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

CITY OF UNIVERSITY HEIGHTS
Plaintiff

Case No: CV-21-948437

Judge: JOAN SYNENBERG

UNIVERSITY REALTY USA, LLC, ET AL
Defendant

FILED
2021 JUN 29 P 4: 06
CLERK OF COURTS
CUYAHOGA COUNTY

JOURNAL ENTRY

AGREED TEMPORARY RESTRAINING ORDER. OSJ

Joan Synenberg 6/28/21
Judge Signature Date
CPSB1

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

CITY OF UNIVERSITY HEIGHTS)	CASE NO. CV 21 948437
)	
Plaintiff,)	JUDGE JOAN SYNENBERG
)	MAGISTRATE STEPHEN M. BUCHA III
v.)	
)	TEMPORARY RESTRAINING
UNIVERSITY REALTY USA, LLC, et al.,)	<u>ORDER</u>
)	
Defendants.)	

This matter came on for temporary restraining order hearing on June 14, 2021, for a temporary restraining order pursuant to Ohio Civil Rule 65(B). Plaintiff and Defendants appeared with counsel. The matter has been set for a hearing on a preliminary injunction, to be held on July 29, 2021. The parties now stipulate to this Temporary Restraining Order.

THE COURT HEREBY ORDERS:

1. The property at 4380 University Parkway, University Heights, Ohio 44118 (the "Premises") shall not be operated as a synagogue or shul, or otherwise conduct observances consistent with the operation of a synagogue or shul, (the "Operations,") except on the Sabbath, from sundown Friday evening through sundown Saturday evening. As the participants in the Operations are of the Orthodox Jewish faith and do not utilize vehicles on the Sabbath, the parties understand and agree that no vehicular parking will be permitted contiguous to the Premises during the times set forth in this Section 1. For purposes of clarity, the residents of the Premises and/or guests are permitted to park in the driveway in the residential course of use.

2. Operations shall be contingent upon remediation and compliance by the Defendants with all applicable Building Code violations relating to the electrical systems on the Premises, as set forth in the Memorandum, dated May 25, 2021, prepared by Defendants' architect, Levine Architecture & Design Ltd., a copy of which is attached hereto as Exhibit A, and which is incorporated herein by reference as if fully rewritten. This is a condition precedent to Operations. The Defendant(s) shall initiate any request for an inspection or reinspection of the electrical systems, and the City pledges to cooperate to have said electrical system inspected or reinspected by an appropriately certified City official within twenty-four (24) hours of receipt of said request.

3. The maximum number of congregants permitted within the Premises at any time shall be thirty-six (36), exclusive of the eight to ten (8-10) family members of Defendant Danziger living in the dwelling that is located upon the Premises.

4. Any services performed and/or occupancy of congregants within the Premises shall be conducted exclusively on the 1st floor of the Premises. No services shall be conducted, nor shall congregation occur, in the basement or on the second floor.

5. There shall be no open flame within the Premises.

6. Defendants shall forbear from making any submission to, or otherwise attempting to appear on the agenda of, the City of University Heights' Planning Commission prior to the scheduled hearing on the Preliminary Injunction, set for July 29, 2021. It is agreed and understood that Defendants are not waiving any rights and/or remedies by virtue of their agreement as set forth in this Paragraph 6.

7. Service of this Temporary Restraining Order (the "Order") upon Defendants shall be satisfied by certified, express or regular mail service upon those Defendants whose addresses

are known and by posting a certified copy of this order in a conspicuous place upon the Premises for the purpose of service upon all Defendants whose addresses are not known and upon any other Defendants.

8. The Cuyahoga County Sheriff and the Chief of Police of the City of University Heights, and any law enforcement officers under their assignment and/or control, are hereby authorized to enforce this Order and to maintain the peace in accordance with this order. The Building Commissioner and the Director of Housing and Community Development, and any inspectors under their assignment and/or control, are authorized upon reasonable notice to enter the property to observe compliance and in furtherance of carrying out the terms of this Order, or to enter upon the property for exterior inspection only without notice.

9. No bond is required pursuant to Ohio Civ. R. 65(C).


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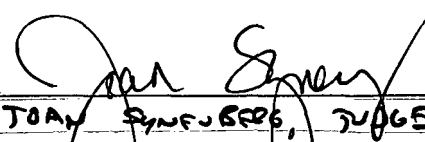
10. This temporary restraining order shall remain in full force and effect until the expiration of July 29, 2021.

Date

Submitted by:

DEFENDANT


LUKE F. McCONVILLE (0067222)
Director of Law
MICHAEL E. CICERO (0058610)
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City of University Heights

 6-28-21
JOAN SYNOVICK, JUDGE SS

AGREED:

UNIVERSITY REALTY USA, LLC,

By: 

Its: Representative

Joseph Freund

Date

ALEKSANDER SHUL,
Defendant

By: _____

Its: _____

Date

RABBI SHNEUR ZALMAN DANZIGER,
Defendant

Date

10. This temporary restraining order shall remain in full force and effect until the expiration of July 29, 2021.

Date

MAGISTRATE STEPHEN M. BUCHA III

Submitted by:

AGREED:

UNIVERSITY REALTY USA, LLC.

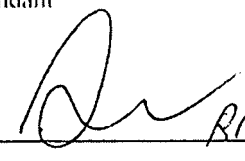
DEFENDANT

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Attorneys for Plaintiff
City of University Heights

By: _____
Its: _____

Date

ALEKSANDER SHUL,
Defendant

By:  RABBI DANZIGER
Its: _____

Date


RABBI SHNEUR ZALMAN DANZIGER,
Defendant

Date