

STATE OF TENNESSEE EX REL  
JOHN R. ANDERSON, CITY ATTORNEY  
FOR THE CITY OF EAST RIDGE

NO. 277190

vs.

Petition to Abate a Public  
Nuisance

SUPERIOR CREEK LODGE AND  
SUPERIOR CREEK LODGE II

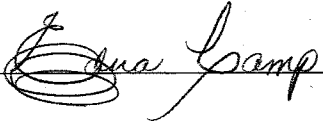
N O T I C E

TO THE SHERIFF OF HAMILTON COUNTY, TENNESSEE -- GREETINGS:

You are hereby commanded to notify Superior Creek Lodge and Superior Creek Lodge, II, 1410 North Mack Smith Road, East Ridge, Tennessee, to appear in the First Division of Criminal Court, Hamilton County, Tennessee on the August 16, 2010 at 9:00 A.M. and then and there to set a date for a hearing within 21 days as to why the injunction prayed for in the accompanying petition should not be granted..

Witness my hand this 10th day of August, 2010.

GWEN TIDWELL,  
Criminal Court Clerk

By  DC

STATE OF TENNESSEE  
Ex Rel: JOHN R. ANDERSON,  
CITY ATTORNEY FOR THE  
CITY OF EAST RIDGE,  
TENNESSEE

VS.

“SUPERIOR CREEK LODGE” and  
SUPERIOR CREEK LODGE, II,  
LLC

\* NO. 277190  
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\* IN THE CRIMINAL COURT FOR  
\* HAMILTON COUNTY, TENNESSEE  
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\* DIVISION I  
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PETITION TO ABATE A PUBLIC NUISANCE

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Comes now the State of Tennessee, by and through John R. Anderson the City Attorney for the City of East Ridge, Tennessee, and would show this Honorable Court as follows:

1. That the Petitioner is the duly selected and authorized City Attorney for the City of East Ridge, Tennessee and is now actively engaged in the performance of his duties incumbent upon the office and brings this suit in the capacity of City Attorney for the City of East Ridge, Tennessee and under the provisions of Tenn. Code Ann. § 29-3-101, et seq.
2. That Defendant, Superior Creek Lodge, II, LLC (“Defendant”) is the owner/operator of a business commonly called the “Superior Creek Lodge” located at 1410 North Mack Smith Road in East Ridge, Hamilton County, Tennessee. The ownership and operational control are based

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GWEN TIDWELL CLERK

BY \_\_\_\_\_ D.C.

upon a business license for the City of East Ridge (attached hereto as "Exhibit A") and incorporated herein by reference), a deed recorded with the Hamilton County Register of Deeds in Book 7895, Page 982 on March 31, 2006 (attached hereto as "Exhibit B") and incorporated herein by reference), and communications with the East Ridge Police Department.

3. Specifically, the Petitioner would show that a number of assaults, noise complaints, disorders, drug trafficking and drug production and manufacture have occurred at this business in addition to problems involving traffic, parking, public urination, excessive calls for fire service and various other disturbances, which constitute quarrelling, drunkenness, fighting, and breaches of the peace. Defendant, the owner of this business, is aware of the activities at the Superior Creek Lodge location and has not taken the appropriate steps to stop the activity, thereby maintaining a public nuisance as defined in Tenn. Code Ann. § 29-3-101, et seq.
4. The Petitioner states that since the City of East Ridge issued a business license to Defendant to operate the Superior Creek Lodge, there have been three arrests for the manufacture of methamphetamine and one arrest for the manufacture of marijuana at the premises.
5. The Petitioner further states that the total number of calls from the Superior Creek Lodge for services by the East Ridge Public Safety

Department (the “Department”) since April, 2006 exceeds 2,600, which far surpasses any other similarly-licensed business operation in the City.

6. Attached hereto as “Exhibit C” and incorporated herein by reference is a document entitled “Statement of Facts” prepared by the Department evidencing the total number of calls for services received by the Department from April 4, 2006 through June 30, 2010 from the Superior Creek Lodge.
7. In support of these allegations, the Petitioner would show the court the following:
  - a. Attached hereto as “Exhibit D” and incorporated herein by reference is an affidavit from one of the Records Clerk for the Department whereby a compilation of the records of the medical and fire emergency incident reports for events reported to the Department and which the East Ridge Fire Department has responded between April 4, 2006 and June 30, 2010 at the Superior Creek Lodge and the immediately surrounding area.
  - b. Attached hereto as “Exhibit E” and incorporated herein by reference is an affidavit from another of the Records Clerk for the Department whereby a compilation of the records of the field offense reports as well as the uniform arrest reports and “affidavit of complaint” reports for incidents reported to the Department and

which the East Ridge Police Department has responded between April 4, 2006 and June 30, 2010 at the Superior Creek Lodge and the immediately surrounding area.

