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IN THE CHANCERY COURT OF HAMILTON COUNTY, TENNESSEE

STATE OF TENNESSEE ex rel.)
PHILLIP A. NOBLETT,)
City Attorney for the City of Chattanooga,)
Petitioner,)
v.)
BANKABLE HOLDINGS LLC d/b/a)
COYOTE JACKS SALOON formerly)
d/b/a BELLA VITA RESTAURANT;)
TAMMIE RENEE TAYLOR;)
RONALD J. BERKE; and,)
COW ART, LLC,)
Respondents.)

DOCKET NO. 19-0739
PART 2

ORDER

Upon the application for a temporary injunction by the Petitioner, the Respondents, Bankable Holdings LLC d/b/a Coyote Jacks Saloon, formerly d/b/a Bella Vita Restaurant, Tammie Renee Taylor, Ronald J. Berke, and Cow Art LLC, are hereby ORDERED to Appear and Show Cause, if any they may have, before this Court, Hamilton County Chancery Court, Room 311, Chattanooga, Tennessee at 10:00 a.m., on the 22 day of October, 2019, or as soon thereafter as counsel can be heard, why a Temporary Order of Abatement pursuant to T.C.A. § 29-3-106 should not be entered enjoining Respondents from carrying on practices and conduct that constitutes a nuisance as alleged by the Petitioner in the Verified Petition for Abatement of Nuisance filed in this matter.

It is further Ordered that service of a copy of this Order to Show Cause and the Verified Petition for Abatement of Nuisance annexed thereto shall be served upon the said Respondents.

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FILED
HAMILTON CO CLERK & MASTER



ENTER this 11th day of October, 2019.

Pamela A. Glover *by interchange*
CHANCERY COURT JUDGE
for Chancellor Jeffrey W. Atherton

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Respondents.)

DOCKET NO. 19-0739
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VERIFIED PETITION FOR ABATEMENT OF NUISANCE

Comes now Petitioner, State of Tennessee *ex rel.* Phillip A. Noblett, City Attorney for the City of Chattanooga, and brings this Verified Petition for Abatement of Nuisance, and for its cause of action would state the following:

PARTIES

1. Petitioner is the State of Tennessee *ex rel.* Phillip A. Noblett, City Attorney for the City of Chattanooga. The City of Chattanooga (hereinafter referred to as "City") is a municipal corporation organized and existing under the laws of the State of Tennessee. The City and its officers are charged with enforcement of laws regarding the health, safety, and welfare of the public and the conduct of persons within the corporate boundaries of the City.

2. Respondent, Bankable Holdings LLC d/b/a Coyote Jacks Saloon, formerly d/b/a Bella Vita Restaurant, is a limited liability company with its principal place of business in Hamilton County, Tennessee. Bankable Holdings LLC may be served by serving its Registered Agent, Tammie R. Taylor, at 1400 Cowart Street, Chattanooga, Tennessee 37408.

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HAMILTON COUNTY CLERK

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3. Respondents, Tammie Renee Taylor (hereinafter "Taylor") and Ronald J. Berke (hereinafter "Berke"), are residents of Hamilton County, Tennessee. Taylor and Berke are members and principal operators of Bankable Holdings LLC d/b/a Coyote Jacks Saloon formerly d/b/a Bella Vita Restaurant. In addition, Taylor is the registered agent of Bankable Holdings, LLC. Taylor and Berke may be served at their residence located at 214 N. Crest Road, Chattanooga, Tennessee 37404.

