

**IN THE COURT OF COMMON PLEAS  
COLUMBIANA COUNTY, OHIO**

STATE OF OHIO, *ex rel.* DAVID YOST  
OHIO ATTORNEY GENERAL

Plaintiff,

v.

OHIO CLEAN WATER FUND,  
LLC., *et al.*,

Defendants.

Case No.

Judge

**MOTION FOR TEMPORARY  
RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION**

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Taking advantage of the infamous Norfolk Southern train derailment in East Palestine, Ohio, Defendant Michael Peppel (“Peppel”) quickly formed Defendant Ohio Clean Water Fund, which falsely claimed a partnership with the Second Harvest Food Bank of the Mahoning Valley. Defendants used this purported partnership to raise over \$140,000 from thousands of donors. As of this filing, only 7%, a mere \$10,000, has been donated to the food bank, while over \$131,000 has been pocketed by Defendants or others.

Pursuant to Civ.R. 65(B) and the authority contained in R.C. 109.24, R.C. 1716.16 and at common law, Plaintiff State of Ohio, *ex rel.* Dave Yost, Ohio Attorney General (“Attorney General” or “Attorney General’s Office”) respectfully moves this Court to issue a temporary restraining order and preliminary injunction prohibiting Defendants from engaging in charitable solicitation and preserving the charitable assets held by Defendants pending entry of final judgment in this case. The attached Memorandum in Support, together with a sworn affidavit provided by a relevant fact witness, provides the basis for the requested temporary restraining order and the motion for preliminary injunction.

Specifically, the Attorney General seeks an order that will:

1. Prohibit Ohio Clean Water Fund, LLC (“Ohio Clean Water”) and Michael Peppel from engaging in any charitable solicitation, whether via website, text messages, video, social media, or otherwise;
2. Restrict the sale or transfer of real or personal property held by Defendants that were purchased with charitable assets or that are titled in the name of Ohio Clean Water Fund, Inc. (“Ohio Clean Water”);
3. Restrict the use of assets held in any and all financial accounts belonging to Ohio Clean Water to the payment of employee wages for work already performed, taxes related to said wages, and other legitimate business expenses already incurred, due and owing related to the charitable mission of Ohio Clean Water;
4. Preserve all records related to the business of Ohio Clean Water; and
5. Require an accounting of all expenditures permitted by item three above as of the date of the filing of this Motion.

As set forth in the attached Memorandum in Support, this Court has the authority to order the requested relief. As explained below, Ohio Clean Water has violated several Provisions of R.C. Chapter 1716. When “seeking injunctive relief, the attorney general shall not be required to establish irreparable harm but only shall establish a violation of [R.C. 1716].” See R.C. 1716.16(B). Moreover, even under the “irreparable harm” standard, the facts support a finding that a temporary restraining order and preliminary injunction are necessary to protect against the strong likelihood that deceptive solicitation will continue, which the State has a strong public interest in stopping prior to the Court’s ability to provide effective final relief. A proposed Order accompanies this Motion.

The Office of the Ohio Attorney General is an independent agency of the State of Ohio and therefore no surety or bond is required for the issuance of a restraining order under Civ.R. 65(C) or R.C. 109.19.

Very respectfully submitted,

DAVE YOST  
ATTORNEY GENERAL OF OHIO



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## Memorandum in Support

### I. INTRODUCTION

Mere weeks after the February 2, 2023 train derailment and environmental disaster, and before it was even incorporated, the previously unknown Ohio Clean Water Fund, LLC (“Ohio Clean Water”) started soliciting charitable contributions by and through its website, mass text messages, and mass emails. (T. Rose aff., ¶ 15.1., and Ex. A-8).

