

COMMON PLEAS COURT
FILED

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MARGIE MURPHY MILLER
CLERK OF COURTS
ALLEN COUNTY, OHIO

IN COURT OF COMMON PLEAS
ALLEN COUNTY, OHIO

CV2013

0676

THE STATE OF OHIO, *ex rel*,
MIKE DEWINE,
OHIO ATTORNEY GENERAL

Case No.

Judge

REED

Plaintiff

Type of Case: Other Civil

v.

ENCORE MUSIC PRODUCTIONS, LLC, et al.

Defendants.

TEMPORARY RESTRAINING ORDER

This matter came before the Court on Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction. Upon Plaintiff's Motion and the affidavits attached to that motion as well as the Certification of counsel for the Attorney General, without a hearing and prior to notice being issued to the Defendants, the Court finds the Motion is well founded. The Court finds that there would be immediate and irreparable injury including the loss of assets

through dissipation as well as injury to potential donors solicited by the Defendants if this Order was not granted and if notice was given to Defendants prior to issuing this Order.

For good cause shown, the Plaintiff's Motion is GRANTED.

IT IS HEREBY ORDERED THAT Defendants Encore Music Productions, Ltd., Joseph Chiovitti, Phil's Productions LLC, Philip Howells, MVP Productions LLC, Martin Vernello, Laura Harper, Kingsley Harris, Jennifer Fairall, Jessica Covington, Abby Makara, Matthew Bocian, William Sharp, Waive Sharp, Jaime Kegarise, Esther Holmes, and John Douglas, as well as their officers, agents, servants, employees, representatives and those persons in active concert or participation with them (Collectively "Defendants"):

1. Immediately cease all activities on behalf of any charitable organizations or trusts in the state of Ohio, including, but not limited to International Association of Firefighters of Alliance #480 ("IAFF #480"), International Association of Firefighters of Marion Township Local #2134 ("IAFF #2134"), International Association of Firefighters #1340 ("IAFF #1340"), International Association of Firefighters #1910 ("IAFF #1910"), International Association of Firefighters #2786 ("IAFF #2786"), International Association of Firefighters #291 ("IAFF #291"), International Association of Firefighters #312 ("IAFF #312"), International Association of Firefighters #334 ("IAFF #334"), International Association of Firefighters #3356 ("IAFF #3356"), International Association of Firefighters #379 ("IAFF #379"), International Association of Firefighters #381 ("IAFF #381"), International Association of Firefighters Marion Township Local #2134 ("IAFF #2134"), International Association of Firefighters #1340 ("IAFF #1340"), International Association of Firefighters #1910 ("IAFF #1910"), International Association of Firefighters #2786 ("IAFF #2786"), International Association of

Firefighters #291 (“IAFF #291”), International Association of Firefighters #312 (“IAFF #312”), International Association of Firefighters #334 (“IAFF #334”), International Association of Firefighters #3356 (“IAFF #3356”), International Association of Firefighters #379 (“IAFF #379”), International Association of Firefighters #381 (“IAFF #381”), Ashtabula County Sheriff’s Patrol, Blue Knights Chapter XIV, College Township Volunteer Fire Association, Fraternal Order of Police #10 (“FOP #10”), Fraternal Order of Police #106 (“FOP #106”), Fraternal Order of Police #128 (“FOP #128”), Fraternal Order of Police #132 (“FOP #132”), Fraternal Order of Police #147 (“FOP #147”), Fraternal Order of Police #16 – Lake/Geauga (“FOP #16”), Fraternal Order of Police #171 (“FOP #171”), Fraternal Order of Police #19 (“FOP #19”), Fraternal Order of Police #50 (“FOP #50”), Fraternal Order of Police #52 (“FOP #52”), Fraternal Order of Police #53 (“FOP #53”), Fraternal Order of Police #6 (“FOP #6”), Fraternal Order of Police #60 (“FOP #60”), Fraternal Order of Police #68 (“FOP #68”), Fraternal Order of Police #71 (“FOP #71”), Fraternal Order of Police #77 Wyandot County (“FOP #77”), Fraternal Order of Police #8 (“FOP #8”), Fraternal Order of Police #90 (“FOP #90”), Kiwanis Club of Boardman and the Tiffin Area Babe Ruth Baseball League;

2. Immediately cease all acts of solicitation as defined in R.C. § 1716.01(K) in the State of Ohio for any charitable purpose or charitable organization, including, but not limited to, the same parties listed in paragraph one. This includes, but is not limited:
 - a. Requesting orally or in writing, anything of value for the benefit of a charitable purpose or charitable organization,

- b. Distributing, circulating, posting, or publishing any handbill, written advertisement, or other publication that directly or implicitly seeks to obtain a contribution for any charitable purpose or charitable organization,
 - c. Selling, offering, or attempting to sell any concert tickets for any charitable organization or charitable purpose, or using the name of any charitable organization or charitable purpose in an appeal for the sale of concert tickets, including those concerts in which all or part of the proceeds from the sale will be used for any charitable purpose or will benefit any charitable organization;
3. Immediately cease from disposing of assets held in the name of or for the benefit of the same parties listed in paragraph one or any other charitable or nonprofit entity, including but not limited to cash, supplies, and financial and other records;
4. Immediately cease accessing or withdrawing funds from any and all financial accounts in the name of the same parties listed in paragraph one or any other charitable or nonprofit entity.
5. All accounts in the name of Encore Music Productions, Ltd., MVP Productions LLC and Phil's Productions LLC be taken into actual and/or constructive possession by any and all banking institutions.
6. All accounts in the names of Defendants Encore Music Productions, Ltd., Phil's Productions LLC, Joseph A. Chiovitti, Philip J. Howells, and Martin J. Vernello, identified as The Farmers National Bank of Canfield account numbers 1552127 and 5505109, Huntington National Bank account number 2788838563, Seven Seventeen Credit Union account number 355245-00, JP Morgan Chase Bank account number 113513700, and People's Bank account number 2040045585 be taken into actual and/or

constructive possession by those banking institutions and frozen as to all withdraws or transfers.

IT IS FURTHER ORDERED that, pursuant to Ohio Civil Rule 65(A), this Order shall expire within fourteen (14) days, subject to one extension upon showing of good cause.

IT IS FURTHER ORDERED that no security shall be required of Plaintiff pursuant to Ohio Civil Rule 65(C).


IT IS FURTHER ORDERED that a copy of this Order shall be served on each Defendant personally or by certified mail.

This temporary restraining order is scheduled to expire on Oct. 2, 2013.

The hearing on the Motion for Preliminary Injunction is scheduled for

Wed., OCT. 2, 2013 at 9:30 A.M.

IT IS SO ORDERED.


Judge