4. Respondent, Cow Art LLC, is the record owner of certain real property located at 1400 Cowart Street, Chattanooga, Hamilton County, Tennessee, and more particularly described in **Exhibit A** attached to this Petition. The property described in **Exhibit A** will be referred to here as the "Subject Premises." Cow Art LLC may be served by serving its Registered Agent, Evans Harrison Hackett PLLC, Philip Byrum, Esq., 835 Georgia Avenue, Suite 800, Chattanooga, Tennessee 37402

CAUSES OF ACTION

5. This cause of action is commenced pursuant to Tennessee Code Annotated § 29-3-101 *et. seq.*, which provides for the abatement of any nuisance. Tennessee Code Annotated § 29-3-101, in relevant part, sets forth the following types of nuisance activity which may be abated by court action:

(2) "Nuisance" means that which is declared to be a nuisance by other statutes, and, in addition, means:

(A) Any place in or upon which lewdness, prostitution, promotion of prostitution, patronizing prostitution, unlawful sale of intoxicating liquors, unlawful sale of any regulated legend drug, narcotic or other controlled substance, unlawful gambling, any sale, exhibition or possession of any material determined to be obscene or pornographic with intent to exhibit, sell, deliver or distribute matter or materials in violation of §§ 39-17-901--39-17-908, § 39-17-911, § 39-17-914, § 39-17-918, or §§ 39-17-1003--39-17-1005, quarreling, drunkenness, fighting, breaches of the peace are carried on or permitted, and personal property, contents, furniture,

fixtures, equipment and stock used in or in connection with the conducting and maintaining any such place for any such purposes;

* * *

(3) "Person" means and includes any individual, corporation, association, partnership, trustee, lessee, agent or assignee; and

(4) "Place" means and includes any building, room enclosure or vehicle, or separate part or portion thereof or the ground itself and all the property on which the nuisance is located that is under the ownership, management or control of the violator.

(b) Any person who uses, occupies, establishes or conducts a nuisance, or aids or abets therein, and the owner, agent or lessee of any interest in any such nuisance, together with the persons employed in or in control of any such nuisance by any such owner, agent or lessee, is guilty of maintaining a nuisance and such nuisance shall be abated as provided hereinafter.

6. The Court has jurisdiction over this matter as provided in Tennessee Code Annotated § 29-3-102, which extends jurisdiction to "chancery, circuit, and criminal courts and any court designated as an environmental court pursuant to Chapter 426 of the Public Acts of 1991...."

7. Hamilton County, Tennessee is the proper venue for this action. The relevant statute provides "[w]hen a public nuisance, as defined in Tennessee Code Annotated § 29-3-101, is kept, maintained, carried on, or exists in any county, a bill or petition may be filed in any chancery, circuit, or criminal court of such county..." Tenn. Code Ann. § 29-3-103.

8. The nuisance activity is connected with the business operations of a parcel of real property with its appurtenances and attachments, located at 1400 Cowart Street, Chattanooga, Tennessee 37408, and operated as a business known as Coyote Jacks Saloon. Coyote Jacks Saloon is operated by Bankable Holdings, LLC, and the real property is owned by Cow Art LLC.

9. This Complaint follows an investigation by the Chattanooga Police Department and the Chattanooga Office of the City Attorney. This investigation revealed, *inter alia*, as follows:

(a) Bankable Holdings LLC d/b/a Coyote Jacks Saloon, formerly d/b/a Bella Vita Restaurant, is the site of a disproportionate amount of illegal activity. Between January 1, 2015 and October 6, 2019, officers from the Chattanooga Police Department have responded to the business for approximately 470 calls for service, with over 250 of those calls involving crimes that include narcotic violations, assaults (aggravated and simple), complaints of shooting weapons, thefts, robberies, attempted rape, property damage, assault on officers, weapons law violations, and other criminal offenses. *See* attached Chattanooga Police Department Crime Analysis Unit Summary (**Exhibit B**). At least Fifteen (15) of those calls involved weapons violations, shots fired/person shot/stabbings. *See* attached Call Summary with Narratives (**Exhibit C**).