According to Ohio Clean Water’s website, the alleged purpose of these solicitations is to “provid[e] clean bottled water to families in and around East Palestine.” The website continues that “[g]ifts made to the Ohio Clean Water Fund go to helping those in need, and we appreciate every donation no matter the size.” Although Ohio Clean Water purports to help victims of the derailment’s chemical spill, its real purpose is, and always has been, to line Peppel’s pockets

The East Palestine tragedy is being reported on regularly and widely. Meanwhile, Defendant Peppel is profiting illegally from this well publicized tragedy with his unlawful charity, Ohio Clean Water, and rampant deceptive and fraudulent practices. Namely, until recently, Ohio Clean Water’s website alleged that “a partnership” existed with the Second Harvest Food Bank of the Mahoning Valley (the “Food Bank”). No such partnership has ever existed.

While falsely claiming that this partnership existed, Ohio Clean Water raised at least \$141,183.48 from 3,269 donors. Unbeknownst to those donors, **at least \$91,769.26 of those funds have gone to pay administrative fees**, rather than serve any charitable purpose, leaving \$35,295.87 in Ohio Clean Water’s coffers. Of that \$35,295.87, a mere \$10,000 has been paid to the Food Bank whose non-existent “partnership” Peppel and Ohio Clean Water used to motivate donors.

But that's not the end of the story. Only after the Food Bank confronted Peppel about the impropriety of his campaign and instructed him to cease referencing the non-existent partnership did Peppel give the Food Bank \$10,000.00. The fate of the remaining donations is currently unknown. He then proceeded to post a photo of himself presenting the check to the Food Bank to make the "partnership" seem legitimate. It was only after the Food Bank again complained that Peppel finally stopped referencing the non-existent partnership. Peppel's actions show that he will only do "the right thing" when he has no other option. His conduct not only goes well beyond the pale, but also violates numerous provisions of Ohio law.

The Attorney General is seriously concerned that Defendants will continue to raise money based upon a non-existent partnership, with the primary purpose of extracting fees, and with little to no additional money being used on the ostensible purpose of the charity.

Amid significant public scrutiny and criticism, Peppel has claimed to news media that he has stopped the campaign. Yet Ohio Clean Water's website—including its donation page—remains active, and claims that "The Ohio Clean Water Fund hopes to expand our work to testing and community support long after the news crews leave."

Defendants' conduct is both illegal and alarming. Further, it is hindering *bona fide* charities efforts to provide aid by (1) destroying confidence in charitable donors that their money will go to charitable purposes and (2) directing real charities' time, energy and focus away to deal with Peppel's misconduct. To protect the public, other charities and charitable funds from further losses and abuse, the Attorney General filed suit and this Motion to stop Peppel and Ohio Clean Water from continuing its illegal activity. This must stop *now*.

## **II. FACTUAL AND LEGAL BACKGROUND**

On or about March 3, 2023, Kimberly Land incorporated Ohio Clean Water. (T. Rose aff., ¶ 8, and Ex. A-2). In relevant part, Ohio Clean Water was formed “to engage in any lawful act or activity for which not for profit limited liability companies may be formed under Chapter 1706 of the Ohio Revised Code.” (T. Rose aff., ¶ 9, and Ex. A-2). As a matter of course, however, Ohio Clean Water purports to aid residents in East Palestine following the recent train derailment and chemical spill that occurred in that area. (T. Rose aff., ¶¶ 10-11, and Ex. A-3).

Although Ms. Land is both incorporator and statutory agent for the corporation, Michael Peppel is Ohio Clean Water’s founder. (T. Rose aff., ¶ 11, and Ex. A-3). Peppel exercises sole control over Ohio Clean Water, and maintains a website for the organization which engages in charitable solicitation. (T. Rose aff., ¶¶ 10-11, and Ex. A-3). Ohio Clean Water also uses a mass texting and emailing solicitation campaign, which is both its main vehicle for receiving charitable donations and the main source of expenses for Ohio Clean Water, with 75% of the gross receipts going to pay “Data Fees” and “Agency Fees.” (T. Rose aff., ¶ 15.1., and Ex. A-8).

