



NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Common Pleas

New Case Electronically Filed: COMPLAINT
May 21, 2020 14:58

By: CHRISTOPHER B. CONGENI 0078160

Confirmation Nbr. 2001822

1909 W25, LLC, DBA TOWNHALL, ET AL.

CV 20 932784

vs.

EUCLID MEDIA GROUP, LLC, DBA CLEVELAND
SCEN, ET AL

Judge: PETER J. CORRIGAN

Pages Filed: 12



Common Pleas Court of Cuyahoga County, Ohio

DESIGNATION FORM TO BE USED TO INDICATE THE CLASSIFICATION OF THE CAUSE

1909 W25, LLC, dba TownHall; Ryan Hartzell

Case Number: _____

Plaintiff

Date: May 21, 2020

Vs.

Euclid Media Group dba Cleveland Scene; Vincent Grzegorek

Defendant

Has this case been previously filed and dismissed? Yes ☐ No ☒

Case #: _____ Judge: _____

Is this case related to any new cases now pending or previously filed? Yes ☐ No ☒

Case #: _____ Judge: _____

CIVIL CLASSIFICATIONS: Place an (X) In ONE Classification Only.

Professional Torts:

- ☐ 1311 Medical Malpractice
- ☐ 1315 Dental Malpractice
- ☐ 1316 Optometric Malpractice
- ☐ 1317 Chiropractic Malpractice
- ☐ 1312 Legal Malpractice
- ☐ 1313 Other Malpractice

Product Liability:

- ☐ 1330 Product Liability

Other Torts:

- ☐ 1310 Motor Vehicle Accident
- ☐ 1314 Consumer Action
- ☒ 1350 Misc. Tort

Workers Compensation:

- ☐ 1550 Workers Compensation
- ☐ 1531 Workers Comp. Asbestos

Foreclosures:

- ☐ Utilize Separate Foreclosure Designation Form

Commercial Docket:

- ☐ 1386 Commercial Docket
- ☐ 1387 Commercial Docket with Foreclosure

Administrative Appeals:

- ☐ 1540 Employment Services
- ☐ 1551 Other

Other Civil:

- ☐ 1500 Replevin/Attachment
- ☐ 1382 Business Contract
- ☐ 1384 Real Estate Contract
- ☐ 1388 Consumer Debt
- ☐ 1390 Cognovit
- ☐ 1391 Other Contracts
- ☐ 1490 Foreign Judgment
- ☐ 1491 Stalking Civil Protection Order
- ☐ 1501 Misc. Other
- ☐ 1502 Petition to Contest Adam Walsh Act
- ☐ 1503 Certificate of Qualification for Employment

Amount of Controversy:

- ☐ None Stated
- ☐ Less than \$25,000
- ☒ Prayer Amount Greater than \$25,000

Parties have previously attempted one of the following prior to filing:

- ☐ Arbitration
- ☐ Early Neutral Evaluation
- ☐ Mediation
- ☐ None

I certify that to the best of my knowledge the within case is not related to any now pending or previously filed, except as noted above.

Brennan, Manna & Diamond, LLC

Christopher B. Congeni, Esq.

Firm Name (Print or type)

75 East Market Street

Attorney of Record (Print or Type)

0078160

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Supreme Court #

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Address

330-253-5060

Email Address

/s/ Christopher B. Congeni

Phone

Signature

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

1909 W25, LLC, an Ohio corporation,
dba TOWNHALL
1909 West 25th Street
Cleveland, Ohio 44113

and

RYAN HARTZELL
1909 West 25th Street
Cleveland, OH 44113

Plaintiffs,

v.

EUCLID MEDIA GROUP, LLC dba
CLEVELAND SCENE
c/o HL Statutory Agent, Inc.,
Registered Agent
200 Public Square, Suite 2800
Cleveland, OH 44114

737 Bolivar Road, #4100
Cleveland, OH 44115

and

VINCENT GRZEGOREK



Defendants.

CASE NO.:

JUDGE:

**COMPLAINT FOR: DEFAMATION,
DEFAMATION PER SE, FALSE
LIGHT, INTENTIONAL INFLECTION
OF EMOTIONAL DISTRESS**

**(JURY DEMAND ENDORSED
HEREON)**

Plaintiffs, 1909 W25, LLC dba TownHall (“1909 W25”) and Ryan Hartzell (“Hartzell”) (collectively, “Plaintiffs”), by and through undersigned counsel, for their Complaint against

Defendants, Euclid Media Group, LLC dba Cleveland Scene (“Scene”) and Vincent Grzegorek (“Grzegorek”) (collectively, “Defendants”), allege as follows:

PARTIES

1. Plaintiff 1909 W25, LLC, is a limited-liability company doing business in Ohio.
2. Plaintiff Ryan Hartzell is an individual residing in Ohio.
3. Defendant Euclid Media Group, LLC dba Cleveland Scene is an Ohio limited liability company with its principal place of business in Cuyahoga County, Ohio.
4. Defendant Vincent Grzegorek, upon information and belief, is an individual residing in Cuyahoga County, Ohio.

