

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

GARRICK KRlich)	CASE NO.
713 E. Liberty Street)	
Hubbard, OH 44425)	JUDGE
)	
Plaintiff,)	
)	
v.)	<u>PLAINTIFF'S COMPLAINT</u>
)	
JAMES R. TAAFE, in his individual and official)	(Jury Demand Endorse Herein)
capacity as the City of Hubbard Police Chief,)	
)	
and)	
)	
THE CITY OF HUBBARD, OHIO)	
)	
<i>Please serve:</i>)	
Mark Villano)	
220 West Liberty Street)	
Hubbard, OH 44425,)	
)	
and)	
)	
TRUMBULL COUNTY, OHIO)	
)	
<i>Please serve:</i>)	
Trumbull County Board)	
of Commissioners)	
160 High Street NW, 5 th Floor)	
Warren, OH 44481,)	
)	
Defendants.)	

Plaintiff, Garrick Krlich ("Plaintiff"), by and through counsel, for his Complaint against Defendants, the City of Hubbard Police Chief James R. Taafe, the City of Hubbard ("Hubbard"), and Trumbull County ("Defendants"), states and alleges the following:

INTRODUCTION

1. Plaintiff brings this 42 U.S.C. § 1983 action as a result of an ongoing campaign of tyranny, invasion of his rights, and nuisance (“the campaign”), designed to harass, intimidate, terrorize, and retaliate against him, which has been ongoing for more than nine (9) years. This campaign was initiated, and has been sustained, by John Clemente Jr., whose family has long and deep ties to the small town of Hubbard, Ohio, and who spent a career in the City’s Fire Department and Water Department, where he established long-standing friendships with many of the City’s officials and executives. Not only have Defendants intentionally “turned a blind eye” to the rights and plight of Plaintiff and his wife, but numerous City and County officials, executives, and employees have been recorded actively, directly, and intentionally participating in this campaign, sometimes while in official City and/or County vehicles. Thus, Defendants are not only complicit in this campaign, but they are actively pursuing it.

JURISDICTION AND VENUE

2. This Court has jurisdiction over Plaintiff’s 42 U.S.C. § 1983 claims pursuant to 28 U.S.C. § 1331.

3. In accordance with Local Rule 3.8, venue is proper in this Court because both the City of Hubbard, and the county of Trumbull in which it is located, are within this Court’s jurisdiction; the individually named Defendant works and resides in Trumbull County; and all, or a substantial part of, the events and/or omissions giving rise to Plaintiff’s claims occurred in Trumbull County.

PARTIES

4. At all times relevant hereto, Plaintiff was a citizen of the United States and a resident of Trumbull County, Ohio.

5. Upon information and belief, and at all times relevant hereto, Defendant James R. Taafe was a citizen of the United States, a resident of Trumbull County, and Police Chief of the Hubbard Police Department, in which position he was responsible for supervising the Hubbard police officers and creating and enforcing the Hubbard Police Department's policies.

6. Defendant Hubbard is a municipal corporation, incorporated and established under the laws of the State of Ohio pursuant to R.C. § 701, and authorized under the laws of the State of Ohio to maintain the Hubbard Police Department, which acts as its agent in the area of law enforcement, and for which it is ultimately responsible. The City assumes the risks incidental to maintaining a police force and employing police officers.

7. Defendant Trumbull County encompasses the City of Hubbard, and through its Commissioners, is responsible for, *inter alia*, the County's 9-1-1 Center.

BACKGROUND FACTS

8. Hubbard is a small town located in Trumbull County, with a population of approximately 7,500 - 8,000 people, according to the 2010 Census.

9. John Clemente, Jr. ("Clemente") was the Fire Chief for the Hubbard Fire Department (Eagle Joint Fire District) for 8 years, until 2012, when he retired in connection with an investigation into allegations regarding his misconduct.