## **III. LAW AND ANALYSIS**

The Attorney General is substantially likely to succeed on most, if not all, of the causes of action in the Complaint. The present discussion will touch on only a few of those causes of action.

### **A. Legal Standard**

The Attorney General asserts two independent grounds upon which the Court should grant a temporary restraining order and preliminary injunction. First, and independently, a temporary restraining order is warranted under the specific authority in R.C. 1716.16(B). Second, the Court should issue a temporary restraining order because the traditional standard is satisfied.

**1. Under RC 1716.16, this Court may issue a TRO upon a showing of any violation of Chapter 1716, the charitable solicitations act.**

The Attorney General need not show irreparable injury to enjoin conduct in violation of Revised Code Chapter 1716. Specifically, when “seeking injunctive relief, the attorney general **shall not be required to establish irreparable harm but only shall establish a violation of a provision of this chapter** or a rule adopted under this chapter....” *See* R.C. 1716.16(B).

As discussed below, Ohio Clean Water and Peppel have violated at least three provisions of R.C. Chapter 1716: (1) Ohio Clean Water and Peppel engaged in deceptive acts or practices by claiming to have a partnership with the Food Bank, but providing it only a small sliver of the gross revenue it generated through solicitation (violation of R.C. 1716.14(A)(1) and (2)); (2) Peppel used the Food Bank’s name in its charitable solicitations, representing to donors that the Food Bank would financially benefit from donations, without the Food Bank’s knowledge or written consent (violation of R.C. 1716.14(A)(3)); and (3) Ohio Clean Water has engaged in charitable solicitation without registering with or receiving exemption from registration with the Attorney General’s Office (violation of R.C. 1716.02(A)). **This does not even account for the other violations of R.C. Chapter 1716 alleged in the Complaint.**

Because Defendants’ solicitation activities, both engaging in solicitation and in the manner of solicitation, are illegal, it is in the public’s interest that these activities not be allowed to continue. Therefore, a TRO and preliminary injunction would promote the public interest under R.C. 1716.16(B).

**2. Under the traditional legal standards in Ohio, this Court may grant a TRO upon a showing of irreparable harm, substantial likelihood of success on the merits, and no hardship to third parties.**

Under Ohio law, there are three forms of injunction: “(1) the temporary restraining order, which is issued ex parte without notice in an emergency situation to last only until a hearing can

be set, (2) the preliminary injunction issued with notice and after a hearing to maintain the status quo until there can be a full trial on the merits, and (3) the permanent injunction issued after a full trial on the merits.” *Ohio Serv. Group. Inc. v. Integrated & Open Sys., LLC*, 10th Dist. Franklin No. 06-AP-433, 2006-Ohio-6738, ¶ 13, n. 2.

Whether reviewing a motion for a temporary restraining order or a preliminary injunction, the standard used by the Court is the same. The Court must consider “whether the movant has a strong or substantial likelihood of success on the merits of his underlying claim, whether the movant will be irreparably harmed if the order is not granted, what injury to others will be caused by the granting of the motion, and whether the public interest will be served by the granting of the motion.” *Coleman v. Wilkinson*, 147 Ohio App.3d 357, 2002-Ohio-2021, 770 N.E.2d 637, ¶ 2 (10th Dist.) *citing Corbett v. Ohio Bldg. Auth.*, 86 Ohio App.3d 44, 49, 619 N.E.2d 1145 (10th Dist. 1993). “Further, the party seeking the preliminary injunction must establish a right to the preliminary injunction by showing clear and convincing evidence of each element of the claim.” *Vanguard Transp. Sys., Inc. v. Edwards Transfer & Storage Co.*, 109 Ohio App.3d 786, 790, 673 N.E.2d 182 (10th Dist. 1996) referencing *Mead Corp. v. Lane*, 54 Ohio App.3d 59, 560 N.E.2d 1319 (4th Dist. 1988). “[C]ourts have recognized that no one factor is dispositive.” *Cleveland v. Cleveland Elec. Illum. Co.*, 115 Ohio App.3d 1, 14, 684 N.E.2d 343, 351 (8th Dist.) *citing Royal Appliance Mfg. Co. v. Hoover Co., Inc.*, 845 F. Supp. 469 (N.D. Ohio 1994). “The four factors must be balanced, moreover, with the ‘flexibility which traditionally has characterized the law of equity.’” *Id. quoting Friendship Materials, Inc. v. Michigan Brick, Inc.*, 679 F.2d 100, 105 (6th Cir. 1982).

