



CLEVELAND MUNICIPAL COURT

HOUSING DIVISION

JUDGE W. MONÁ SCOTT

**JUDGMENT ENTRY RECEIVED
FOR JOURNALIZATION**

FEB 29 2024

EARLE B. TURNER, CLERK

City of Cleveland, Ohio
Plaintiff(s)

Date: February 22, 2024

-VS-

2023-CVH-06315

Nesvest LLC., et al.
Defendant(s)

JUDGMENT ENTRY

Upon review, the Magistrate's Decision is approved and confirmed. As of the date of the February 13, 2024 hearing Defendant Nesvest LLC has not complied with the court's Judgment Entry of January 12, 2024. Plaintiff's Complaint for Permanent Injunction is granted. Defendant Nesvest LLC its agents, servants, employees and all persons in active concert or participation with them are permanently enjoined from:

- failing to correct all violations/repairs pursuant to the Violation Notices admitted as Plaintiff's Exhibits 4.1-4.4.
- failing to abate the nuisance at the subject premises.
- violating any and all applicable provisions of the City of Cleveland Codified Ordinances and/or Ohio Revised Code concerning the erection, alteration, maintenance and/or repair of the subject premises.

In its Entry of January 12, 2024, this Court determined that the premises constitutes a public nuisance pursuant to R.C. 3767.41(A)(2). Defendant(s) having failed to abate the public nuisance, the appointment of a receiver is appropriate.

Plaintiff requests access to the premises to inspect and determine the scope of the work and repairs needed to abate the nuisance and for purposes of securing a receiver for the premises. This Court, being empowered through its jurisdiction over the property, has the authority to grant access. Therefore, Plaintiff's request for access to the premises is granted.

Defendant Nesvest LLC shall grant Plaintiff access to the premise for a period of one week to secure information to compose a viable financial and construction plan for the abatement of the nuisance. Said access shall be given no later than March 25, 2024. In the event Defendant Nesvest LLC fails to grant access of the premises to Plaintiff pursuant to this Entry, Plaintiff has the authority to remove the locks affixed to the



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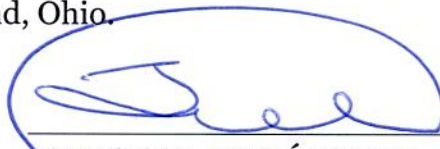
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premises and enter the premises to inspect the premises interior and exterior to secure information to compose a viable financial and construction plan for the abatement of the nuisance and for purposes of selecting a receiver. Plaintiff shall post notice of its date of entry in a conspicuous location on the premises and shall have a period of one week to conduct its inspections. Plaintiffs shall re-secure the property after access is had and shall notify Defendant Nesvest LLC with instructions on how to gain entry to the property.

Case is set for virtual status hearing on **June 25, 2024 at 1:30 pm.** To participate in your virtual hearing, you will need a computer, laptop, or smart phone with camera capability and a good internet connection. The Parties shall sign into the virtual hearing using Zoom Meeting ID: **814 6762 9440** and **Passcode: 438343**. Parties and counsel shall log/call into the virtual hearing *at least ten minutes* prior to the hearing time. **Failure to call/log in on time (or appear in-person if you do not have a compatible device for your virtual hearing), pursuant to this Order is a failure to appear, and may result in dismissal of the failing party's claims, immediate hearing of the opposing party's claims, default judgment or other appropriate sanctions.**

Exhibits you wish to submit at the hearing must be filed with the Court no later than seven days before your hearing date, *even if you intend to appear in-person for your hearing.* **Failure to submit exhibits pursuant to this Order may result in your exhibits not being considered at the hearing.**

In the event you do not possess a compatible device for a virtual hearing, you must appear in-person on the date and time noted above, in Courtroom 3A of the Justice Center, 1200 Ontario Street, Cleveland, Ohio.



JUDGE W. MONÁ SCOTT
CMC - Housing Division

SERVICE

A copy of this judgment entry and magistrate's decision was sent by regular U.S. mail to the addresses of record for parties/counsel on 2 / 27 / 24 by D.O..

☒ Clerk to issue notice of Final Appealable Order.