

Erie MetroParks Summary of Huron River Greenway Litigation

(Cases filed between EMP and corridor neighbors)

Filed By	Status	★	= Erie MetroParks Wins Case OR Case Dismissed/Withdrawn	C	= Filed by CPPR Member or Members
		?	= Case Pending	#	= Erie MetroParks Not the Defendant or Plaintiff
		CASE NAME (case names shortened for clarity)			
		Plaintiff (filed by)	vs. Defendant	Judge	Disposition
	★	1)	Erie MetroParks vs. W & LERR Case No. 95-CV-099 (Erie Co. Common Pleas Court)	Maschari	Withdrawn: Settlement by separate agreement - right of usage, quit claim deed and assumption of lease by MetroParks, payment of sum of money to railroad.
C	★	2)	Coles vs. Erie MetroParks Case No. 97-CV-296 (Erie Co. Common Pleas Court)	Cirigliano	Ruling: <u>Judge says plaintiff (Coles) is not the owner of the property (the railroad corridor).</u>
C	★	3)	Johnston vs. Erie MetroParks Case No. 97-CV-297 (Erie Co. Common Pleas Court)	Cirigliano	Ruling: <u>Judge says plaintiff (Johnston) is not the owner of the property (the railroad corridor).</u>
C	★	4)	Hohler vs. Erie MetroParks Case No. 97-CV-298 (Erie Co. Common Pleas Court)	Cirigliano	Ruling: <u>Judge says plaintiff (Hohler) is not the owner of the property (the railroad corridor).</u>
C	★	5)	Buffalo Prairie vs. Erie MetroParks Case No. 00-CVG-119 A-L (Huron Municipal Ct.)	Todia	Dismissed by Judge with no ruling - Judge wrote in judgment entry that there was no evidence MetroParks was on leased railroad corridor.
C	★	6)	Buffalo Prairie vs. Erie MetroParks Case No. 00-CVF-00041 A-S (Erie Co. Municipal Ct Milan Twp.)	Todia	Dismissed by Judge with no ruling - Judge wrote in judgment entry that there was no evidence MetroParks was on leased railroad corridor.
C	?	7)	Nottke vs. Erie MetroParks Case No. 2002-CV-494 (Erie Co. Common Pleas Court)	Patton (1st Ruling) Tone (Re-Trial)	Ruling: <u>Judge says MetroParks is the fee simple owner of the property - Appeal by Nottke overturned</u> 1st ruling - retrial in Common Pleas Court pending. Appeal by MetroParks to Ohio Supreme Court denied. Case to return to Erie County Common Pleas Court where it remains pending.
C	★	8)	Rinella vs. Erie MetroParks Case No. 99-CV-127 (Erie Co. Common Pleas Court)	Cirigliano	Withdrawn by plaintiffs - no ruling.
C	★	9)	Coles vs. Granville Case No. 3:03CV7595 (US District Court Toledo)	Carr, et al	Dismissed by Judge <u>in favor of MetroParks on finding that there were no federal matters in the case.</u> Plaintiffs appeal of dismissal denied & again dismissed by federal appeals court confirming earlier ruling & leaving State court rulings in place (see above).
	?	10)	Erie MetroParks vs. Wikel Farms* Case No. 99-CV-140 (Erie Co. Common Pleas Court)	Knepper	Pending: MetroParks placed \$20,000 deposit with Court for Wikel's use at any time upon request to clerk. Deposit has never been claimed.
	★	11)	District Petroleum vs. Erie MetroParks Case No. 96-CV-199 (Erie Co. Common Pleas Court)	Cirigliano	Ruling: <u>Judge says Plaintiff (Dist. Petro.) is not the owner of the property (the railroad corridor).</u>
C	?	12)	Coles vs. Granville Case No. 06-1259 (Ohio Supreme Court)	Ohio Supreme Court	Pending: Mandamus action seeking court order compelling MetroParks to file eminent domain actions against Plaintiffs or return property they claim in the Greenway corridor. 2nd separate case by same name.
C	?	13)	Coles vs. Granville Case No. 2006-CV-531 (Erie Co. Common Pleas Court)	Tone	Pending: Claims trespass & slander of title by MetroParks as a result of its use of former canal and railroad corridor for trail purposes. Demands damages. 3rd case with same name.

* case started as Erie MetroParks vs. Wikel - motion to amend to present party names is pending

ERIE METROPARKS
Other HRG-Related Litigation

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C	#	1)	Leber vs. Key Trust Case No. 93-CV-105 (Erie Co. Common Pleas Court)	Maschari	Settlement: Plaintiff (Leber) receives quit claim deed from Railroad and Trust. Railroad receives an an option to purchase a future easement.
C	#	2)	Wikel vs. Key Trust Case No. 97-CV-233 (Erie Co. Common Pleas Court)	Cirigliano	Settlement: Quit Claim Deed to Wikel in exchange for a sum of money to Trust.
C	#	3)	Coles vs. Key Trust Case No. 98-CV-547 (Erie Co. Common Pleas Court)	Maschari	Withdrawn by plaintiff. Settlement out of court - quit claim deed from Trust to Coles in exchange for a sum of money.
	★	4)	Erie MetroParks vs. Key Trust ** Case No. 99-CV-442 (Erie Co. Common Pleas Court)	Cirigliano and others	<p>1st Ruling: Erie Co. Ct. of Common Pleas - split decision - RR lease invalid, but lease corridor only ran from Milan to Lock #1 (north of Mason Rd.) not Milan to Lake Erie as claimed by neighbors.</p> <p>2nd Ruling: Erie Co. Ct. of Appeals (cross appeals) rules <u>MetroParks' lease is valid, can be used for bike/hike trail & corridor runs from Milan to Lock #1 (slightly north of Mason Rd.) and that canal company never owned north of Lock #1 which is slightly north of Mason Road.</u></p> <p>3rd Ruling: Erie Co. Ct. of Appeals - Appeal by Buffalo Prairie & the neighbors claiming leased property is only 2 small non-adjacent properties south of Mason Rd., is denied, <u>ruling in favor of MetroParks and confirming 2nd ruling.</u></p>

** while this case was pending, several neighbors acting through Buffalo Prairie bought Key Trust's ownership interests by auction. Ownership of corridor property by the Trust was not guaranteed by the Trust as a condition of sale. In fact, Key Trust clearly stated to all possible buyers that they were making no claims as to what, if anything, they owned in the corridor. After purchasing these "interests", Buffalo Prairie and the neighbors petitioned the Court to replace the Trust in the ongoing case with their names as defendants.