



the City of Milwaukee at the following addresses: 3015 South 11<sup>th</sup> Street, 2071 South 5<sup>th</sup> Place, 1558 West Cleveland Avenue, 1430 West Greenfield Avenue, 2363 South 9<sup>th</sup> Street, 1730 South 26<sup>th</sup> Street, 1206 South 18<sup>th</sup> Street, 2418 South 16<sup>th</sup> Street, 2061-63 South 7<sup>th</sup> Street, 1908-10 South 5<sup>th</sup> Place, 1425-1427 West Greenfield Avenue, and 1525-1527 South 22<sup>nd</sup> Street (collectively, "the properties").

3. Defendant has owned the property located at 3015 South 11<sup>th</sup> Street ("Churchill Property #1") since May 25, 1999 and the legal description of Churchill Property #1 is as follows:

LOT 4, IN BLOCK 7, IN VOGEL PARK, BEING THE SUBDIVISION OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 8, IN TOWNSHIP 6 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

4. Defendant has owned the property located at 2071 South 5<sup>th</sup> Place ("Churchill Property #2") since June 2, 2006 and the legal description of Churchill Property #2 is as follows:

LOT 26, IN BLOCK 6, IN CARLTON SUBDIVISION NO. 2, IN THE SOUTHEAST 1/4 OF SECTION 5, IN TOWNSHIP 6 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

5. Defendant has owned the property located at 1558 West Cleveland Avenue ("Churchill Property #3") since June 24, 2009 and the legal description of Churchill Property #3 is as follows:

THE WEST 30 FEET OF LOTS 17, 18, 19 AND 20, IN BLOCK 4, IN PULASKI PARK, IN THE SOUTHEAST 1/4 AND THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 6 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

6. Defendant has owned the property located at 1430 West Greenfield Avenue ("Churchill Property #4") since July 10, 2009 and the legal description of Churchill Property #4 is as follows:

LOT 13, IN BLOCK 2, IN ASSESSMENT SUBDIVISION NO. 41, BEING A SUBDIVISION OF PARTS OF LOTS 8 AND 9, IN SUBDIVISION OF THE EAST ½

OF THE SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

7. Defendant has owned the property located at 2363 South 9<sup>th</sup> Street (“Churchill Property #5”) since August 5, 2009 and the legal description of Churchill Property #5 is as follows:

LOT 24, BLOCK 3, IN LINCOLN AVENUE HEIGHTS, IN THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

8. Defendant has owned the property located at 1730 South 26<sup>th</sup> Street (“Churchill Property #6”) since August 6, 2009 and the legal description of Churchill Property #6 is as follows:

LOT 4, IN BLOCK 2, IN GREGORY’S SUBDIVISION IN THE NORTHWEST 1/4 OF SECTION 6, IN TOWNSHIP 6 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

9. Defendant has owned the property located at 1206 South 18<sup>th</sup> Street (“Churchill Property #7”) since August 28, 2009 and the legal description of Churchill Property #7 is as follows:

LOT 43, IN BLOCK 7, IN WECHSELBERG AND ELLIOTT’S SUBDIVISION OF A PART OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 31, IN TOWNSHIP 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

10. Defendant has owned the property located at 2418 South 16<sup>th</sup> Street (“Churchill Property #8”) since October 13, 2009 and the legal description of Churchill Property #8 is as follows:

LOT 29 EXCEPT THE SOUTHEASTERLY 43.5 FEET THEREOF IN BLOCK 3, IN HOPKINS AND HADLEY’S SUBDIVISION NO. 1, IN THE NORTHEAST 1/4 OF SECTION 7, IN TOWNSHIP 6 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

11. Defendant has owned the property located at 2061-63 South 7<sup>th</sup> Street (“Churchill Property #9”) since February 1, 2010 and the legal description of Churchill Property #9 is as follows:

LOT 5, IN BLOCK 2, IN WOOTSCH’S SUBDIVISION, BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 5, IN TOWNSHIP 6 NORTH, RANGE 22 EAST, IN

THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

12. Defendant has owned the property located at 1908-1910 South 5<sup>th</sup> Place (“Churchill Property #10”) since June 21, 2010 and the legal description of Churchill Property #10 is as follows:

LOT 38, IN BLOCK 2, IN CARLTON SUBDIVISION IN THE SOUTHEAST 1/4 OF SECTION 5, TOWN 6 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

13. Defendant has owned the property located at 1425-1427 West Greenfield Avenue (“Churchill Property #11”) since March 9, 2011 and the legal description of Churchill Property #11 is as follows:

LOT 7, IN BLOCK 2, IN D G ROGERS AND GEORGE BURNHAMS SUBDIVISION, IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 6, IN TOWNSHIP 6 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

14. Defendant has owned the property located at 1525-1527 South 22<sup>nd</sup> Street (“Churchill Property #12”) since March 15, 2013 and the legal description of Churchill Property #12 is as follows:

LOT 34 IN BLOCK 14, IN FITZGERALD AND BECHER’S SUBDIVISION OF LOT 2, IN THE PARTITION OF THE NORTH 109.89 ACRES OF THE NORTHWEST 1/4 OF SECTION 6, IN TOWNSHIP 6 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

15. Upon information and belief, and based upon documents filed by the Defendant, Defendant’s mailing address is 2081 S. 56th Street, West Allis, WI 53219.

16. The properties are residential rental premises and not homestead properties.

#### VENUE

17. This Court is the proper venue for this action because the real properties that are the subject of this action are situated in Milwaukee County and Defendant resides or does substantial

business therein.

### **SUBJECT MATTER JURISDICTION**

18. The City is a municipal corporation that may apply to the circuit court for relief pursuant to Wis. Stat. Ch. 823.

### **FIRST CAUSE OF ACTION: PUBLIC NUISANCE**

19. Paragraphs 1 through 18 are hereby realleged and incorporated by reference as if fully set forth therein.

20. Defendant's negligent rental and management practices are creating a public nuisance pursuant to Wis. Stats. §§ 823.02, 823.09 and 823.113.

21. On or about November 15, 2016, Defendant met with an officer of the Milwaukee Police Department ("MPD") District Two Community Prosecution Unit to discuss the ongoing drug and nuisance activity occurring at Defendant's properties. At this meeting, MPD provided Defendant with information on tenant screening, nuisance abatement, and monitoring properties for drug and nuisance activities.