- c. Attached hereto as "Exhibit F" and incorporated herein by reference is an affidavit from Ms. Nadine W. Ingle, a resident of the East Ridge Retirement Center, which describes some of the incidents witnessed at the Superior Creek Lodge and/or involving residents of the Superior Creek Lodge and the effects of such incidents on the residents of the East Ridge Retirement Center and on the surrounding neighborhood.
- d. Attached hereto as "Exhibit G" and incorporated herein by reference is an affidavit from Ms. Marcella Cornish, a resident of the East Ridge Retirement Center, which describes some of the incidents witnessed at the Superior Creek Lodge and/or involving residents of the Superior Creek Lodge and the effects of such incidents on the residents of the East Ridge Retirement Center and on the surrounding neighborhood.
- e. Attached hereto as "Exhibit H" and incorporated herein by reference is an affidavit from Ms. Carol G. Fincher, the current General Manager for the East Ridge Retirement Center, which describes some of the incidents witnessed at the Superior Creek

Lodge and/or involving residents of the Superior Creek Lodge and the effects of such incidents on the residents of the East Ridge Retirement Center and on the surrounding neighborhood.

- f. Attached hereto as "Exhibit I" and incorporated herein by reference is an affidavit from Mr. Doug Womac, the current Director of Sales and Marketing for the East Ridge Retirement Center, which describes some of the incidents witnessed at the Superior Creek Lodge and/or involving residents of the Superior Creek Lodge and the effects that such incidents have had with regard to potential residents of the East Ridge Retirement Center.
- g. Attached hereto as "Exhibit J" and incorporated herein by reference is an affidavit from Mr. Ronnie Kendall, a former resident of the Superior Creek Lodge, which describes some of the incidents witnessed at the Superior Creek Lodge and the handling of the reporting of such incidents to the management of the Superior Creek Lodge.
- h. Attached hereto as "Exhibit K" and incorporated herein by reference is an affidavit from Mrs. Karen Marie Kendall, a former resident of the Superior Creek Lodge, which describes some of the incidents witnessed at the Superior Creek Lodge and the handling

of the reporting of such incidents to the management of the Superior Creek Lodge.

- i. Attached hereto as "Exhibit L" and incorporated herein by reference is an affidavit from Ms. Elizabeth Coffey, a former resident of the Superior Creek Lodge, which describes some of the incidents witnessed at the Superior Creek Lodge and the handling of the reporting of such incidents to the management of the Superior Creek Lodge.
- j. Attached hereto as "Exhibit M" and incorporated herein by reference is an affidavit from Mr. Bob Dollinger, the current Director of Operations of 3H Group Hotel, the company that owns and operates the Fairfield Inn, a business in East Ridge, and which likewise attaches a letter signed by three of the executives of 3H Group Hotels, including the signature of Mr. Dollinger, and addressed to the East Ridge Police Department, which describes some of the incidents surrounding the Superior Creek Lodge and their effects on business at the Fairfield Inn and on the neighborhood.
- k. Attached hereto as "Exhibit N" and incorporated herein by reference is an affidavit from Mr. Dimitris Agrafiotis, the Manager of Portofino's Italian Restaurant, which describes some of the

incidents surrounding the Superior Creek Lodge and/or involving residents of the Superior Creek Lodge and the effects that such incidents have had with regard to business at the restaurant.

1. The incidents described in the aforementioned exhibits as well as in the attachments to the same are not exhaustive, and at a hearing on this matter, the State, by and through the City Attorney for the City of East Ridge, Tennessee, would expect to show proof of additional incidents and breaches of the peace, which constitute a nuisance.
  
8. The Petitioner would further show that unless the nuisance is abated, this business will continue to be a public nuisance in violation of Tenn. Code Ann. § 29-3-101, et seq.

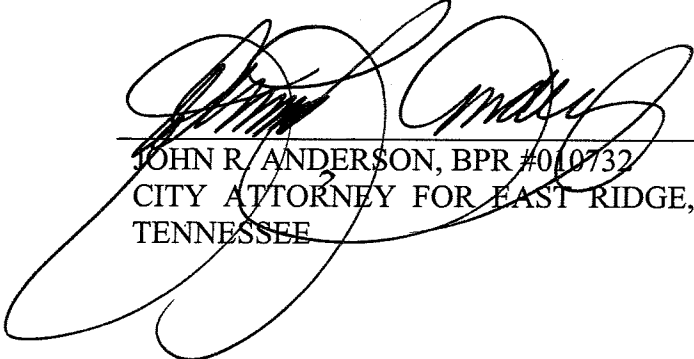
WHEREFORE, the Petitioner prays:

1. That this Honorable Court order that process issue and be served upon Defendant along with a copy of this petition and that Defendant be required to appear and answer with the time allowed by law;
2. That a temporary restraining order issue the closing of all the buildings at 1410 North Mack Smith Road and enjoining and restraining Defendant from further continuation of such nuisance;

3. That Notice issue and be served upon Defendant to appear before this Honorable Court, and to then and there show cause, if there be any, why the temporary injunction should not be continued in effect;
4. That a hearing date be set in this matter;
5. That at the final hearing on this petition Defendant be declared guilty of maintaining a public nuisance; and that the nuisance be abated by ordering the Sheriff of Hamilton County, Tennessee to place locks upon the doors and windows and the Defendant be perpetually enjoined from engaging in, conducting or maintaining said premises as a nuisance, directly or indirectly by itself or through agents or representatives, and that it be permanently and perpetually enjoined from violating the law as herein complained of;
6. That the Petitioner be granted such further and general relief as the proof may require.

THIS IS THE FIRST APPLICATION FOR EXTRAORDINARY  
PROCESS IN THIS CAUSE.

Respectfully submitted,



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JOHN R. ANDERSON, BPR #010732  
CITY ATTORNEY FOR EAST RIDGE,  
TENNESSEE