(b) For example, the following activity has occurred at or near 1400 Cowart Street within the past three years:

1. On May 8, 2016, at approximately 2:12 a.m. Chattanooga police received a call about a disorder at Bella Vita. Police Officers proceeded into the parking lot across from the club and as they were driving through the parking lot towards the club heard what sounded like one gun shot and then noticed several people running from the club. The Officers exited their vehicles and went to the club. As they approached W. 14th Street, they encountered several security guards who were holding a party they said did the shooting. Another security guard pointed to a shirt in the street which he said was covering the gun used in the shooting. An Officer secured the gun in his car. When another Officer reached the front of the club he encountered 2 more security guards, one was attending to a party who was shot and the other was detaining a party on the ground. The detained person was arrested. HCEMS 9 arrived and transported the victim to Erlanger. While looking for the victim's identification the Officer found a gun in the victim's left front pocket. Officers who responded to Erlanger advised that the victim had been pronounced dead.
2. On December 17, 2017 at 02:50 a.m. a Chattanooga Police Officer responded to a complaint of possible shots fired. While *en route*, dispatch alerted police that multiple calls had come in that a person had been shot in front of Coyote Jacks Saloon nightclub. Upon arrival Police found two victims shot in the parking lot of Coyote Jacks Saloon nightclub. One of the victims was unconscious and appeared to have a wound to the chest. The other victim appeared to have a wound to the leg. Witnesses told Police a verbal argument had occurred between the suspects and the victims inside the night club and they decided to go outside and fight in the parking lot. Witnesses stated that when they went to the parking lot someone started

shooting and suspects fled. The victims were transported by Medics 13 and 14 to Erlanger Hospital. One victim later died from the wounds received.

3. On July 15, 2018 at 2:55 a.m. police received a call of shots fired at 1400 Cowart St. Coyote Jacks Saloon. Dispatch advised 50 shots and multiple calls from the same location. Upon arrival police observed 100 or more people fleeing the scene. Police heard several parties screaming and yelling about someone being shot. Police located the first two victims, and they were transported by medic 13 Erlanger Hospital. Police then located a third victim who was transported by medic 9 to Erlanger Hospital. 9-1-1 dispatch then advised that two other victims were transported via personal vehicle suffering from gunshot wounds.
4. On October 6, 2019, the Chattanooga Police Department made a bar check and discovered severe and dangerous overcrowding of the part of the premises in use. During the time patrons of the Coyote Jacks Saloon were dispersing, a crowd gathered on the Coyote Jacks outside patio and a fight broke out. During the fight, shots were fired striking and killing an individual.

10. Petitioner prays that the Court should temporarily and permanently enjoin the Respondents' use of the Subject Premises to create a public nuisance for the public, in particular business occupants and residents in or near 1400 Cowart Street, in violation Tennessee Code Annotated § 29-3-101(2) and other applicable laws as contemplated by Tennessee Code Annotated § 29-3-110. Any injunctive remedy should be provided in accordance with Tennessee Code Annotated §§ 29-3-106 and 29-3-110 and other Tennessee state laws.

11. Petitioner prays that Respondents should be temporarily enjoined from using the subject premises pursuant to Tennessee Code Annotated § 29-3-106 within five (5) days' notice to the Respondents and this injunctive relief should be made into a permanent injunction in accordance with Tennessee Code Annotated §§ 29-3-110.

WHEREFORE, Petitioner demands judgment against Respondents, as follows:

1. That the Court issue process in this matter and order Respondents, and Respondents' agents and employees, to appear and show cause why they should not be temporarily and permanently restrained from allowing breaches of the peace involving shootings, quarreling,

drunkenness, fighting, and other breaches of the peace, from occurring on any occasion on the Subject Property in violation of the laws of the State of Tennessee.

2. That the Court set a hearing in this case to be heard on October 22nd, 2019 at 10:00 A.m. and issue a Show Cause Order to Respondents requiring them to appear and Show Cause why a Temporary Restraining Order as contemplated by T.C.A. § 29-3-106 should not be issued.

3. That the Court hold a trial on this matter pursuant to Tennessee Code Annotated § 29-3-108 and enter a permanent injunction at that time pursuant to Tennessee Code Annotated §§ 29-3-110.

