

FILED  
LUCAS COUNTY  
IN THE COURT OF COMMON PLEAS  
LUCAS COUNTY, OHIO  
2020 NOV 25 AM 9:53

**LORI CRISS, DIRECTOR,  
OHIO DEPARTMENT OF  
MENTAL HEALTH AND ADDICTION  
SERVICES  
30 E. Broad Street  
36<sup>th</sup> Floor  
Columbus, Ohio 43215,**

**Plaintiff,**

**v.**

**CLARA MAE'S GROUP HOME, LLC  
c/o CLARA M. BRANK, Statutory Agent  
3532 Turret Green Drive  
Toledo, Ohio 43607**

**Defendant.**

COMMON PLEAS COURT  
BERNIE QUILTER  
CLERK OF COURTS

**Case No. 0202003607**

**Judge: IAN B. ENGLISH**

**Judgment Entry**

The general rule for the issuance of a temporary restraining order require the Plaintiff to establish that there will be irreparable harm if the Court does not enjoin the Defendant's conduct. Ohio Civil Rule 65 (A). Ohio Courts have to consider four factors to obtain an injunction, including (1) a substantial likelihood of success on the merits; (2) the existence of irreparable harm if not issued; (3) that third parties will not be harmed if issued, and (4) the granting of the injunction will serve the public interest. Proctor & Gamble Co.-vs-Stoneham, 140 Ohio App 3d 260, 267-68 (2000).

However, in this case a statute, R.C. 5119.34 (N) (1) grants a specific injunction remedy to the director of mental health and reads as follows:

The director of mental health and addiction services may petition the court of common pleas of the county in which a residential facility is located for an order enjoining any person from operating a residential facility without a license or from operating a licensed facility when, in the director's judgment, there is a present danger to the health or safety of any of the occupants of the facility. The court shall have jurisdiction to grant such injunctive relief upon a showing that the respondent named in the petition is operating a facility without a license or there is a present danger to the health or safety of any residents of the facility.

The language of this statute is quite important. It sets forth two instances which the director can request an injunction. The director in this case is concerned about the health and safety of the residents. The language reflects the importance the legislature has placed upon protecting the residents of these types of facilities.

It is apparent from the Motion for the temporary restraining order and verified complaint that the defendant is presently facing revocation of the facility licenses through an administrative process. While the process had begun, the defendant improperly admitted the deceased, R.C. to Clara Mae II. Also when R.C. died at Clara Mae II a short time later, the defendant failed to timely report the death to the department. Also when the death was finally reported, the defendant may have misled the department concerning the circumstances. It further appears that four additional residents remain in the defendant's care.

From the facts presented in the Motion and Verified Complaint, the plaintiff, has shown pursuant to R.C. 5119.34 (N) (1) that there is a present danger to the health and safety of the remaining residents of Clara Mae I and Clara Mae II. Therefore the Director is entitled to injunctive relief to protect those remaining residents.

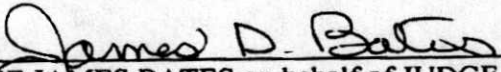
It is therefore ORDERED, ADJUDGED, DECREED, that the Courts grants the temporary restraining order. The Court, therefore, orders the following:

1. Defendant, Clara Mae's Group Home, LLC, shall immediately cease operating the residential facility known as Clara Mae Adult Family Home I ("Clara Mae I"). Provided, however, that Defendant shall NOT evict or otherwise remove any residents of Clara Mae I and shall continue to provide contracted personal services to all residents of Clara Mae I until such time as the Ohio Department of Mental Health & Addiction Services ("Department") and the Lucas County Mental Health & Recovery Services Board ("County Board") relocate the residents to another licensed facility.
2. The Department shall immediately coordinate with the County Board to relocate all residents of Clara Mae I to another licensed residential mental health facility.
3. Defendant shall immediately cease operating the residential facility known as Clara Mae Adult Family Home II ("Clara Mae II"). Provided, however, that Defendant shall NOT evict or otherwise remove any residents of Clara Mae II and shall continue to provide contracted personal services to all residents of Clara Mae II until such time as the Department and the County Board relocate the residents to another licensed facility.
4. The Department shall immediately coordinate with the County Board to relocate all residents of Clara Mae II to another licensed residential mental health facility.



5. Matter set for Preliminary Injunction hearing on Judge English docket on December 11, 2020 at 1:00 p.m. per Zoom, please provide contact information to [RBrown@co.lucas.oh.us](mailto:RBrown@co.lucas.oh.us).

IT IS SO ORDERED.

  
JUDGE JAMES BATES on behalf of JUDGE IAN B.  
ENGLISH