



City of Lima, Ohio

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David J. Berger, Mayor

MEDIA ADVISORY
For Immediate Release
July 7, 2017

Lawsuit Filed Against Gas Station Bar

Lima— July 7, 2017 — At the request of Lima Mayor David Berger, City Law Director Tony Geiger today filed a lawsuit against the owners, operators, and liquor permit holders of the Gas Station Bar located at 126 E. North Street, stemming from the July 5th shooting that occurred inside the premises resulting in the death of 36 year old, Davohn M. Godsey and the injury of 30 year old Marlon Godsey, both of Lima.

The lawsuit is part of ongoing efforts by the City to shut down and clean up problem establishments operating in Lima.

“The majority of nightclubs and bars in the city are good and properly run businesses”, says Lima Mayor David Berger. “Unfortunately, there are also some that are sources of crime and violence that make their continued operation a concern for public safety, and those are the businesses that we are targeting.”

The lawsuit seeks an abatement and a permanent injunction, as well as damages, against the Gas Station Bar using the Ohio Nuisance Abatement statute. (See attached copy).

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COMMON PLEAS COURT
FILED
2017 JUL -7 AM 10:21
JANICE REED, CLERK
CLERK OF COURTS
ALLEN COUNTY, OHIO

IN THE COMMON PLEAS COURT OF ALLEN COUNTY, OHIO

STATE OF OHIO *ex rel.*
CITY OF LIMA, OHIO
BY ANTHONY L. GEIGER,
DIRECTOR OF LAW
CITY OF LIMA, OHIO
50 Town Square
Lima, OH 45801

Plaintiff

v.

Kurt Bishop
812 Richie
Lima, OH 45801

and

Sherry Bishop
812 Richie
Lima, OH 45801

and

Wesley B. Ullman
126 E. North
Lima, OH 45801

and

CASE NO. CV2017 0400

REED

COMPLAINT TO ABATE A NUISANCE
PURSUANT TO OHIO REVISED CODE
CHAPTER 3767, COMMON LAW, and
FOR PERMANENT INJUNCTION

Bisman Investment LLC
126 E. North
Lima, OH 45801

and

Thelma Banks
948 E. Vine
Lima, OH 45804

and

Michael Liles
% 948 E. Vine
Lima, OH 45804

and

John Doe
unknown address

Defendants

Now comes plaintiff, by and through Anthony L. Geiger, Lima City Law Director, and for its complaint states as follows:

1. This cause of action is a complaint for abatement of a nuisance and a permanent injunction, and is brought pursuant to Ohio Revised Code Section 715.44 and 3767.01 et seq., and common law.
2. Defendant Thelma Banks is the owner of real property located at 126 E. North Street in the City of Lima, Allen County, Ohio, which is also known as the Gas Station and/or the G-Spot (hereinafter the Premises).
3. Defendant Bisman Investment LLC is the holder of the liquor permit for the Premises issued by the State of Ohio, Department of Commerce, Division of Liquor Control, Permit No. 0723921.
4. Defendant Kurt Bishop is a Managing Member of Bisman Investment LLC.
5. Defendant Sherry Bishop is a Managing Member of Bisman Investment LLC.
6. Defendant Ullman is an incorporator of Bisman Investment LLC.

7. Upon information and belief, defendants Liles and John Doe may be a manager or other operator of the Premises.
8. The Premises is the source of various activities that are criminal or quasi-criminal in nature.
9. Said activities have disrupted the peace and quiet of the neighborhood and include, but are not limited to the following: 2 homicides; unlawful discharge of a firearm; Felonious Assaults; Assaults; Fighting; Underage consumption of alcohol; Noise disturbances (loud music, yelling, etc.); Public intoxication; and Disorderly conduct;
10. Officers from the Lima Police Department have been called out to the Premises with respect to the above offenses, resulting in arrests and criminal charges.
11. Defendants, jointly and/or severally, are attracting, permitting, or acquiescing to such criminal activity on the Premises.
12. The Premises has been a source and/or the cause of criminal activity in and around its area, and the defendants have failed to take any remedial measures to correct these issues.
13. The operation of the Premises substantially interferes with the public decency, sobriety, peace and good order of the residential and commercial areas of the surrounding neighborhood.
14. The operation of the Premises constitutes a nuisance in violation of the Ohio Revised Code and the common law of the State of Ohio.
15. It is in the interest of the public generally that these nuisance conditions be abated.
16. Felony violations of Chapters 2925 and 3719 of the Revised Code have occurred and continue to occur at the premises described above.
17. The premises described above has a general reputation as the site of felony violations of Chapters 2925 and 3719 of the Revised Code.
18. Defendants are, jointly and severally, guilty of maintaining a nuisance pursuant to R.C. 3767.02, and under Ohio common law.
19. The activities described in the preceding paragraphs constitute a nuisance *per se* under R.C. 3719.10, which nuisance is subject to abatement pursuant to R.C. Chapter 3767.
20. Plaintiff lacks an adequate remedy at law.

WHEREFORE, plaintiff respectfully prays for judgment from this honorable Court as

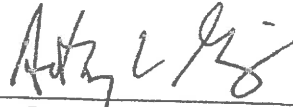
follows:

1. A finding that the premises described herein constitutes a nuisance as defined by R.C. 3719.10, and/or under common law;
2. Plaintiff be granted a Permanent Injunction pursuant to R.C. 3767.06 which:
 - (a) Directs the City of Lima to remove from the premises all personal property and contents within Premises as property used in conducting the nuisance;
 - (b) Directs the City of Lima to sell all such personal property and contents at public auction;
 - (c) Orders that the premises be padlocked, boarded, and otherwise physically closed against its use for any purpose for a period of one year from the date of the issuance of the Permanent Injunction; and
 - (d) Enjoins all persons, other than law enforcement officials, or those acting under their direction, from entering, attempting to enter, using, or attempting to use said premises for any purpose whatsoever during the duration of the Permanent Injunction.
3. That all defendants, and their successors or assigns, and any corporations, associations, limited liability companies, businesses, partnerships, limited partnerships or other business entities affiliated or associated, either now or in the future, with all defendants be temporarily, preliminary and permanently enjoined from operating a bar, restaurant, night club, dance club, or liquor establishment at 126 E. North, Lima, OH 45801.
4. Plaintiff be awarded:
 - (a) Compensatory damages in an amount to be determined by the Court,
 - (b) Costs for the removal and selling of personal property and contents equal to the same fees as plaintiff would charge and receive for levying upon and selling like property on execution;
 - (c) Costs for closing the structure located on the premises described herein, and keeping it closed, in an amount as the Court determined to be reasonable;
 - (d) Costs of this action, including attorney fees, in an amount as the Court determines to be reasonable.
5. A tax of three hundred dollars (\$300.00) imposed upon said nuisance and against the defendants pursuant to R.C. §3767.08 and 3767.09.

6. Costs assessed against all defendants jointly and severally.
7. Plaintiff be awarded any other relief to which it is entitled in law or equity.

STATE OF OHIO *ex rel.*
CITY OF LIMA, OHIO
ANTHONY L. GEIGER,
DIRECTOR OF LAW

By



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