10. In 2007, Plaintiff bid on a piece of real property (the "Clemente Property") adjacent to his own, which was for sale by auction after the passing of its owner, Mary Clemente.

11. Clemente, the nephew of Mary and Arthur Clemente, told Plaintiff to rescind his bid or they'd be "bitter enemies for life," because the house had been in his family since 1922.

12. Plaintiff did not rescind his bid, and despite placing the highest bid on the

Clemente Property, title to the property did not pass to him as it should have.

13. In 2007, following Plaintiff's refusal to withdraw his bid for the Clemente Property, members of the Clemente family, and their friends and coworkers (including many of John Clemente, Jr.'s coworkers in the Hubbard Fire Department), began a campaign to harass, intimidate, and terrorize Plaintiff and his wife by honking their horns whenever they drove past Plaintiff's residence, which continues to this day.

14. For nearly ten years, Plaintiff has tried to stop the campaign against him and his wife by, *inter alia*, reporting the honking motorists to the Hubbard Police Department and/or by calling 9-1-1.

15. Plaintiff also sought, and obtained, Civil Protection Orders against some of the serial harassers.

16. Nonetheless, the harassment campaign continues unabated.

17. Plaintiff has spent a significant amount of money to purchase and install video and audio recording equipment to record the ongoing campaign of harassment against him and his wife.

18. Plaintiff has recorded countless incidents of horn blowing by passing motorists, including, *inter alia*, the Hubbard Police Chief's son and brother, City of Hubbard Councilmen, members of the Hubbard Police Department (**while driving police cruisers**), City of Hubbard Firemen (**while driving City fire trucks**), fire men from surrounding municipalities, Hubbard Zoning Township Official (while driving a marked Hubbard Township vehicle), Trumbull County school buses, Hubbard Local School District buses, and the son and sister of Girard Municipal Court Judge Jeffrey Adler.

19. The motorists who participate in this campaign of terror and intimidation against

Plaintiff and his wife honk their horns at all hours of the day and night, sometimes leaning on their horns for as long as 5-10 seconds at a time, and revving their engines as they drive past Plaintiff's home.

20. Plaintiff continues to record, and then categorize and index, the incidents comprising this campaign of terror and intimidation against him and his wife.

21. Plaintiff has reported several hundred of these incidents to the Hubbard Police Department, but the Department has failed and refused to accept many of Plaintiff's reports.

22. On at least one occasion, Trumbull's 9-1-1 Center refused to take Plaintiff's call, telling him to contact the Police Department and then hanging up on him.

23. On at least one occasion, Trumbull's 9-1-1- Center female call-taker/dispatcher falsely reported to a police officer that a caller told her Plaintiff was going to kill him.

24. The Hubbard Police Department and Trumbull 9-1-1 Center require Plaintiff, and only Plaintiff, to follow a specific "protocol" prior to contacting the Hubbard Police Department or 9-1-1 Center, or they will not respond to, or accept, a noise or harassment complaint from him.

25. Upon information and belief, no other Trumbull County resident is required to follow such an individualized "protocol" in order to make a criminal complaint or request assistance from 9-1-1.

26. Upon information and belief, Hubbard Police Department officials do not investigate, or even follow up on, Plaintiff's noise complaints and/or police reports.

27. The Hubbard Police Department sends officers and/or other Police Department personnel to investigate and follow up on noise and nuisance complaints made by Plaintiff's similarly situated neighbors and other residents of Hubbard.

28. In July 2016, Plaintiff made a complaint to the Hubbard Police Department after witnessing Judge Jeffrey Adler's truck drive by his home with its horn blowing.

29. In that instance, City of Hubbard police officers contacted Judge Adler and learned that his son had, in fact, driven Judge Adler's truck on Plaintiff's street and honked the horn as he passed by Plaintiff's home.

30. Thus, the Hubbard Police Department is able to contact suspected perpetrators of the harassment to investigate, warn, and/or issue citations to those who blow their horn or rev their engine.

