181.

PRAYER FOR PRELIMINARY AND PERMANENT INJUNCTION

WHEREFORE, Plaintiff, City of Cleveland, asks this Honorable Court to issue

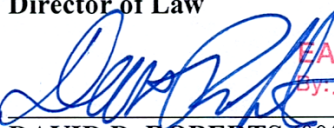
Preliminary and Permanent Orders ordering Skinny Labs, Inc. to:

- (1) Remove all scooters powered with lithium-ion batteries, and other hazardous substances, from the structure at 4200 Lakeside Avenue, Cleveland, Ohio.
(Permanent Parcel No. 104-03-001)
- (2) Refrain from storing the scooters powered with lithium-ion batteries, and other hazardous substances, until and unless all required permits are obtained under C.C.O. 381.05.
- (3) Any further relief that this Court deems just and appropriate under the circumstances.

Respectfully submitted,

MARK GRIFFIN (0064141)
Director of Law

By:


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RECEIVED PAYMENT

AUG 08 2023

EARLE B. TURNER, Clerk
By: _____ Deputy

ATTORNEYS FOR PLAINTIFF