### **B. Ohio Clean Water Engaged in Deceptive Acts or Practices in Solicitation**

In April 2023, the Attorney General’s Office received complaints alleging that Ohio Clean Water was engaging in fraudulent activity. (T. Rose aff., ¶¶ 5-6, and Ex. A-1). The Attorney



General's Office subsequently opened an investigation pursuant to its authority within R.C. Chapters 109 and 1716 and common law. (T. Rose aff., ¶ 4).

In the course of its investigation, the Attorney General's Office reviewed Ohio Clean Water's records, which indicate that its solicitation efforts raised at least **\$141,183.48 in gross revenue** from February 28 to March 20, 2023. (T. Rose aff., ¶ 15.1., and Ex. A-8). Of that amount, \$105,887.61, which represents 75% of the gross revenue, was expended on various fees. (T. Rose aff., ¶ 15.1., and Ex. A-8). This apparently leaves Peppel and Ohio Clean Water only with the remaining \$35,295.87.

Of that remainder, merely \$10,000.00 went to the Food Bank, even though Ohio Clean Water advertised that they had a *partnership* with the Food Bank. (T. Rose aff., ¶ 15.1., and Ex. A-8). Reasonable donors would not consider that less than one-third of one-quarter of their *entire donation* would go to the Food Bank. By advertising a partnership but providing the Food Bank with only a small percentage of money raised, Peppel and Ohio Clean Water engaged in a deceptive act while soliciting. This clearly violates R.C. 1716.14(A)(1).

### **C. Ohio Clean Water Violated 1716 By Improper Use of Another Charity's Name**

#### **1. Actual use of another charity's name violates R.C. 1716.14(A)(3)**

Not only has Peppel and Ohio Clean Water proceeded to engage in illegal charitable solicitation, but it also misrepresented to the public that they had partnered with the Second Harvest Food Bank (the "Food Bank") to provide clean drinking water to East Palestine Residents. (T. Rose aff., ¶ 15.j., and Ex. A-7). Importantly, Peppel and Ohio Clean Water never agreed to a partnership. (T. Rose aff., ¶ 15.c.). Ohio law forbids those engaged in solicitation from "[u]sing any representation that implies that the contribution is for or on behalf of a charitable organization..., without first having been authorized in writing to do so by the charitable organization[.]" R.C. 1716.14(A)(3). The Food Bank never authorized Ohio Clean Water to use

its name as a partner in Ohio Clean Water's solicitations, much less reduced such authorization in writing.

When the Food Bank discovered this improper use of its name, it told Peppel to cease using its name in its solicitations. (T. Rose aff., ¶ 15.e.). Peppel then gifted the Food Bank \$10,000.00. (T. Rose aff., ¶ 15.e., and Ex. A-6). According to Ohio Clean Water's records, this \$10,000.00 gift constitutes just slightly more than 7% of the gross revenue of Ohio Clear Water's fundraising. (T. Rose aff., ¶ 15.l., and Ex. A-8). Peppel then posted a photo of him presenting a check to the Food Bank's Executive Director on Ohio Clean Water's website and again reiterated that Ohio Clean Water partnered with the Food Bank. (T. Rose aff., ¶ 15.j., and Ex. A-7).

The Food Bank then called Peppel again to tell him to remove that post from the website and to cease claiming they were in partnership. (T. Rose aff., ¶ 15.k. and m.). While Peppel apparently removed references to the Food Bank from Ohio Clean Water's website, (T. Rose aff., ¶ 12, and Ex. A-4)., the Attorney General still seeks to determine whether Peppel continues to falsely claim the Food Bank (or any other charitable organization) is partnering with Ohio Clean Water.