22. MPD contacted Defendant at least 10 times prior to the November 15, 2016 meeting to discuss the drug and nuisance activity occurring at the properties. MPD provided Defendant with information on tenant screening, nuisance abatement, and monitoring properties for drug and nuisance activities.

23. After the November 15, 2016 meeting, another incident involving nuisance and drug activity occurred at one of Defendant's properties (Churchill Property #7) on January 23, 2017.

24. Upon information and belief, additional drug activity is occurring at one or more of Defendant's properties as of February 8, 2017.

25. Since 2013, at least five (5) tenants and/or occupants of Defendant's properties have been involved in drug activities at two or more of Defendant's properties.

26. On or about January 25, 2017, a confidential informant ("CI") provided the Milwaukee Police Department ("MPD") with information that Defendant was aware that drug activity occurred at the properties.

27. On or about January 25, 2017, a CI stated to MPD that Defendant would allow drug activity to occur at the properties if tenants provided Defendant \$1,000 monthly cash payments.

28. Upon information and belief, Defendant is personally involved in the delivery, distribution, manufacture, sale, storage and possession of controlled substances.

29. Defendant is aware or should have been aware that his properties have been used to facilitate the delivery, distribution, manufacture, sale, storage and possession of controlled substances (marijuana, heroin, crack cocaine, and cocaine); the storage and possession of drug paraphernalia, drug manufacturing materials, drug packaging; and, other criminal conduct and nuisance activities further identified hereafter.

30. Defendant's negligence in managing the use of the properties interferes substantially with the comfortable enjoyment of life, health and safety of others in the neighborhood and the City. It has also contributed to crime, fear and disorder in the neighborhood and the City, as well as negatively impacted the neighboring property values and impeded lawful business operations in the area. This constitutes a public nuisance.

#### **SECOND CAUSE OF ACTION: PUBLIC NUISANCE DRUG HOUSE**

31. Paragraphs 1 through 30 are hereby realleged and incorporated by reference as if fully set forth therein.

32. Certain activities have occurred and continue to occur at the properties, including, but not limited to: the delivery, distribution, manufacture, sale, storage and possession of controlled substances (marijuana, heroin, crack cocaine, and cocaine); the storage and possession of drug paraphernalia, drug manufacturing materials, drug packaging; and, other criminal conduct and nuisance activities further identified hereafter.

33. MPD has issued 11 separate Notice of Public Nuisance letters informing Defendant that the building or structures located on Defendant's properties were being used to facilitate the delivery, distribution or manufacture of a controlled substance, or were a building or structure where those acts take place and are a public nuisance pursuant to Wis. Stat. §823.113.

34. The 11 Notice of Public Nuisance letters were issued to the following properties on the following dates:

- |    |                    |                        |
|----|--------------------|------------------------|
| a. | January 26, 2017   | Churchill Property #5  |
| b. | September 20, 2016 | Churchill Property #11 |
| c. | September 9, 2015  | Churchill Property #7  |
| d. | August 19, 2015    | Churchill Property #5  |
| e. | August 19, 2015    | Churchill Property #10 |
| f. | August 7, 2015     | Churchill Property #11 |
| g. | March 25, 2015     | Churchill Property #11 |
| h. | May 12, 2014       | Churchill Property #10 |
| i. | April 15, 2014     | Churchill Property #4  |
| j. | June 19, 2013      | Churchill Property #12 |
| k. | January 6, 2011    | Churchill Property #5  |

35. MPD issued the Notice of Public Nuisance letters based on drug related incidents that occurred at the properties from 2011 through January 26, 2017. The incidents, in chronological order from the oldest to the most recent are as follows:

**INCIDENT 1: January 6, 2011 Drug House Designation of Churchill Property #5**

36. On or about August 17, 2010, MPD responded to a complaint of shots fired at Churchill Property #5.

37. Upon arrival at Churchill Property #5, MPD conducted a consent search of the property.
38. On or about August 17, 2010, MPD recovered evidence of use, delivery, distribution or manufacture of controlled substances at Churchill Property #5. The evidence recovered by MPD included sandwich bags, a silver grinder commonly used to grind marijuana, plastic corner cut baggies, metal pipes containing marijuana residue, a glass pipe, a digital scale, and 2.7 grams of marijuana.
39. On or about August 17, 2010, MPD also recovered 22 rounds of .22 cal. ammunition, 42 rounds of 9 mm ammunition, a box of 9 mm Winchester ammunition, an orange pill bottle containing .22 cal. ammunition, a spent .38 cal. casing, a spent 9 mm casing, an empty box of 9 mm Remington ammunition, a black Crosman air gun, a black bb gun and a revolver loaded with five (5) 9 mm bullets from Churchill Property #5.
40. On or about January 6, 2011, MPD sent Defendant a Notice of Public Nuisance due to the facilitation of the delivery, distribution or manufacture of a controlled substance at Churchill Property #5. The letter demanded that Defendant take immediate action to abate the nuisance activity at the property.

**INCIDENT 2: June 19, 2013 Drug House Designation of Churchill Property #12**

41. On or about June 17, 2013, MPD executed a search warrant at Churchill Property #12.
42. On or about June 17, 2013 MPD recovered evidence of use, delivery, distribution or manufacture of controlled substances at Churchill Property #12. The evidence recovered by MPD included hypodermic needles, medical elastic bands, a plate with cocaine residue, tubes of sterile water and caps used to mix and cook illegal narcotics, and .02 grams of cocaine.
43. On or about June 19, 2013, MPD sent Defendant a Notice of Public Nuisance due to the facilitation of the delivery, distribution or manufacture of a controlled substance at Churchill



Property #12. The letter demanded that Defendant take immediate action to abate the nuisance activity at the property.

**INCIDENT 3: April 15, 2014 Drug House Designation Churchill Property #4**

44. On or about April 8, 2014, MPD responded to a report of a shooting at Churchill Property #4.

45. On or about April 8, 2014, MPD recovered evidence of use, delivery, distribution or manufacture of controlled substances at Churchill Property #4. The evidence recovered by MPD included corner cut baggies, chore boy steel wool and gram scales.

46. On or about April 15, 2015, MPD sent Defendant a Notice of Public Nuisance due to the facilitation of the delivery, distribution or manufacture of a controlled substance at Churchill Property #4. The letter demanded that Defendant take immediate action to abate the nuisance activity at the property.