JURISDICTION AND VENUE

5. The Court has personal jurisdiction over Scene and Grzegorek because Scene has its principal place of business in Cuyahoga County, Ohio and, upon information and belief, Grzegorek resides in Cuyahoga County, Ohio.
6. This Court has jurisdiction over the subject matter of this action pursuant to R.C. § 2305.01.
7. The amount in controversy in this action is greater than fifteen thousand dollars (\$15,000).
8. Venue is proper in this Court pursuant to Civ. R. 3(C)(1), because Scene has its principal place of business in Cuyahoga County, Ohio and, upon information and belief, Grzegorek resides in Cuyahoga County, Ohio.

STATEMENT OF FACTS

9. 1909 W25 owns and operates a bar and restaurant in Cleveland, Ohio, named “TownHall.” 1909 W25’s trade and business consists primarily of owning and operating bars and restaurants in the Cleveland, Ohio, area.

10. Hartzell is the General Manager of TownHall.

11. Scene is a weekly newspaper based in Cleveland, Ohio and publishes articles in print and online.

12. Grzegorek is the Editor-in-Chief and a writer for Scene.

13. On or about May 17, 2020, Scene published an article on its website, www.clevescene.com, and on social media, concerning TownHall, 1909 W25, and Hartzell (the “Article”), a true and accurate copy of which is attached hereto as Exhibit “A” and incorporated by reference herein.

14. The Article was titled, “Addressing Patio Concerns, Lago Ruminates on Nature of Art, TownHall GM Tells Black Woman to Go Back to the Country She Came From”, and made false accusations against TownHall, 1909 W25, and Hartzell, including but not limited to falsely accusing Hartzell of telling an African American woman online to go back to the country she came from.

15. The allegations against Town Hall, 1909 W25 and Hartzell contained in the Article are false, facially defamatory, and wholly unfounded.

16. Defendants published the Article with an intent to harm the business, livelihood, and profession of 1909 W25 and Hartzell.

17. Upon information and belief, Defendants have now changed the Article on Scene’s website to now be titled, “Addressing Patio Concerns, Lago Ruminates on Nature of Art,

TownHall GM Say ‘Go Back to the Country You Came From’”, but the original Article is still being shared on social media.

18. The original Article was published on Scene’s website for at least four hours and Townhall, 1909 W25, related bar and restaurant establishments, and Hartzell immediately began receiving threats on social media and in telephone calls that continue to this day.

19. Defendants have previously published false and defamatory statements against Plaintiffs, including but not limited to Grzegorek posting on social media on March 11, 2020, falsely accusing TownHall of “hawking bone broth for coronavirus in email blasts.” A true and correct copy of Grzegorek’s social media post is attached hereto as Exhibit “B” and incorporated by reference herein (the “Social Media Post”).

20. Grzegorek published the Social Media Post with an intent to harm the business, livelihood, and profession of Plaintiffs.

21. As a result of Defendants’ publications, TownHall, 1909 W25 and Hartzell have received, and continue to receive, threats on social media and in telephone calls and have also received negative reviews and negative press coverage online and through other media outlets that continue to this day.

22. As a result of Defendants’ false and defamatory publications described herein, 1909 W25 and Hartzell have been directly and proximately injured in an amount exceeding \$25,000 to be determined at trial.

COUNT ONE

(Defamation – Both Plaintiffs Against Both Defendants Jointly and Severally)

23. Plaintiffs incorporate by reference all allegations in the preceding paragraphs herein.

24. As described herein, Defendants made false and defamatory statements about Plaintiffs that they published on Defendants' website and on social media.

25. Defendants made these statements with actual knowledge, or reckless disregard, of their falsity.

26. Defendants made the statements described herein with actual malice, as they intended to harm Plaintiffs in their business, trade, profession and reputation.

27. Defendants were not privileged and/or justified in any way in making their false, malicious and outrageous statements.

28. Defendants published the statements described herein to third parties, with the intent to deter those third parties from patronizing 1909 W25's establishments and to individually harm Hartzell.

29. Defendants' statements, as described herein, did indeed have the effect of harming 1909 W25's and Hartzell's business, trade, profession and reputation.

