

IN THE COURT OF COMMON PLEAS  
SUMMIT COUNTY, OHIO

2010 MAY 21 PM 2:31

STATE OF OHIO ex rel. SUMMIT COUNTY GENERAL, )  
RICHARD CORDRAY, CLERK OF COURTS )  
Plaintiff, )  
-vs- )  
JITENDRA KAPASI, )  
Defendant. )

CASE NO. CV 2010-05-3680  
JUDGE THOMAS A. TEODOSIO

**ORDER**

This matter came before the Court for hearing on May 21, 2010 upon Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunctive Relief Against Defendant Jitendra Kapasi and accompanying affidavits. Counsel was present for both Plaintiff and Defendant.

Upon consideration, the Court finds that Defendant does not have a National Pollutant Discharge Elimination System ("NPDES") Permit authorizing the discharge of effluent from the Hilltop Motel, the Palms Motel, or the Gateway Motel, and is therefore in violation of R.C. 6111.04. Untreated or partially treated sewage is being discharged into waters of the state and constitutes a public nuisance pursuant to R.C. 3767.13. Plaintiff is entitled to injunctive relief pursuant to R.C. 3767.02 and 6111.07.

In order to prevent further violations of R.C. 6111 and to protect the public health and the environment from the risks associated with the discharge of untreated and partially treated sewage, the Court issues the following Preliminary Injunction:

- (1) The Hilltop Motel, located at 7870 Ravenna Rd., Hudson, Ohio, shall acquire the necessary NPDES Permit within 30 days of this Order or shall close and cease operation. The motel shall not accept any new guests or tenants unless and until an NPDES Permit is acquired.

If no NPDES Permit is acquired within 30 days, the water supply to the motel shall be shut off.

- (2) The Palms Motel, located at 9686 State Route 14, Streetsboro, Ohio, shall be connected to the public sanitary sewer system within 14 days of this Order or shall close and cease operation. The motel shall not accept any new guests or tenants unless and until it is connected to the public sanitary sewer system. If the motel is not connected to the public sanitary sewer system within 14 days, the water supply to the motel shall be shut off.
- (3) The Gateway Motel, located at 3201 State Route 5, Braceville Township, Trumbull County, Ohio, shall close and cease operation within 7 days of this Order. The water supply to the motel shall be shut off 7 days from this Order.

Therefore, Plaintiff's Motion for Preliminary Injunctive Relief is GRANTED. A status conference is hereby set for August 6, 2010 at 1:00 p.m.

IT IS SO ORDERED.

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JUDGE THOMAS A. TEODOSIO

cc: Assistant Attorney General Bridget Coontz  
Attorney Thomas Sicuro