**INCIDENT 4: May 12, 2014 Drug House Designation of Churchill Property #10**

47. On or about May 6, 2014, MPD executed a search warrant at Churchill Property #10.

48. On or about May 6, 2014, MPD recovered evidence of use, delivery, distribution or manufacture of controlled substances at Churchill Property #10. The evidence recovered included .65 grams of heroin, 1.14 grams of marijuana, .50 grams of oxycodone, .46 grams of Adderall, .25 grams of morphine, narcotic packaging material, narcotic smoking devices, a Plano handgun case, a magazine pouch, a 16 round .40 cal. pistol magazine, two pistol holsters, a naloxone kit containing three syringes of Narcan, and US currency in denominations consistent with proceeds of drug sales.

49. On or about May 6, 2014, MPD officers observed that Churchill Property #10 was heavily fortified at the front and rear doors by steel brackets and two wood boards, and that the

windows were covered with rubber sheets and plywood. Fortification is consistent with the use of a property as a drug house.

50. On or about May 6, 2014, MPD officers took four subjects suspected of drug activity at Churchill Property #10 into custody. These four subjects were Damon L. Luttrell ("D"), Justin C. Daly, Willie Jordan (d.o.b. 10/27/86), and Desirre D. Grabowski-Williams.

51. On May 6, 2014, Willie Jordan was cited at Churchill Property #10 for violating Milwaukee Code of Ordinance ("MCO") § 106-37-2, Frequenting an Illegal Drug House.

52. On May 6, 2014, Desirre D. Grabowski-Williams was cited at Churchill Property #10 for violating MCO § 106-37-2, Frequenting an Illegal Drug House.

53. On or about May 12, 2014, MPD sent Defendant a Notice of Public Nuisance due to the facilitation of the delivery, distribution or manufacture of a controlled substance at Churchill Property #10. The letter demanded that Defendant take immediate action to abate the nuisance activity at the property.

**INCIDENT 5: March 25, 2015 Drug House Designation of Churchill Property #11**

54. On or about March 20, 2015, MPD investigated a report of an armed robbery that occurred at Churchill Property #11.

55. The March 20, 2015 investigation revealed that personal property was removed from Churchill Property #11. This personal property included a safe box (containing five (5) grams of marijuana, four (4) smoking pipes, one grinder and \$300.00 in U.S. Currency), 28 grams of marijuana in the shape of a brick, and a Samsung Galaxy S2 cell phone.

56. Multiple statements were made to MPD during the March 20, 2015 investigation that marijuana was being sold and packaged from Churchill Property #11.

57. On or about March 25, 2015, MPD sent Defendant a Notice of Public Nuisance due to the facilitation of the delivery, distribution or manufacture of a controlled substance at Churchill Property #11. The letter demanded that Defendant take immediate action to abate the nuisance activity at the property.

**INCIDENT 6: August 7, 2015 Drug House Designation of Churchill Property #11**

58. On or about August 4, 2015, MPD entered Churchill Property #11 after smelling the odor of crack cocaine and marijuana emanating from the property.

59. On or about August 4, 2015, MPD recovered evidence of use, delivery, distribution or manufacture of controlled substances at Churchill Property #11. The evidence recovered included syringes, tourniquets, boiling tins, digital scales, clear plastic baggie corner cuts and clear glass tubes with crack cocaine residue.

60. On or about August 4, 2015, after arresting 17 individuals at Churchill Property #11 and during a custodial search at the MPD District Two, MPD discovered five (5) clear plastic baggie corner cuts in the hair of one of the arrested individuals. The corner cuts contained a gray powdery substance identified to be .52 grams of heroin.

61. Through debriefs of the subjects that were arrested, MPD learned that a subject named Willie Jordan and an associate were “in charge” of the drug activity at Churchill Property #11.

62. Through debriefs of the subjects that were arrested, MPD was informed that Willie Jordan and an associate had recently started “operating” a drug house at Churchill Property #11.

63. Through debriefs of the subjects that were arrested, MPD was informed that Willie Jordan and an associate had previously operated a drug house at Churchill Property #10.

64. On May 6, 2014, Willie Jordan was cited at Churchill Property #10 for violating Milwaukee Code of Ordinance (“MCO”) § 106-37-2, Frequenting an Illegal Drug House.

65. Through debriefs of the subjects that were arrested on or about August 4, 2015, MPD was informed that "Goldie" supplied crack and heroin to Churchill Property #11.

66. On or about August 7, 2015, MPD sent Defendant a Notice of Nuisance Premise due to the violation of MCO § 80-10, Chronic Nuisance Premises. The letter demanded that Defendant take immediate action to abate the nuisance activity at Churchill Property #11.

67. Defendant failed to respond to the August 7, 2015 Notice of Nuisance Premise with a written abatement plan as required by MCO § 80-10.

68. On or about August 7, 2015, MPD sent Defendant a Notice of Public Nuisance due to the facilitation of the delivery, distribution or manufacture of a controlled substance at Churchill Property #11. The letter demanded that Defendant take immediate action to abate the nuisance activity at Churchill Property #11.

**INCIDENT 7: August 19, 2015 Drug House Designation of Churchill Property #5**

69. On or about August 7, 2015, MPD accompanied inspectors from the City of Milwaukee Department of Neighborhood Services (DNS) to inspect Churchill Property #5.

70. During the August 7, 2015 inspection, DNS and MPD observed and photographed evidence of drug use at Churchill Property #5 including hypodermic needles, several prescription medications, and two subjects on site that had recently injected heroin.

71. On or about August 19, 2015, MPD sent Defendant a Notice of Public Nuisance due to the facilitation of the delivery, distribution or manufacture of a controlled substance at Churchill Property #5. The letter demanded that Defendant take immediate action to abate the nuisance activity at the property.

**INCIDENT 8: August 19, 2015 Drug House Designation of Churchill Property #10**

72. On or about August 4, 2015, MPD accompanied inspectors from the City of Milwaukee Department of Neighborhood Services (DNS) to inspect Churchill Property #10.

73. During the August 4, 2015 inspection, DNS and MPD observed and photographed evidence of drug use at Churchill Property #10 including hypodermic needles, corner cut baggies and prescription medication.

74. On or about August 19, 2015, MPD sent Defendant a Notice of Public Nuisance due to the facilitation of the delivery, distribution or manufacture of a controlled substance at Churchill Property #10. The letter demanded that Defendant take immediate action to abate the nuisance activity at the property.