30. As a result of Defendants' false and defamatory statements, Plaintiffs directly and proximately suffered damage to their reputations, and to their trade and profession, including but not limited to in the form of lost revenue and receiving threats and negative press coverage based upon Defendants' false and defamatory statements.

31. As a result of Defendants' false and defamatory publications described herein, Plaintiffs were directly and proximately injured in an amount exceeding \$25,000, to be determined at trial.

32. Plaintiffs also respectfully request punitive damages for the actions of Defendants, which constitute defamation as described herein, in an amount to be determined by the Court.

COUNT TWO

(Defamation Per Se – Both Plaintiffs Against Both Defendants Jointly and Severally)

33. Plaintiffs incorporate by reference all allegations in the preceding paragraphs herein.

34. As described herein, Defendants made false and defamatory statements about 1909 W25 and Hartzell that they published on Scene's website and on social media.

35. Defendants made these statements with actual knowledge, or reckless disregard, of their falsity.

36. Defendants made the statements described herein with actual malice, as they intended to harm Plaintiffs in their business, trade, profession and reputation.

37. Defendants were not privileged and/or justified in any way in making their false, malicious and outrageous statements.

38. As a result of Defendants' false and defamatory statements, Plaintiffs directly and proximately suffered damage to their reputations, and to their trade and profession in the form of lost revenue, including but not limited to in the form of lost revenue and receiving threats and negative press coverage based upon Defendants' false and defamatory statements.

39. Defendants made the statements described herein with the intent to cause Plaintiffs damage to their trade or profession, as required to establish defamation per se, and these statements actually caused damage to Plaintiffs' trade and profession.

40. As a result of Defendants' false and defamatory publications described herein, Plaintiffs were directly and proximately injured in an amount exceeding \$25,000, to be determined at trial.

41. Plaintiffs also respectfully request punitive damages for the actions of Defendants, which constitute defamation per se, as described herein, in an amount to be determined by the Court.

COUNT THREE

(False Light - Both Plaintiffs Against Both Defendants Jointly and Severally)

42. Plaintiffs incorporate by reference all allegations in the preceding paragraphs herein.

43. The statements published by Defendants described herein against Plaintiffs were untrue and were publicized to the public at large.

44. Defendants' statements against Plaintiffs described herein were misrepresentations by Defendants that would be highly offensive to a reasonable person and placed Plaintiffs before the public in a false light.

45. Defendants had knowledge of or acted with reckless disregard as to the falsity of the publicized matters, and as to the false light in which Plaintiffs would be placed by Defendants' publications.

46. As a result of Defendants' publications which portrayed Defendants in a false light described herein, Plaintiffs were directly and proximately injured in an amount exceeding \$25,000, to be determined at trial.

47. Plaintiffs also respectfully request punitive damages for the actions of Defendants, as described herein, in an amount to be determined by the Court.

COUNT FOUR

(Intentional Infliction of Emotional Distress – Hartzell Against Both Defendants Jointly and Severally)

48. Plaintiffs incorporate by reference all allegations in the preceding paragraphs herein.

49. Defendants intended to cause or knew Hartzell would suffer serious emotional distress by Defendants' publication of their false and defamatory statements against him.

50. Defendants' conduct in publishing their false and defamatory statements was extreme and outrageous.

51. Hartzell has received threats to his physical safety from third parties by telephone and online as a result of Defendants' conduct in publishing their false and defamatory statements against him and has suffered serious emotional distress as a result.

52. Defendants' conduct in publishing their false and defamatory statements is the proximate cause of Hartzell's serious emotional distress.

PRAYER FOR RELIEF

WHEREFORE, 1909 W25, LLC and Ryan Hartzell demand judgment against Scene and Grzegorek as follows:

(a) An award to 1909 W25 and Hartzell of compensatory damages exceeding \$25,000, and to be determined at trial, against Scene and Grzegorek, jointly and severally, based upon the allegations asserted in Counts I, II and III herein;

(b) An award to Hartzell of compensatory damages exceeding \$25,000, and to be determined at trial, against Scene and Grzegorek, jointly and severally, based upon the allegations asserted in Count IV herein;

(c) An award to 1909 W25 and Hartzell of punitive damages in an amount that this Court finds just and proper;

(d) An award to 1909 W25 and Hartzell of interest, plus costs, attorney's fees, and other such relief as this Court deems just and proper.

Respectfully submitted,

/s/ Christopher B. Congeni

Christopher B. Congeni (#0078160)

Matthew R. Duncan (#0076420)

Richard L. Hilbrich (#0092143)

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*Counsel for Plaintiffs 1909 W25, LLC and Ryan
Hartzell*

JURY DEMAND

Plaintiffs 1909 W25, LLC and Ryan Hartzell, respectfully request a trial by jury on all triable issues set forth in this Complaint.