31. However, Hubbard officials took no action against Judge Adler's son for intentionally harassing Plaintiff and/or for violating City ordinance 509.11, which prohibits any disturbance of the peace and quiet by an unnecessary outcry

32. The incident involving Judge Adler, a municipal judge, demonstrates that even elected officials are complicit in the campaign of harassment against Plaintiff and his wife.

33. Defendants refuse to contact the majority of the perpetrators of this campaign of harassment to warn or cite them for violating City Ordinances 337.19, 337.20, 331.36, 339.13, and/or 509.13, despite Plaintiff's numerous requests that they do so.

34. Plaintiff's reports to the Hubbard Police Department and other City and County officials have fallen on deaf ears, and Defendants have deprived Plaintiff of his rights by failing and refusing to take the action necessary to protect him and his wife from this ongoing campaign of harassment, intimidation, terrorism, and retaliation.

COUNT ONE
(Violation of the Equal Protection Clause)

35. Plaintiff incorporates by reference the foregoing allegations as if fully rewritten

herein.

36. The Equal Protection Clause, which applies to state and local governments, is part of the Fourteenth Amendment to the United States Constitution, which took effect in 1868 and provides that no state (or local government) shall deny to any person within its jurisdiction “the equal protection of the laws.”

37. City and County officials and employees, including members of the Hubbard Police Department, have denied, and continue to deny, Plaintiff his Equal Protection rights, secured by the Fourteenth Amendment of the Constitution, by: (a) refusing to accept Plaintiff’s reports and complaints to the Police Department and/or 9-1-1 Center; (b) requiring Plaintiff to follow a “protocol” before accepting a complaint or report of harassment from him; (c) failing to investigate the vast majority of Plaintiff’s complaints of harassment and nuisance; (d) failing to issue citations or warnings to, or taking any action against, hundreds of perpetrators, despite their repeated, long-term, and continuing harassment of Plaintiff and his wife; and (e) in some instances, directly and intentionally participating in the campaign against Plaintiff themselves.

38. The fact that some of the City’s and County’s own officials, executives, and employees participated in the campaign against Plaintiff has resulted in the creation of an intentional scheme to refuse to protect Plaintiff, and in some cases, to join in the harassment and intimidation against him.

39. Defendants’ refusal to investigate and prosecute the perpetrators of the campaign against Plaintiff has been ongoing for nearly ten years and continues to this day.

40. The duration and magnitude of the honking incidents has drawn national media attention, including the airing of a segment on Plaintiff’s plight on the television show “20/20.”

41. There is no rational basis for Defendants to “single out” Plaintiff, to refuse to

afford him equal protection of the laws, to selectively deny protective services to him, and/or to allow years of intimidation, terrorism, and retaliation against him and his wife to continue unabated.

42. While there is no “official” City or County policy permitting this campaign against Plaintiff to continue, the intentional, wide-spread, and long-term inaction by City and County officials has been instrumental in creating and maintaining a persistent pattern of depriving Plaintiff of his equal protection rights.

43. Upon information and belief, City and County officials do not intentionally refuse to take 9-1-1 calls and/or police reports from Plaintiff’s similarly situated co-residents of Hubbard and Trumbull County, nor are similarly situated residents of Trumbull County required to follow a “protocol” in order to make a police report or complaint.

44. Defendants’ refusal to investigate and/or prosecute the perpetrators of this campaign, or take other reasonable steps to deter it, along with their participation in the campaign, is motivated by a malice, spite, and ill will toward Plaintiff.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Honorable Court:

A. Award actual damages for, *inter alia*, video recording equipment and legal fees, compensatory damages, and punitive damages in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.000); and

B. Award court costs, legal fees, and all other equitable relief to which Plaintiff is entitled and which this Court deems proper.

Respectfully submitted,

/s/ Caryn M. Groedel

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JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues so triable.

/s/ Caryn M. Groedel

Caryn M. Groedel