**INCIDENT 9: September 9, 2015 Drug House Designation of Churchill Property #7**

75. On or about September 4, 2015, MPD accompanied DNS on a property inspection at Churchill Property #7.

76. Three occupants were in Churchill Property #7 and stated to MPD that none of them were tenants. Two of the occupants were identified as James Coyhis and Victoria Wilborn-Mcafee.

77. On or about September 4, 2015, Defendant was contacted by DNS and identified Michael Rosenthal as the tenant of Churchill Property #7.

78. MPD identified Victoria Wilburn-Mcafee and James Coyhis as tenants at Churchill Property #6 sometime around October 12, 2015, a short time after the September 4, 2015 incident at Churchill Property #7.

79. On or about September 4, 2015, MPD observed a board nailed to the floor and a 2 x 4 board next to the door that appeared to be used to barricade or fortify Churchill Property #7.

80. On or about September 4, 2015, MPD recovered evidence of use, delivery, distribution or manufacture of controlled substances at Churchill Property #7. The evidence recovered included

digital scales, 6.87 grams of crack cocaine, 6.34 grams of marijuana, a glass bong, and corner-cut baggies.

81. On or about September 4, 2015, MPD recovered a box of 9 mm ammunition, a box of 45 cal. ammunition, a 9 mm handgun, a box of 12 ga. shotgun shells, a spent 385 Magnum casing, a pump-action shotgun, two (2) shotgun shells, one (1) .45 cal. bullet, 25 12 ga. buckshot shells, 23 9 mm Luger bullets, 30 .45 cal. bullets, 54 9 mm Luger bullets, 46 9 mm Luger bullets, one (1) 12 ga. shotgun shell, 24 12 ga. super-target shotgun shells, seven (7) .38 Special bullets, one (1) 12 ga. PDX1 shotgun shell, one (1) .22 cal. bullet, a Blackhawk holster, three (3) Glock model 19/23 pistol grips, a .45 cal. air-soft pistol and a CO2 air-soft revolver style bb gun from Churchill Property #7.

82. On or about September 9, 2015, MPD sent Defendant a Notice of Public Nuisance due to the facilitation of the delivery, distribution or manufacture of a controlled substance at Churchill Property #7. The letter demanded that Defendant take immediate action to abate the nuisance activity at the property.

**INCIDENT 10: September 20, 2016 Drug House Designation of Churchill Property #11**

83. On or about September 12, 2016, MPD executed a search warrant at Churchill Property #11.

84. The search warrant executed on September 12, 2016 at Churchill Property #11 was based on numerous documented and undocumented drug dealing complaints and undercover surveillance, including hand to hand drug transactions.

85. During the search warrant executed on September 12, 2016, MPD observed video surveillance cameras on the interior and exterior of Churchill Property #11, including four monitors inside of the front house which allowed subjects to view the area surrounding the

residence and inside of the house. This type of surveillance is consistent with the use of a premise as a drug house.

86. On or about September 12, 2016, MPD recovered evidence of use, delivery, distribution or manufacture of controlled substances from Churchill Property #11. This evidence included 14.7 grams of heroin, 48.67 grams of crack cocaine and seven (7) hydrocodone pills.

87. On or about September 12, 2016, MPD recovered \$2,092 in denominations consistent with drug sale proceeds from Churchill Property #11.

88. On or about September 12, 2016, MPD recovered a loaded .22 cal. rifle, a loaded .45 cal. Hi-Point handgun, a loaded modified 12 ga, short-barrel shotgun, the sawed-off portion of the barrel, a .45 cal. extended magazine, Winchester .40 cal. ammunition, 12 ga. shot gun shells, .22 cal. ammunition and 9 mm ammunition from Churchill Property #11.

89. On or about September 12, 2016, MPD recovered a rent receipt listed to Anthony Smith for the amount of \$1,200.00 for the address 1427 West Greenfield Avenue from Churchill Property #11.

90. Upon information and belief, Anthony T. Smith and Miketa B. Roberts were Defendant's tenants at Churchill Property #11 at the time of the executed warrant on September 12, 2016.

91. On or about September 20, 2016, MPD sent Defendant a Notice of Public Nuisance due to the facilitation of the delivery, distribution or manufacture of a controlled substance at Churchill Property #11. The letter demanded that Defendant take immediate action to abate the nuisance activity at the property.

92. On or about September 20, 2016, MPD sent Defendant a Notice of Nuisance Premise due to the violation of MCO § 80-10, Chronic Nuisance Premises. The letter demanded that Defendant take immediate action to abate the nuisance activity at Churchill Property #11.

Defendant failed to respond to the Notice of Nuisance Premise with a written abatement plan as required by MCO §80-10.

**INCIDENT 11: January 26, 2017 Drug House Designation of Churchill Property #5**

93. On or about January 23, 2017, MPD investigated a report of shots fired at Churchill Property #5.

94. Upon arrival, MPD found 35 shell casings on the street in front of Churchill Property #5 as well as bullet holes in Churchill Property #5.

95. MPD interviewed a total of 29 individuals whom were located inside the lower unit of Churchill Property #5.

96. The 29 individuals stated to MPD they came to Churchill Property #5 to buy or use drugs and/or prostitution.

97. One of the 29 individuals located inside of Churchill Property #5 was Joyce Weisman. Joyce Weisman had been previously cited at Churchill Property #11 and was convicted of Frequenting an Illegal Drug House on August 5, 2015, in violation of MCO 106-37-2 (Milwaukee Municipal Court Case #15040096).

98. On January 23, 2017, Susan M. Castellano was one of the 29 individuals located at Churchill Property #5.

99. On or about January 28, 2017, Susan B. Castellano was charged with Possession of Cocaine in violation of Wis. Stat 961.41(3g)(c), stemming from the incident that occurred on or about January 23, 2017 at Churchill Property #5.

100. Defendant provided MPD with an e-mail on December 15, 2016 stating that Susan M. Castellano was a new tenant at Churchill Property #11.



101. On or about January 23, 2017, MPD recovered evidence of use, delivery, distribution or manufacture of controlled substances at Churchill Property #5. The evidence recovered by MPD included four (4) digital scales, hypodermic needles, tie offs, baggies, ascorbic acid, alprazolam, dextroamphetamine, .14 grams of crack cocaine and 1.17 grams of marijuana.