4. That the Court grant such other and further general relief including permanent injunctive relief as it deems to be just and equitable.

5. That Petitioner will suffer irreparable harm if injunctive relief is not granted.

6. That an injunction bond is not required as contemplated by Tennessee Code Annotated § 29-3-104.

7. That a permanent injunction be issued to enjoin Respondents from using their premises or allowing any future incidents of violence, quarreling, drunkenness, fighting and breaches of the peace on its property.

8. For Petitioner's costs of this action; and

9. For such other and further relief that the Court deems just and proper.

THIS IS THE FIRST APPLICATION FOR EXTRAORDINARY RELIEF.

Respectfully Submitted,

CITY OF CHATTANOOGA, TENNESSEE
OFFICE OF THE CITY ATTORNEY

By: 

PHILLIP A. NOBLETT – BPR NO. 10074

City Attorney

KEITH J. REISMAN – BPR NO. 26974

JOSEPH A. KELLY – BPR NO. 14921

Assistant City Attorneys

100 E. 11th Street, Suite 200

Chattanooga, Tennessee 37402

(423) 643-8250 (telephone)

(423) 643-8255 (facsimile)

Counsel for State of Tennessee, ex rel. Phillip A. Noblett

NOTICE OF HEARING

Please take notice that a hearing on Petitioner's Verified Petition for Abatement of Nuisance will commence at 10:00 a.m./p.m. on October 22nd, 2019 before the Honorable Chancellor Jeffrey M Atherton.


STATE OF TENNESSEE)
)
COUNTY OF HAMILTON)

I, **Chief David Roddy**, after first being duly sworn, do hereby make solemn oath that the statements contained in the foregoing Verified Petition for Abatement of Nuisance are true to the best of my knowledge, information and belief.



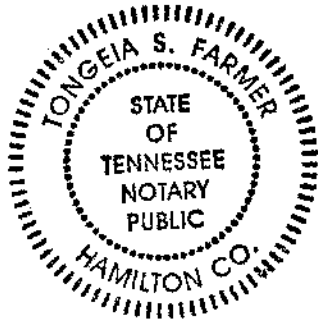
DAVID RODDY
Chief, Chattanooga Police Department

Sworn to and subscribed before
me this 11th day of October, 2019.



Notary Public

My Commission Expires: June 13, 2022



REVIEW PTA
PTA 119469

ADDRESS OF NEW OWNER(S): Cow Art LLC	SEND TAX BILLS TO: Same	MAP PARCEL NO. 145L-A-011
(Name) 710 Johnnie Dodds Avenue Suite 110	(Name)	
(Street Address) Mt. Pleasant, SC 29464	(Street Address)	
(City) (State) (Zip)	(City) (State) (Zip)	

Instrument: 2013011000107
 Book and Page: GI 9844 386
 DEED RECORDING FEE \$15.00
 DATA PROCESSING FEE \$2.00
 CONVEYANCE TAX \$3,737.00
 PROBATE FEE \$1.00
 Total Fees: \$3,755.00
 User: KST
 Date: 1/10/2013
 Time: 1:30:57 PM
 Contact: Pam Hurst, Register
 Hamilton County, Tennessee

THIS INSTRUMENT PREPARED BY, AND
 AFTER RECORDING, RETURN TO:
 Chambliss, Bahner & Stophel, P.C.
 1000 Tallan Building
 Two Union Square
 Chattanooga, Tennessee 37402
 Attn: Rachel E. Edwards

138276 Y2

LIMITED WARRANTY DEED

IN CONSIDERATION of the sum of One Dollar (\$1.00), the receipt and sufficiency of which are hereby acknowledged, PIONEER TITLE AGENCY, INC., a Tennessee corporation ("Grantor"), does hereby sell, transfer, and convey unto COW ART LLC, a Tennessee limited liability company ("Grantee"), and its successors and assigns, all of its right, title and interest in and to that certain tract or parcel of real property in Hamilton County, Tennessee more particularly described in Exhibit A of this Warranty Deed (the "Property").