## **2. Ohio Clean Water served as an unregistered Professional Solicitor**

Ohio Clean Water alternatively became a professional solicitor when it solicited funds "in partnership with" the Food Bank, but only gave the Food Bank a tiny portion of the charitable proceeds it raised. R.C. 1716.01 defines a professional solicitor, with exceptions not relevant to Ohio Clean Water, as "any person who, for compensation, performs on behalf of or for the benefit of a charitable organization any service in connection with which contributions are or will be solicited in this state by the compensated person or by any person it employs, procures, or otherwise engages directly or indirectly to solicit contributions." R.C. 1716.01(J). In claiming to be in a partnership with the Food Bank (T. Rose aff., ¶ 15.b. and j., and Ex. A-7)., Peppel and

Ohio Clean Water were raising money for the Food Bank's benefit. By keeping the lion's share of the proceeds instead of dividing it equitably with the Food Bank, Peppel and Ohio Clean Water retain money rightfully due to the Food Bank as compensation.

**D. Ohio Clean Water is Violating RC 1716 by Failing to Register**

Ohio law requires charitable organizations who wish to solicit in Ohio to first register with the Ohio Attorney General's Office. R.C. 1716.02(A); R.C. 109.26. Absent an exemption, which is not available to this organization, Ohio Clean Water may not solicit donations from Ohioans. R.C. 1716.02(A); *see* R.C. 1716.03; R.C. 109.26; O.A.C. 109:1-1-02.

Ohio Clean Water is not registered with the Attorney General's Office to solicit, or as a charitable organization, or charitable trust. (T. Rose aff., ¶¶ 10, 14). Despite this, Ohio Clean Water has been operating a website that is accessible to the people of this state and solicits donations, and uses mass email and texting campaigns to solicit directly from Ohioans. (T. Rose aff., ¶ 5, 6, 12, 15.1, and Exs. A-4 and A-7).

**E. Substantial Likelihood of Success on the Merits**

Ohio Clean Water is not registered with the Attorney General's Office, and is therefore prohibited from *all* solicitation activity. Even if Ohio Clean Water could solicit funds, those solicitations must be conducted honestly, without deception or misrepresentation. And funds obtained by the solicitor must be treated with the care owed by a fiduciary. Peppel and Ohio Clean Water observed no such obligations in this case, as more fully discussed below.

**1. The Attorney General has authority over the charitable trust and solicitation activities of Ohio Clean Water and its agents.**

In Ohio, the Attorney General has exclusive standing to represent the unascertainable beneficiaries of charitable trusts. *See Brown v. Battelle Mem. Inst.*, 1973 Ohio App. LEXIS 1923 (10th Dist. 1973); *Plant v. Upper Valley Med. Ctr.*, 1996 Ohio App. LEXIS 1529 (2nd Dist. 1996).

Pursuant to R.C. Chapters 109 and 1716, the Attorney General has been given additional statutory authority to protect charitable interests, but the statutory provisions do not limit common law powers. *See* R.C. 109.24 & R.C. 1716(A).

Ohio Clean Water is an Ohio limited liability company. It solicits charitable donations, as described below, purportedly for the purpose of “providing clean bottled water to families in and around East Palestine” following the February 2, 2023 train derailment and chemical spill. (T. Rose aff., ¶¶ 11 and 12, and Ex. A-4). Furthermore, it claims that “[g]ifts made to the Ohio Clean Water Fund go to helping those in need, and we appreciate every donation no matter the size.” (T. Rose aff., ¶¶ 11 and 12, and Ex. A-4). Accordingly, the organization is a “charitable trust” under Ohio law. *See* R.C. 109.23(A)-(B); *Hunter v. St. Vincent Med. Ctr. (In re Parkview Hosp.)*, 211 B.R. 619 (Bankr.N.D.Ohio 1997); *State ex rel. Atty. Gen. v. Vela*, 987 N.E.2d 722, 727, 2013-Ohio-1049, ¶¶ 27-30; *Brown v. Holloway*, Montgomery App. No. C. A 6689, 1981 Ohio App. LEXIS 13615, \*16-21 (July 15, 1981). It is also a “charitable organization” under Ohio law. R.C. 1716.01(A)(1).

