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

THE CITY OF LANCASTER,	:	
Plaintiff,	:	
	:	
vs.	:	No. _____
	:	
BRUNSWICK REAL ESTATE	:	
MANAGEMENT, LP, BRUNSWICK	:	
INVESTORS GROUP, LLC, CROWN	:	
JEWELS QUEEN STREET, LLC,	:	
KONA CROWN HOLDINGS, LLC AND	:	
ALI ZAHEDI	:	
Defendants.	:	

COMPLAINT IN EQUITY

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, Pennsylvania 17608.
2. Defendant is Brunswick Real Estate Management, LP, a Pennsylvania Limited Partnership with a place of business at 151 North Queen Street, Lancaster, Pennsylvania 17605.
3. Another Defendant is Brunswick Investors Group, LLC, a limited liability company with a place of business at 151 North Queen Street, Pennsylvania 17605.
4. Another Defendant is Crown Jewels Queen Street, LLC, a Delaware Limited Liability Company with a place of business at Harvard Business Services, Inc., 16192 Coastal Highway, Lewes, Delaware 19958.

5. Another Defendant is Kona Crown Holdings, LLC, a California Limited Liability Company with its place of business at 10850 Wilshire Boulevard, Suite 1270, Los Angeles, California, 90024 and a registered office in Pennsylvania at 28 Penn Square, Lancaster, Pennsylvania 17603.
6. Another Defendant is Ali Zahedi, an adult individual with a residence and place of business at 151 North Queen Street, Lancaster, Pennsylvania 17605.
7. As set forth in the Present Owner Lien Search attached hereto and incorporated herein as Exhibit "A", each of the Defendants is a partial owner of the property known as 151-171 North Queen Street, Lancaster, City, Lancaster County, Pennsylvania 17603 (the "Property").
8. Upon information and belief, Defendants, either directly or indirectly through leasing and other business arrangements with third parties, including but not limited to Brunswick Hotel and Conference Center, LLC, Metro Brunswick Hotel, LLC, Ashok Bhatt, and Eddie and Lizette Collazo, utilize or have utilized the Property for the operation of a hotel, to provide banquet facilities, for operation of night clubs, for the operation of restaurants and for the provision of related services.
9. The Lancaster county Tax Claim bureau shows delinquent taxes on the Property in the amount of \$174,647.10.
10. The Pennsylvania Department of Revenue has obtained realty transfer tax liens against Defendants, Kona Crown Holdings, LLC's and Crown Jewels Queen Street, LLC's interests in the Property in the amounts of \$16,227.17 and \$12,335.22, docketed respectively to Numbers CI-10-14875 and CI-10-14881 in the Court of Common Pleas of Lancaster County, Pennsylvania.

11. The Defendants and the Property are currently in violation of the City of Lancaster's Property Maintenance Code for failure to remove graffiti from the exterior of the Property, failure to properly repair concrete above the Property's second floor entry, failure to replace ceiling tiles in the second floor corridor going to the garage, failure to properly clear the bricks on the east side of the Property by its entrance, and failure to repair the pothole in the driveway of the east side entrance of the Property, all as required by a Notice of Violation dated May 31, 2012 and attached hereto and incorporated herein as Exhibit "B".

12. Defendants operated or allowed the operations of a restaurant on the Property without a valid health license from July 14, 2011 through February 27, 2012.

13. The property has been the subject of violations of the City's ordinances and codes on at least eight occasions since March, 2010, for items such as graffiti, operating without a license, leaking pipes, wires hanging from the ceiling, insufficient lighting, mold, bedbugs, trash and debris, improper food in the kitchen and broken windows.

14. Portions of the Property (generally referred to as the "Annex") were condemned by the City on July 13, 2012 as being unfit for human habitation and for creating dangerous condition, in violation of the City's Property Maintenance Code. See the City's Notice of Violation dated July 13, 2012, attached as Exhibit "C".

15. Since March 24, 2010, the Premises have been operated in a manner that has allowed the use and sale of illegal drugs thereon, allowed the use and sale of alcohol by and to underage persons thereon, and allowed through or encouraged business practices often illegal activity.

16. On numerous occasions, City police have responded to calls and incidents regarding fights at the Premises, overly large parties and disturbances.

17. Injuries have been sustained by both police officers and patrons during these occasions.

18. According to a timeline of events prepared by the Lancaster City Bureau of Police, and attached hereto as Exhibit "D", between April 23, 2011 and June 28, 2012, the City Police have responded to calls regarding criminal behavior at the Premises on at least 87 occasions.

19. Since March 24, 2010, the Premises have been operated in a manner that constitutes a public nuisance in that the Owners and operators of the Premises have allowed the use and sale of illegal drugs, allowed the use and sale of alcohol by and to underage persons, have served intoxicated persons, have failed to keep the Premises orderly and have repeatedly ignored requests from the police and the City of Lancaster to cease such behavior.