102. Through debriefs of the 29 subjects located Churchill Property #5 including a CI, MPD learned that a subject named Brandin A. Green, known as "Goldie" and an associate, Joseph T. Jones, known as "Poncho", were "in charge" of the drug activity at the location.

103. MPD previously linked "Goldie" to Incident 7, the August 7, 2015 MPD drug house designation at Churchill Property #11.

104. Through debriefs of the 29 subjects located in Churchill Property #5 including a CI, MPD learned that "Goldie" and "Poncho" sold crack cocaine and heroin from Churchill Property #5.

105. MPD observed that the entrance door to the lower unit of Churchill Property #5 was fortified. This type of fortification is consistent with the use of a premise as a drug house.

106. MPD observed mounted video surveillance cameras at two doors used for entry into the lower unit at Churchill Property #5. This type of surveillance is consistent with the use of a premise as a drug house.

107. On or about January 26, 2017, MPD sent Defendant a Notice of Nuisance Premise due to the violation of MCO § 80-10. The letter demanded that Defendant take immediate action to abate the nuisance activity at Churchill Property #5.

#### **Drug Offenses Related to Personal Use**

108. Additional drug incidents that have not resulted in MPD drug house designations have been tied to Defendant's properties.

109. The additional drug incidents tied to Defendant's properties are as follows:

- a. On or about August 16, 2016, MPD responded to a drug dealing complaint at the Churchill Property #11. Officers observed drug paraphernalia on the porch.
- b. On or about August 18, 2016, MPD conducted a traffic stop in front of Churchill Property #11. An occupant of the vehicle was a tenant of Churchill Property #11. The officers recovered a crack pipe and observed other drug paraphernalia inside the vehicle.
- c. On or about December 30, 2016, MPD responded to a complaint of drug dealing at Churchill Property #11. That MPD collected .58 grams of marijuana from the vehicle. That the driver was identified as Damon Luttrell and the passenger was identified as Susan Castellano, and that Susan Castellano informed MPD she lived at Churchill Property #11. Damon Luttrell was previously taken into MPD custody at Churchill Property #10 (See Incident 4: May 12, 2014) and Susan Castellano was subsequently taken into MPD custody at Churchill Property #5 (See Incident 11: January 26, 2017).

110. The properties are used to facilitate the delivery, distribution, and/or manufacture of controlled substances and is a haven to those who engage in such conduct and is a public nuisance pursuant to Wis. Stat. § 823.113.

111. The unreasonable activities and use of the property which are occurring at the property are substantially interfering with the comfortable enjoyment of life, health, and safety of others and are a public nuisance.

### **THIRD CAUSE OF ACTION: PUBLIC NUISANCE BAWDY HOUSE**

112. Paragraphs 1 through 111 are hereby realleged and incorporated by reference as if fully set forth therein.

113. On or about August 4, 2015, multiple statements were made to MPD officers that prostitution was occurring at Churchill Property #11.

114. On or about August 4, 2015, seventeen (17) individuals were arrested at Churchill Property #11 and conveyed to MPD District Two for processing and citations related to loitering and illegal drug activity.

115. Three of these seventeen (17) individuals that were arrested at Churchill Property #11 have been convicted of other prostitution-related citations in violation of MCO §§ 106-34.5 and 106-35.

116. On or about August 4, 2015, two citations were issued to two of the seventeen (17) individuals from Churchill Property #11 for loitering - soliciting a prostitute in violation of MCO § 106-35-2.

117. On or about September 12, 2016, statements were made to MPD officers after an executed search warrant at Churchill Property #11 that known prostitutes were allowed to use the upper unit of the front house for prostitution activity.

118. On or about January 23, 2017, multiple statements were made to MPD officers that prostitution was occurring at Churchill Property #5.

119. On or about January 23, 2017, MPD recovered posted signs at Churchill Property #5 that the property was used for the purpose of prostitution.

120. The properties are used to for the purposes of lewdness, assignation or prostitution and is a haven to those who engage in such conduct and is a public nuisance pursuant to Wis. Stat. § 823.09.

121. The unreasonable activities and use of the properties are substantially interfering with the comfortable enjoyment of life, health, and safety of others and are a public nuisance.

**FOURTH CAUSE OF ACTION: PUBLIC NUISANCE PER SE**

122. Paragraphs 1 through 121 are hereby realleged and incorporated by reference as if fully set forth therein.

123. The properties are used to facilitate public nuisance activities in violation of the Milwaukee Code of Ordinances and the Wisconsin criminal code that are unreasonable activities

or uses of the property that interfere substantially with the comfortable enjoyment of life, health, or safety of others. The properties are, therefore, a public nuisance *per se* and as per Wis. Stat. §823.02.

124. Defendant's properties have conditions that violate the City of Milwaukee's Municipal Ordinances.

125. DNS has issued 63 Inspection Reports and Order to Correct Conditions to Defendant based on conditions at Defendant's properties. Twelve (12) of the 63 Inspection Reports and Orders to Correct Conditions remain open.

**Code Violations: Churchill Property #3**

126. Defendant received an Inspection Report and Order to Correct Conditions at Churchill Property #3 within 90 days from DNS on or about September 21, 2015.

127. The Order to Correct Condition identified 13 conditions that violate the Milwaukee Code of Ordinances to be corrected within 90 days of the service of the order.

128. Eight (8) conditions have not been corrected as of February 2, 2017.

129. The eight (8) conditions that have not been corrected along with the relevant and violated Milwaukee Ordinance are as follows:

- a. Repair or replace defective exterior door of structure's south side (MCO 275-32-4-a)
- b. Replace missing window panes and putty of structure's north side (MCO 275-32-4-a)
- c. Repair or replace defective storm windows (missing pane) of structure's north side (MCO 275-32-4-a)
- d. Repair or replace defective exterior door frame (north entrance door framework) (MCO 275-32-4-a)
- e. Provide storm windows for each habitable room of structure's east side (MCO 275-34-3)
- f. Repair or replace defective window sills of structure's east side (MCO 275-32-4-a)
- g. Repair or replace defective window screens of structure's east side (ripped) (MCO 275-32-4-a)
- h. Repair or replace defective storm windows (missing panes) of structure's east side (MCO 275-32-4-a)

**Code Violations: Churchill Property #4**

130. Defendant received an Inspection Report and Order to Correct Conditions at Churchill Property #4 within 90 days from DNS on or about September 16, 2015.

131. The Order to Correct Condition identified 14 conditions that violate the Milwaukee Code of Ordinances to be corrected within 90 days of the service of the order.