**2. Ohio Clean Water and/or Mr. Peppel illegally solicited and are soliciting charitable contributions.**

Unless exempted, charitable organizations must register with the Attorney General’s Office before soliciting charitable contributions in Ohio. *See* R.C. 1716.02(A). “Solicitation” is broadly defined as “a request directly or indirectly for money ... or any other thing of value on the plea or representation that such money ... or other thing of value or a portion of it will be used for a charitable purpose or will benefit a charitable organization.” R.C. 1716.01(K)(1).

Through its website, text messages, and emails, Ohio Clean Water solicits “donations” for its own benefit and the alleged benefit of the residents of East Palestine and other charitable

organizations. Without properly registering with the Attorney General's Office, *all* of these forms of solicitation violate R.C. Chapter 1716.

### **3. Mr. Peppel breached his fiduciary duties**

The Attorney General also alleges causes of action for breach of fiduciary duty and abuse of charitable trust. It is black letter law that corporate officers and directors, and the trustees of a charitable trust, are subject to fiduciary duties. *See, e.g., Heaton v. Rohl*, 193 Ohio App.3d 770, 2011-Ohio-2090, ¶ 47 (11th Dist.); *Koos v. Cent. Ohio Cellular, Inc.*, 94 Ohio App.3d 579, 589, 641 N.E.2d 265 (8th Dist. 1994); *see also Morris v. Mull*, 110 Ohio St. 623, 628 (1924) (“Due diligence, honesty, and integrity are at all times required of a trustee in his relations to his trust and the *cestui que* trust.”); R.C. 109.23(A). Fiduciary duty requires that the interest of the charity be placed above any personal interest and that a trustee must act with the highest standard of integrity, scrupulous fairness, and honesty. *In re Binder's Estate*, 137 Ohio St. 26, 37–38, 27 N.E.2d 939, 947 (1940). By engaging in deceptive acts in solicitation and improperly using and abusing the Food Bank's name, Peppel and Ohio Clean Water have failed miserably to live up these standards of conduct.

In addition, R.C. 109.24 provides that the Attorney General has the authority to file suit “to enforce the performance of any charitable trust, and to restrain the abuse of it whenever he considers such action advisable.” The statute further provides it is “intended to allow the attorney general full discretion concerning the manner in which the action is to be prosecuted.” *Id.*; *see also State ex rel. WorkAmerica, Inc.*, 1998 Ohio App. LEXIS 5513, at \*6-12 (discussing R.C. 109.24). This authority is in addition to the Attorney General's broad equitable authority under common law. *See generally Brown v. Concerned Citizens for Sickle Cell Anemia, Inc.*, 56 Ohio St. 2d 85, 90, 382 N.E.2d 1155 (1978) (authorizing constructive trusts); *Plant v. Upper Valley Med. Ctr.*, 1996 Ohio App. LEXIS 1529, 1996 WL 185341 (Ohio 2d Dist. Apr. 19, 1996).

The funds raised by Ohio Clean Water were (and are) held in trust for charitable purposes. The Attorney General has authority to seek the recovery of any funds that have been improperly diverted to noncharitable purposes. R.C. 1716.16(B).

