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**IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION—EQUITY**

THE CITY OF LANCASTER, A	:	
MUNICIPAL CORPORATION and THE	:	
COMMONWEALTH OF	:	
PENNSYLVANIA, COUNTY OF	:	
LANCASTER, OFFICE OF THE	:	
DISTRICT ATTORNEY,	:	
Plaintiffs,	:	
	:	
vs.	:	No. CI-11-
	:	
PHKD, LLC., trading as	:	
FULTON BAR, and HAROLD J.	:	
GRIBBIN and PATRICIA A. GRIBBIN	:	
Defendants.	:	

COMPLAINT FOR DECLARATION OF NUISANCE
PURSUANT TO Pa. C.S. 47 §6-611

1. Plaintiff is the City of Lancaster, a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania with a place of business at 120 North Duke Street, Lancaster, Lancaster County, Pennsylvania.
2. Another Plaintiff is the District Attorney of Lancaster County, with a place of business at 50 North Duke Street, Lancaster County Courthouse, Lancaster County, Pennsylvania.

3. Defendant is PHKD, LLC., trading as the Fulton Bar, a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, with a place of business at 637 North Plum Street in the City and County of Lancaster, Pennsylvania. Defendant is the holder of Pennsylvania Restaurant Liquor License R11736.

4. Another Defendant is Harold J. Gribbin, 637 North Plum Street, Lancaster, Pennsylvania. Defendant Gribbin is co-owner of the real estate and is an officer of PHKD, LLC.

5. Another Defendant is Patricia A. Gribbin, 637 North Plum Street, Lancaster, Pennsylvania. Defendant Gribbin is a co-owner of the real estate, is an officer of PHKD, LLC and is listed by the Pennsylvania Liquor Control Board as the manager of the license holder according to Exhibit "A", a printout from the website of the Pennsylvania Liquor Control Board.

6. The license is currently active, although a suspension is pending.

7. For a period of two years, the premises have been operated in a manner that constitutes a public nuisance in that the operators of the property have repeatedly served intoxicated persons, have failed to keep the premises orderly, have repeatedly played loud music after being warned to diminish the volume, and have repeatedly ignored requests from the police and members of the community to cease such behavior.

8. In addition to creating a nuisance condition on the subject property, the conduct of patrons of the Fulton Bar has resulted in numerous disturbances on the streets nearby, creating a danger to the peace and safety of the community. Also, Defendants

have allowed the premises to be operated as a haven for disorderly persons who cause public disruption, and congregate on the sidewalks and in the streets.

9. Between January 1, 2011 and August 20, 2011, the City of Lancaster Bureau of Police responded to 36 complaints at the bar, including public drunkenness, excessive noise, domestic disturbances, aggravated assault, reports of shots fired, disorderly conduct, loitering and prowling at nighttime, theft, harassment, robbery, and fighting.

10. Between September 26, 2010 and August 15, 2011, the City of Lancaster Bureau of Police responded to 16 calls in the immediate vicinity of the bar, including violations of the noise ordinance, possession of liquor in public, public drunkenness, fighting, as well as several reports of shots fired.

11. A chronology summarizing police activity in response to conditions created by Defendants is attached hereto and marked as Exhibit "B".

12. Defendants have been warned by representatives of the City of Lancaster on numerous occasions to cease operating the premises as described above.

13. On September 28, 2011, a representative of Defendants, Vincent Morabito, made numerous harassing phone calls to various police officials, the office of the County Detective, and the law firm of the attorney handling this matter on behalf of the City, with the result that the City Solicitor sent Mr. Morabito a letter demanding that he cease his harassing phone calls. A true and correct copy of the letter is attached as Exhibit "C" and is incorporated herein by reference.

14. The Pennsylvania Liquor Control Board has investigated numerous liquor control violations of the property the past two years regarding sales after hours, loud music,

operation without a valid health permit, sales when the liquor license had expired, and sales to visibly intoxicated patrons.

15. Citations were issued by the Pennsylvania Liquor Control Board April 18, 2009 and March 26, 2010 for loud music; both citations were sustained.

16. A summary of the Pennsylvania Liquor Control Board enforcement activities is attached hereto and marked as Exhibit "D".

17. Citations have been issued for conduct that occurred January 7, 2011 in respect to sales to intoxicated persons as well as conduct that had occurred April 30, 2011 relating to loud music. Since Exhibit "D" was prepared, Defendants have been found guilty on both citations and a nine-day suspension has been issued, which will run from October 11, 2011 at 7.00 a.m. until October 20, 2011 at 2.00 a.m.

18. Nine neighbors with firsthand knowledge of the conditions created by the Defendants have completed and signed Affidavits. These Affidavits are not attached by reason of their bulk, but will be made available at the time of the hearing.

WHEREFORE, Plaintiffs, jointly and severally, pray for the following relief:

1. That the actions of the Defendants be declared a nuisance pursuant to Pa. C.S. 47 §6-611.
2. That an injunction issued forthwith restraining Defendants from occupying or using the building for a period of one year for the sale, transportation, barter or furnishing of liquor, alcohol, malt or brewed beverages.
3. That Plaintiffs be authorized to post the property in accordance with the Court's Order.

Respectfully submitted,

ZIMMERMAN, PFANNEBECKER,
NUFFORT AND ALBERT

Date: _____

By: _____

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I.D. No. 23368

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Respectfully submitted,

COUNTY OF LANCASTER
OFFICE OF THE DISTRICT ATTORNEY

Date: _____

By: _____

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