132. As of February 2, 2017, the September 15, 2015 Order to Correct Condition remains open, and that 2 of the 14 conditions remain uncorrected. These conditions along with the relevant and violated Milwaukee Ordinance are as follows:

- a. Repair or replace defective service walk of the front structure's west side (MCO 275-32-10).
- b. Repair or replace defective window screens of the front structure's west side (ripped) (MCO 275-32-4-a)

**Code Violations: Churchill Property #6**

133. Defendant received an Inspection Report and Order to Correct Conditions at Churchill Property #6 within 90 days from DNS on or about September 27, 2016.

134. The September 27, 2016 Order to Correct Condition identified 3 conditions that violate the Milwaukee Code of Ordinances to be corrected within 90 days of the service of the order.

135. As of February 2, 2017, the September 27, 2016 Order to Correct Condition remains open, and that all 3 of the conditions remain uncorrected. These conditions along with the relevant and violated Milwaukee Ordinance are as follows:

- a. Repair fire damage to exterior of the structure (MCO 275-32-1).
- b. Repair fire damage to interior of structure (MCO 275-33-1)
- c. Obtain permit within 30 days of the order to repair or remove a fire damaged structure (MCO 200-24-1).

**Code Violations: Churchill Property #7**

136. Defendant received an Inspection Report and Order to Correct Conditions at Churchill Property #7 within 90 days from DNS on or about September August 24, 2016.

137. The August 24, 2016 Order to Correct Condition identified 7 conditions that violate the Milwaukee Code of Ordinances to be corrected within 90 days of the service of the order.

138. As of February 2, 2017, the August 24, 2016 Order to Correct Condition remains open, and that one of the conditions remain uncorrected. This condition along with the relevant and violated Milwaukee Ordinance is as follows:

- a. Replace defective kitchen floor covering (MCO 275-33-3-a)

**Code Violations: Churchill Property #9**

139. Defendant received an Inspection Report and Order to Correct Conditions at Churchill Property #9 within 90 days from DNS on or about September 23, 2015.

140. The September 23, 2015 Order to Correct Condition identified 44 conditions that violate the Milwaukee Code of Ordinances to be corrected within 90 days of the service of the order.

141. As of February 2, 2017, the September 23, 2015 Order to Correct Condition remains open, and that 6 of the conditions remain uncorrected. These conditions along with the relevant and violated Milwaukee Ordinance are as follows:

- a. Obtain permits for all structural alterations (MCO 200-24)
- b. Replace defective kitchen floor covering (MCO 275-33-3-a)
- c. Replace defective bathroom faucet on tub basin (MCO 275-53)
- d. Replace defective bathroom floor covering (MCO 275-33-3-a)
- e. Repair defective bathroom plaster wall and paint (MCO 275-33-3-a)
- f. Repair defective bathroom ceiling plaster (MCO 275-33-3-a)

**Code Violations: Churchill Property #10**

142. Defendant received an Inspection Report and Order to Correct Conditions at Churchill Property #10 within 90 days from DNS on or about December 29, 2015.

143. The December 29, 2015 Order to Correct Condition identified 21 conditions that violate the Milwaukee Code of Ordinances to be corrected within 90 days of the service of the order.

144. As of February 2, 2017, the September 23, 2015 Order to Correct Condition remains open, and that 18 of the conditions remain uncorrected. These conditions along with the relevant and violated Milwaukee Ordinance are as follows:

- a. Replace missing chimney caps (MCO 275-32-3-f).
- b. Provide storm windows for each habitable room on structure's south side (MCO 275-34-3).
- c. Replace broken window pane on structure's south side (MCO 275-32-4-a)
- d. Repair or replace defective storm window (missing panes) on structure's south side (MCO 275-32-4-a).
- e. Repair or replace defective rain gutters (hole in gutter) on structure's north side (MCO 275-32-6).
- f. Repair or replace defective storm windows on structure's north side (MCO 275-32-4-a).
- g. Replace defective siding on exterior walls of east porch (MCO 275-32-3)
- h. Replace broken window pane on structure's east side (MCO 275-32-4-a)
- i. Repair or replace defective storm windows on structure's east side (MCO 275-32-4-a)
- j. Repair or remove defective awning on structure's west side (MCO 275-32-3-e)
- k. Repair or replace defective structural supporting members of second floor porch (MCO 275-32-2)
- l. Replace broken window pane of second floor enclosed porch (MCO 275-32-4-a)
- m. Replace missing window panes and putty of second floor enclosed porch (MCO 275-32-4-a)
- n. Repair or replace rotted wood window frame of second floor enclosed porch (MCO 275-32-4-a)
- o. Repair or replace defective downspout on second floor enclosed porch (MCO 275-32-6)
- p. Repair or replace defective shed service door (MCO 275-32-4)
- q. Repair defective shed roof (MCO 275-32-3)
- r. Repair defective shed trim and siding (MCO 275-32-3)

**Code Violations: Churchill Property #11**

145. Defendant received an Inspection Report and Order to Correct Conditions at Churchill Property #11 within 90 days from DNS on or about September 8, 2015.

146. The September 8, 2015 Order to Correct Condition identified 30 conditions that violate the Milwaukee Code of Ordinances to be corrected within 90 days of service of the order.

147. As of February 2, 2017, the September 8, 2015 Order to Correct Condition remains open, and that 17 of the conditions remain uncorrected. These conditions along with the relevant and violated Milwaukee Ordinance are as follows:

- a. Protect exterior wood trim with paint (MCO 275-32-3-a)
- b. Repair or replace defective exterior door (MCO 275-32-4-a)
- c. Repair or replace defective storm windows (missing and broken pane) on structure's north side (MCO 275-32-4-a)
- d. Repair or replace missing mortar from foundation wall-tuckpoint on structure's north side (MCO 275-32-2)
- e. Repair or replace defective electrical fixtures on structure's east side (MCO 275-62-2).
- f. Provide at least one window screen for each habitable room on structure's east side (MCO 275-42-4)
- g. Provide storm windows for each habitable room on structure's east side (MCO 275-34-3)
- h. Replace broken window pane on structure's east side (MCO 275-32-4-a)
- i. Repair or replace ripped window screens on structure's east side (MCO 275-32-4-a)
- j. Repair defective siding on exterior walls on structure's west side (MCO 275-32-3)
- k. Replace defective trim boards on structure's southwest exterior walls (MCO 275-32-3)
- l. Replace missing window panes and putty on structure's west side (MCO 275-32-4-a)
- m. Restore windows to a weathertight condition on structure's west side (MCO 275-32-4-a)
- n. Repair or replace defective window frame on structure's west side (MCO 275-32-4-a)
- o. Replace broken basement window panes and putty (MCO 275-32-4-a)
- p. Replace missing balusters on north first floor porch guardrail (MCO 275-32-3-h-3-a)
- q. Repair or remove defective skirting around north first floor porch (MCO 275-32-3-g).