20. On numerous occasions, City police have responded to calls and incidents regarding fights at the Premises, and overly large parties and disturbances.

21. Injuries have been sustained by both police officers and patrons during these occasions.

22. The types of criminal behavior listed on Exhibit "D" include fights, underage drinking, assaults, disturbances, illegal drug use, violation of public indecency laws, harassment, violation of trespass and curfew laws, vandalism, theft, weapons violations and a shooting resulting in death.

23. Defendants have leased, rented, or through their contractual relationships authorized Ashok Bhatt and Hamlete and entities which they own or manage such as Metro Brunswick Hotel, LLC and/or Brunswick Hotel and Conference Center, LLC to operate restaurants, bars, reception halls, and a hotel on the Premises.

24. The Defendants retained the services of Ashok Bhatt and Hamlata Vyas and their related entities despite the long history established by the two operating hotels in a manner resulting in them being closed or shut down for criminal behavior and code violations; such hotels including, but not limited to:

- A. Houston Downtown Plaza Hotel;
- B. Travelers Hotel, City of Dussmair, California;
- C. Claridge Hotel, Oakland, California;
- D. Casa Loma Hotel, San Francisco, California;
- E. Vacation Lodge Maingate, Florida; and
- F. Girard Plaza Hotel, Louisiana

25. Upon information and belief, Defendant Ashok Bhatt serves as the manager for Defendant Metro Brunswick Hotel, LLC, the entity which holds the liquor license for the Premises.

26. The Pennsylvania Liquor control Board investigated liquor control violations at the Premises between July 7, 2011 and June 22, 2012, which violations included issuing a check for alcoholic beverages with an insufficiently funded account and service of alcoholic beverages during the prohibited hours of 2:00 a.m. and 7:00 a.m.

27. Metro Brunswick Hotel, LLC's liquor license number H6241 issued for sale of alcohol at the Premises is listed as inactive.

28. The City of Lancaster and the Commonwealth of Pennsylvania have filed a Complaint for Declaration of Nuisance in the Court of Common Pleas of Lancaster County against, among others, the Defendants herein requesting an order restraining and prohibiting the sale of liquor and alcoholic beverages on the Premises. A copy of the Complaint for Declaration of Nuisance is attached hereto and incorporated herein as Exhibit "E".

I. COUNT I
(Violation of Registration Ordinances)

29. Plaintiff incorporates herein all of the averments set forth in paragraphs 1-28 of this Complaint.

30. Defendants' operation of the Property as a hotel subjects them to the provisions of Chapter 238 of the Code of the City of Lancaster, which requires inter alia, registration and licensing of residential rental properties, including hotels. A copy of Chapter 238 of the Code of the City of Lancaster is attached hereto and incorporated herein is Exhibit "F" and is referred to herein as "Chapter 238".

31. Pursuant to Section 238-9 of Chapter 238, Defendants are required to pay an annual license fee to Plaintiff in the amount of \$25.00 per unit (\$5,525.00 for Defendants 221 units at the Property).

32. Despite repeated demand, Defendants have failed and refused to pay the annual license fees for the Property for the years 2011 and 2012. (Defendants made a payment of \$5,525.00 which has been applied by the City to the 2010 license fee which along with the 2011 license fee was due and owing at the time of payment).

33. Defendants' failure to pay such licensing fees constitutes a violation of Chapter 238.

34. Defendants operations of the Property further violate Chapter 238 in that they have failed to:

- A. Comply with all provisions of Section 238-10 regarding inspections, designation of a responsible agent and being current in all water, refuse, solid waste, recycling and municipal taxes with respect to the Property; and

B. Fully comply with all of the provisions of Section 238-2 of Chapter 238, including but not limited to maintaining all units in compliance with applicable codes, ordinances, laws and regulations, keeping and maintaining the Property in a good and safe condition, and employing policies to manage the units in compliance with Chapter 238.

35. In accordance with Section 238-11.B. of Chapter 238, Plaintiff is authorized to seek injunctive relief from this Court.

36. Since a monetary judgment will not result in the Property being properly licensed, no adequate remedy exists in an action of law.

WHEREFORE, Plaintiff prays for the following relief:

1. That the actions of Defendant be declared to be in violation of Chapter 238.

2. That an injunction be issued forth with restraining the Defendants from occupying or using the Property as a hotel, rooming house, or boarding house, or from otherwise renting residential rental units herein until such time as Defendants are in full compliance with Chapter 238.

3. That Plaintiff be authorized to post the Property in accordance with the Court's Order.

COUNT II

(Trespass)

37. Plaintiff incorporates by reference all of the averments set forth in paragraphs 1 through 36 hereof.

38. Plaintiff owns the patio area adjacent to the second floor of the Premises (the "Patio Area").

39. Since June 2010, without the consent or permission of Plaintiff, Defendants have allowed air conditioning units and appurtenant facilities for the benefit of the Premises to remain on the Patio Area.