/s/ Christopher B. Congeni

*Counsel for Plaintiffs 1909 W25, LLC and Ryan
Hartzell*

INSTRUCTIONS FOR SERVICE

TO THE CLERK: Please serve the preceding Complaint on the Defendants at the addresses listed in the caption above, via U.S. certified mail, return receipt requested.

/s/ Christopher B. Congeni

*Counsel for Plaintiffs 1909 W25, LLC and Ryan
Hartzell*

8:51

◀ Messages



clevescene.com

Bites Scene & Heard

Addressing Patio Concerns, Lago Ruminates on Nature of Art, TownHall GM Tells Black Woman to Go Back to the Country She Came From

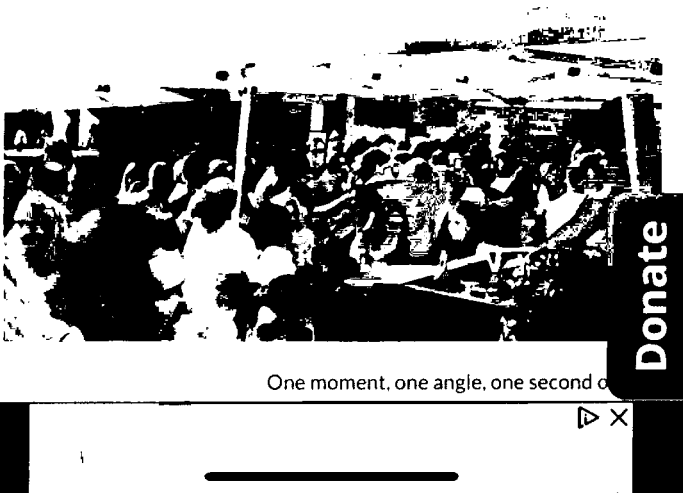
by Vince Grzegorek | May 17, 2020 at 8:16 PM



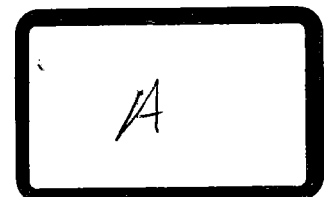
Listen to an Audio Version of the
03:56



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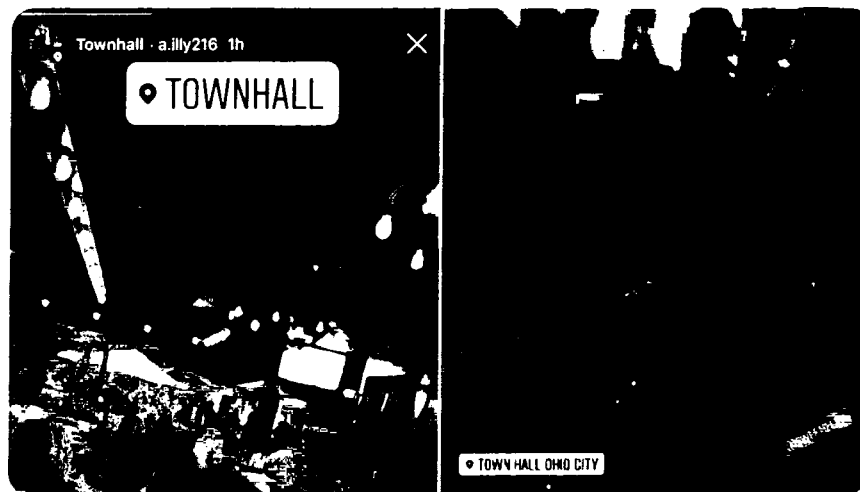
Tags: Coronavirus, COVID-19, Patios, Idiots, Image





Vince Grzegorek ✓ @vincethepolack · May 15

In an absolute shocker it appears Town Hall has a flexible interpretation of Ohio's patio-only opening requirement today



107

154

828



Vince Grzegorek ✓ @vincethepolack · Mar 11

Townhall out here hawking bone broth for coronavirus in email blasts.
Subject line: "BOOST Your Immune System With Nature's Vaccine"

Boost your immune system with our 100% organic bone broth! Take control of your health and keep your body strong by choosing our nutrient-rich foods (Non-GMO, organic, low-glycemic), healing broths, and wellness shots.

ORDER NOW

AN UNHEALTHY LIFESTYLE IS MORE DANGEROUS THAN THE CORONAVIRUS



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VINCE PERSONAL