148. Defendant has a duty to repair and maintain the properties to the minimum levels established by the Milwaukee Code of Ordinances.

149. Defendant has breached said duty by repeatedly violating the Milwaukee Code of Ordinances.

150. Repeated violations of an ordinance constitute a public nuisance *per se*.

151. Defendant's lack of proactive inspections or repairs and frequent building code violations require excessive inspections of the Defendant's properties, which effectively makes the City a de facto property management service benefiting the Defendant at taxpayer expense.



152. Defendant's repeated and ongoing failure to correct violations of the Milwaukee Code of Ordinances and failure to operate business in a manner consistent with the Milwaukee Code of Ordinances is a public nuisance because such failures interfere with public rights by causing deteriorating neighborhood aesthetics, reducing surrounding property values, and creating public safety issues within neighborhoods.

153. Multiple City of Milwaukee municipal violations have occurred at the properties and have resulted in convictions.

154. At least two (2) municipal violations have occurred at Churchill Property #4 and have resulted in convictions. The convictions along with the relevant Milwaukee Code of Ordinance violation are as follows:

- a. Jamar D. Hardin was convicted of possession of marijuana on June 27, 2014 (MCO 106-38-2) (Case #09158751)
- b. Shaparis L. Capps was convicted of Loitering-Soliciting for purpose of prostitution on December 19, 2012 (MCO 106-31-7) (Case #12125733)

155. At least three (3) municipal violations have occurred at Churchill Property #5 and have resulted in convictions. The convictions along with the relevant Milwaukee Code of Ordinance violation are as follows:

- a. Melanie D. Collins was convicted of disorderly conduct on October 25, 2010 (MCO 106-1-1), (Case #10111459)
- b. Erica Hoff was convicted of Vandalism on December 19, 2011 (MCO 110-15) (Case #11128614)
- c. Roman Pérez was convicted of Carrying a Concealed and Dangerous Weapon on June 27, 2011 (MCO 105-34-1-a)(Case #11061129)

156. That at least one (1) municipal violation has occurred at Churchill Property #6 and has resulted in a conviction. The conviction along with the relevant Milwaukee Code of Ordinance violation are as follows:

- a. Noelvaliz Cuevas was convicted of Disorderly Conduct on August 23, 2013 (MCO106-1-1) (Case #13060094)

157. At least one (1) municipal violation has occurred at Churchill Property #7 and has resulted in a conviction. The conviction along with the relevant Milwaukee Code of Ordinance violation are as follows:

- a. Defendant was convicted of multiple municipal building code violations on September 22, 2014 (MCO 200-295, Building Code Violations) (Case #15001259)

158. At least four (4) municipal violations have occurred at Churchill Property #8 and have resulted in convictions. The convictions along with the relevant Milwaukee Code of Ordinance violation are as follows:

- a. Jerome E. Condeconcrubagh was convicted of Possession of Marijuana on October 30, 2010 (MCO 106-38-2) (Case #10131309)
- b. Frank A. Vera was convicted of disorderly conduct on September 30, 2011 (MCO 106-1-1) (Case #1118828)
- c. Jessica L. Neal was convicted of disorderly conduct on November 25, 2011 (MCO 106-1-1) (Case #12000142)
- d. Jazmyn A. Morris was convicted of disorderly conduct on July 21, 2014 (MCO 106-1-1) (Case #14053252)

159. At least one (1) municipal violation has occurred at Churchill Property #9 and has resulted in a conviction. The conviction and the relevant Milwaukee Code of Ordinance violation are as follows:

- a. Anthony E. Toms was convicted of excessive noise prohibited on September 13, 2010 (MCO 80-63-1) (Case #10117192)

160. At least four (4) municipal violations have occurred at Churchill Property #10 and have resulted in convictions. The convictions and the relevant Milwaukee Code of Ordinance violations are as follows:

- a. Justin C. Daly was convicted of Frequenting an Illegal Drug House on April 17, 2015 (MCO 106-37-2) (Case #14037363)
- b. Desirre D. Grabowski-Williams was convicted of Frequenting an Illegal Drug House on July 1, 2014 (MCO 106-37-2) (Case #14037374)
- c. Willie Jordan was convicted of Frequenting an Illegal Drug House on October 10, 2014 (MCO 106-37-2) (Case #14037377)

- d. Tomas RomoJaramillo was convicted of Possession of Marijuana on May 20, 2015 (MCO 106-38-2) (Case #15021343)

161. At least 24 municipal violations have occurred at Churchill Property #11 and have resulted in convictions. The convictions and relevant Milwaukee Code of Ordinance violations are as follows:

- a. Gina L. Allende was convicted of Loitering-Soliciting on May 28, 2012 (MCO § 106-31-7) (Case #12072217)
- b. Jamour Raymodd Ballinger was convicted of Disorderly Conduct on January 6, 2013 (MCO 106-1-1) (Case #13011732)
- c. Jamour Raymodd Ballinger was convicted of Resisting/Obstructing Police Officer on January 6, 2013 (MCO 104-138-2) (Case #13011733)
- d. Jamour Raymodd Ballinger was convicted of Possession of Marijuana on January 6, 2013 (MCO 106-37-2) (Case # 13011734)
- e. Janice Ashford was convicted of Disorderly Conduct on June 7, 2014 (MCO 106-1-1) (Case #14044313)
- f. Victor M. Luna was convicted of Trespassing Upon Buildings/Premises on July 31, 2014 (MCO 110-10-1) (Case #14057582)
- g. Gairy Williams was convicted of Frequenting an Illegal Drug House on August 4, 2015 (MCO 106-37-2) (Case #15044604)
- h. Joyce L. Weisman was convicted of Frequenting an Illegal Drug House on August 4, 2015 (MCO 106-37-2) (Case #15040096)
- i. Jennifer L. Waedekin was convicted of Frequenting an Illegal Drug House on August 4, 2015 (MCO 106-37-2) (Case #15040097)
- j. Angelur Shoven Cannon was convicted of Frequenting an Illegal Drug House on August 4, 2015 (MCO 106-37-2) (Case #15044550)
- k. Hyunchu Ducharme was convicted of Frequenting an Illegal Drug House on August 4, 2015 (MCO 106-37-2) (Case #15044556)
- l. Shykeia M. Simmshopgood was convicted of Frequenting an Illegal Drug House on August 4, 2015 (MCO 106-37-2) (Case #15044594)
- m. Samantha Amber Stephens was convicted of Frequenting an Illegal Drug House on August 4, 2015 (MCO 106-37-2) (Case #15044597)
- n. Leron OctavionLateef Strawder was convicted of Loitering-Soliciting Prostitute on August 4, 2015 ((MCO 106-35-2) (Case #15044598)
- o. Cortez J. Wright was convicted of Frequenting an Illegal Drug House on August 4, 2015 (MCO 106-37-2) (Case # 15044605)
- p. Rashon Jaquon Henry was convicted of Loitering-Soliciting Prostitute on August 4, 2015 (MCO 106-35-2) (Case #15044568)
- q. Francheska M. Hernandez was convicted of Frequenting an Illegal Drug House on August 4, 2015 (MCO 106-37-2) (Case #15044571)
- r. Norman N. King was convicted of Frequenting an Illegal Drug House on August 4, 2015 (MCO 106-37-2) (Case #15044577)

- s. Sylvester L. Knitter was convicted of Frequenting an Illegal Drug House on August 4, 2015 (MCO 106-37-2) (Case #15044578)
- t. Lawrence Alexander Richard was convicted of Frequenting an Illegal Drug House on August 4, 2015 (MCO 106-37-2) (Case #15044591)
- u. Mariah D. Larson was convicted of Loitering or Prowling on August 4, 2015 (MCO 106-31-1) (Case #15058470)
- v. Mariah D. Larson was convicted of Resisting/Obstructing Police Officer on August 4, 2015 (MCO 105-138-2) (Case #15058471)
- w. Mariah D. Larson was convicted of Frequenting an Illegal Drug House on August 4, 2015 (MCO 106-37-2) (Case #15040092)
- x. Eliana Rodriguez was convicted of Frequenting an Illegal Drug House on August 4, 2015 (MCO 106-37-2) (Case #15040093)

162. The properties have been the subject of repeated violations of the Milwaukee Code of Ordinances and is, therefore, a public nuisance *per se*.

163. A review of MPD's Computer Aided Dispatch System ("CADS") reveals 145 entries relative to calls for police services and/or police action at the properties from January 1, 2016 to February 3, 2017.

164. The unreasonable activities, the multiple nuisance and drug house designations, and multiple municipal convictions represent a use of the properties that interferes substantially with the comfortable enjoyment of life, health and safety of others in the neighborhood and the City. It has also contributed to crime, fear and disorder in the neighborhood and the City, as well as negatively impacted the neighboring property values and impeded lawful business operations in the area. Cumulatively, this constitutes a public nuisance *per se*.

WHEREFORE, the plaintiff, City of Milwaukee, demands judgment as follows:

The City of Milwaukee respectfully requests the Court to order the following relief until the properties are closed or sold to and occupied by an unrelated third-party or parties:

I. The Court declares the properties a public nuisance pursuant to Wis. Stat. § 823.113 and perpetually enjoins every person guilty of creating or maintaining the nuisance, including the owner,

the lessees and tenants of the properties, from continuing, maintaining or permitting the nuisance and orders a closure of the properties;

II. The Court declares the properties a nuisance pursuant to Wis. Stat. § 823.09 and perpetually enjoins every person guilty of the use of the building for the purpose of lewdness, assignation or prostitution, including the owner, the lessees and tenants of the properties from continuing, maintaining or permitting lewdness, assignation or prostitution;

III. The Court declares the properties a public nuisance pursuant to its equitable authority and Wis. Stat. § 823.02;

IV. The Court declares the properties a nuisance *per se*;

V. The Court issues a temporary injunction to abate and prevent the continuance or recurrence of the nuisance, to restrain Defendant from managing the properties, including the issuance of an order requiring the closure of the properties or the appointment of a receiver;

VI. The Court enters an order of abatement pursuant to Wis. Stat. §§ 823.114 and 823.115;

VII. The Court awards the City of Milwaukee judgment for damages and costs, as well as judgment that the nuisance be abated;

VIII. The Court permits the instant complaint to serve as notice pursuant to Wis. Stat. § 823.23(2)(b), in that the City of Milwaukee may later request the Court to:

- a. Appoint a receiver to be paid for by the Defendant to manage the Property in a way consistent with the laws of the State of Wisconsin in order to abate the nuisances complained of and the physical injury and interference with the real property of the neighboring property owners pursuant to Wis. Stat. §§ 823.04 and 823.23.

b. Approve any and all costs of a receiver so that, in the event the Defendant does not pay the receiver's costs upon demand, the amount may be presented to the legislative body of the City of Milwaukee for assessment against the property as a special charge pursuant to Wis. Stat. § 66.0627;

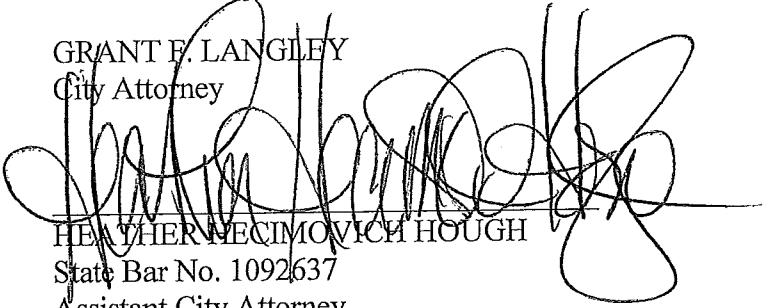
IX. Any other nuisance abatement method warranted by the circumstances and deemed appropriate by the Court;

X. Award the plaintiff, City of Milwaukee, its costs, disbursements, and attorney fees as may be authorized by statute; and

XI. Grant such other and further relief that the Court may deem appropriate.

Dated and signed at Milwaukee, Wisconsin this 13<sup>th</sup> day of February, 2017.

GRANT E. LANGLEY  
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