40. On June 7, 2010, February 12, 2011 and June 29, 2012, Plaintiff gave Defendants notice that such air conditioning units must be removed from the Patio Area. Copies of Plaintiff's correspondence dated June 7, 2010, February 17, 2011 and June 29, 2012 are collectively attached hereto and incorporated herein as Exhibit "G".

41. Despite such demand, Defendants have failed and refused to move the air conditioning units or appurtenant facilities from Plaintiff's Property.

42. As of the date hereof, Defendants continue to commit the act of trespass by maintaining said air conditioning units and appurtenant facilities on the Patio Area of Plaintiff's Property.

WHEREFORE, Plaintiff prays that this Court enter an Order:

1. Issuing an injunction directing Defendants to abate their continuing trespass on Plaintiff's Property by immediately removing the air conditioning units and appurtenant facilities from the Patio Area;
2. Awarding Plaintiff the sum not in excess of arbitration limits as damages for Defendants' trespass; and
3. Granting Plaintiff such other and further relief as this Court deems just and appropriate.

COUNT III
(PUBLIC NUISANCE)

43. Plaintiff incorporates by reference all of the averments set forth in Paragraphs 1 through 42 hereof.

44. Defendants' actions, activities, policies and operations constitute a public nuisance in that they:

- A. Constitute continuing trespass on public property;
- B. Maintain the Premises a manner detrimental to public health, including but not limited to (i) mold, (ii) bedbugs, and (iii) failure to make necessary structured repairs;
- C. Operate the Premises in violation of applicable local codes in a manner detrimental to public health and welfare, including but not limited to (i) mold and (ii) operating without a health license; (iii) improper food preparation and service; and (iv) operating without property licensing or registering the Premises;
- D. Operate the Premises by utilizing a hotel liquor license in a manner that institutes a nuisance under 47 P.S. Section 6-611;
- E. Operate the Premises in a manner intended to create problems for the Plaintiff; a public municipal corporation, namely, serving alcohol to visibly intoxicated persons, and directing all problems to the City sidewalks and streets so as to be problems of the City rather than the hotel;
- F. Utilizing operators at the Property with a known and lengthy history of violating local laws and regulations regarding property maintenance, allowing criminal activity to regularly occur, and being shut down or closed for those and other similar reasons.

45. Defendants' actions, activities and policies have created and caused the operation of this Premises to be detrimental to the health, welfare and well being of residents of the City of Lancaster and patrons of their facility, and such actions,

activities, and policies are a public nuisance under and pursuant to Pennsylvania law and Section 229-2 of the Code of the City of Lancaster.

46. No adequate remedy of law exists to remediate or cure the public nuisance created by Defendants.

47. As set forth above, the activities, operations and policies of the Defendants in operating their Premises as a public nuisance have already resulted in injuries and death.

48. Defendants' continued operation of the Premises in this manner is likely to result in additional injuries and irreparable harm.

49. An injunction prohibiting Defendants from operating a hotel, restaurant, banquet hall or providing related or similar services at the Premises is necessary to protect the public health and welfare.

WHEREFORE, Plaintiff prays that this Court issue an Order:

1. Declaring the actions of the Defendants to be a public nuisance.
2. Issuing an injunction restraining the Defendants from allowing the Premises to be utilized as a hotel, rooming house, boarding house, restaurant, banquet facility, conference center, bar, pub, or for any similar or related use.
3. That Plaintiff be authorized to post the Premises in accordance with the Court's Order.

ZIMMERMAN, PFANNEBECKER,
NUFFORT AND ALBERT

By: _____
Barry N. Handwerger, Esquire
Attorney for Plaintiff
I.D. No. 72975

22 South Duke Street
Lancaster, PA 17602
(717) 299-0711

Respectfully submitted,

ZIMMERMAN, PFANNEBECKER,
NUFFORT AND ALBERT

Date: _____

By: _____
Neil L. Albert, Esquire
Attorney for Plaintiff
I.D. No. 23368

22 South Duke Street
Lancaster, PA 17602
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VERIFICATION

I, Barry N. Handwerger, Esquire, of the law firm of ZIMMERMAN, PFANNEBECKER, NUFFORT & ALBERT, LLP, verify that I am the attorney for the Plaintiff, the City of Lancaster, herein and that I have their permission to sign this Verification on their behalf. I further verify the statements made in the foregoing Complaint for Declaration of Nuisance, Complaint in Equity, and the Motion for Temporary Restraining Order Pursuant to 47 P.S. §6-611(b) are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

DATED: _____

BARRY N. HANDWERGER, ESQUIRE