#### **F. Likelihood of Irreparable Injury Still Present**

Even if a showing of irreparable harm *were* required, “what plaintiff must show as to the degree of irreparable harm varies inversely with what plaintiff demonstrates as to its likelihood of success on the merits.” *Cleveland v. Cleveland Elec. Illum. Co.*, 115 Ohio App.3d 1, 14, 684 N.E.2d 343, 351 (8th Dist.) *citing Friendship Materials*, 679 F.2d. As demonstrated above, the Attorney General is highly likely to succeed on the merits of the causes of action addressed here. At the same time, Defendants are improperly soliciting charitable funds from the public for their personal benefit on the back of the good names of other charities. Its website continues to accept donations and states that Ohio Clean Water “hopes to expand” its work. (T. Rose aff., ¶¶ 11, and Ex. A-3). That risk of irreparable harm to the public, coupled with a strong likelihood of success of the merits, warrants a TRO and injunctive relief.

#### **G. Injury to Others**

Granting this injunction will not cause undue hardship or injury to third parties. In fact, granting the injunction will benefit the public and the charitable sector, as donors will be more likely to give to charitable organizations if they have confidence that their charitable contributions are properly utilized and fraudulent practices are stopped. Additionally, there are other charitable organizations that can continue the work of providing aid to the people of East Palestine. Therefore, an injunction will not unduly harm any third parties.

#### **H. No Adequate Remedy at Law**

Under traditional standards, a preliminary injunction is appropriate when “there is no adequate remedy available at law” and may be granted “by a court if it is necessary to prevent a

future wrong that the law cannot.” *Garono v. State*, 37 Ohio St. 3d 171, 173, 524 N.E.2d 496, 498 (1988).

There is no adequate remedy available at law for the Attorney General’s claims of solicitation addressed in this motion. As described above, Defendants’ activities violate R.C. Chapter 1716, but do not give rise to monetary damages. Consequently, equitable relief is appropriate.

While the traditional standard can be met, no such showing is required to entitle the Attorney General to a preliminary injunction. Where ““a statute grants a specific injunctive remedy to an individual or to the state, the party requesting the injunction “need not aver and show, as under ordinary rules in equity, that great or irreparable injury is about to be done for which he has no adequate remedy at law.””” *Mid-America Tire, Inc. v. PTZ Trading Ltd.*, 95 Ohio St.3d 367, 2002-Ohio-2427, 768 N.E.2d 619, ¶ 75, quoting *Ackerman v. Tri-City Geriatric & Health Care, Inc.* (1978), 55 Ohio St.2d 51, 56, 9 O.O.3d 62, 378 N.E.2d 145. Here, the Court may grant an injunction upon finding a violation of R.C. Chapter 1716. R.C. 1716.16(B). Therefore it is not necessary to show that no adequate remedy at law exists.

#### **IV. CONCLUSION**

Ohio Clean Water and Peppel have engaged in a scam by misleading thousands of charitable donors into giving them money and by falsely claiming other charities have partnered with them to provide a veneer of credibility. Their conduct violates numerous provisions contained in R.C. Chapter 1716. Given Ohio Clean Water’s conduct with the Food Bank, clearly Ohio Clean Water will only comply with the law when it is “found out” and ordered to stop. That is the entire reason the Attorney General has filed this Motion. Indeed, absent such an order, it is entirely possible that Peppel will begin engaging in this dishonest behavior again. Additionally, the

Attorney General is request this *ex parte* order over substantial concerns that Peppel could transfer the money raised for East Palestine victims out of its current account(s), making it difficult or impossible to trace.

A temporary restraining order (TRO) and preliminary injunction should be issued to stop Defendants' activities. Such relief is warranted under both the traditional standard governing TROs and the Attorney General's—and this Court's—broad authority over the organization and operation of charities. For these reasons and as more specifically set forth above, the Attorney General requests that the Court issue a TRO and preliminary injunction against the Defendants. The exact relief being sought is set forth in more detail in the proposed Order accompanying the current Motion.

Very respectfully submitted,

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ATTORNEY GENERAL OF OHIO



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**CERTIFICATE OF SERVICE & COMPLIANCE WITH CIV.R. 65(A)**

I hereby certify that service of the foregoing MOTION FOR TEMPORARY  
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