TO HAVE AND TO HOLD the same unto Grantee and its successors and assigns forever in fee simple. Grantor does covenant that it is lawfully seized and possessed of the Property, has full power and legal authority to convey the Property, and the title to the Property is free, clear and unencumbered, except as noted in this Warranty Deed.

Grantor further covenants for itself and its successors and assigns, to warrant and forever defend the title to the Property to Grantee and its successors and assigns against all lawful claims of all persons claiming by, through or under him, but not further or otherwise.

Grantor and Grantee acknowledge that this Deed was prepared from information furnished by them. No title examination has been made and the firm Chambliss, Bahner and Stophel, P.C. shall not have any liability for the status of title to the real estate or for accuracy of such information.

(Execution Page(s) Attached)



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HAMILTON COUNTY CLERK

af

IN WITNESS WHEREOF, Grantor has executed this Quitclaim Deed effective the 31st day of DECEMBER, 2012.

GRANTOR:

PIONEER TITLE AGENCY, INC.

By: William Jones
Name: WILLIAM JONES
Title: PRESIDENT

STATE OF TENNESSEE

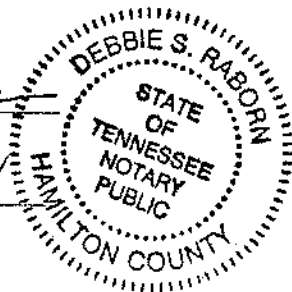
COUNTY OF HAMILTON

Before me, a Notary Public of the state and county mentioned, personally appeared (name) WILLIAM A JONES, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged such person to be (title) PRESIDENT of PIONEER TITLE AGENCY, INC., the within named bargainer, a corporation, and that such person as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by personally signing the name of the corporation by such person as such (title) PRESIDENT.

WITNESS my hand and seal, at office in (county, state) HAMILTON CO. TENNESSEE, this 31st day of DECEMBER, 2012.

Debbie S. Raborn
Notary Public

My Commission Expires: 11-18-14



STATE OF TENNESSEE :
COUNTY OF HAMILTON :

I hereby swear or affirm that the actual consideration for this transfer, or value of the property transferred, whichever is greater, is \$ 1,010,000.00 which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

William Jones agent
Affiant

Sworn and subscribed to before me this 31st day of DECEMBER, 2012.

Debbie S. Raborn
Notary Public
My Commission Expires: 11-18-14

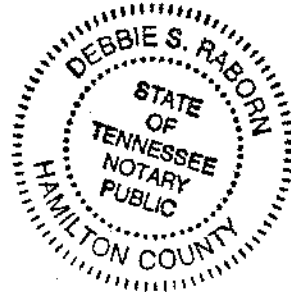


EXHIBIT A

Legal Description

IN THE CITY OF CHATTANOOGA OF HAMILTON COUNTY, TENNESSEE:

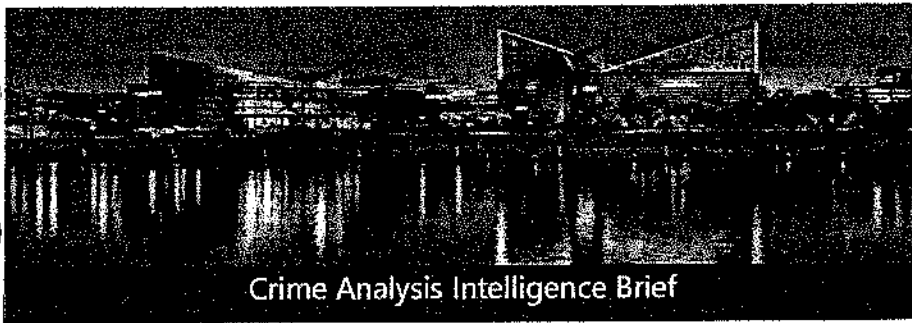
Lot Thirty (30), Block Two (2), J. C. Stanton's Subdivision, as shown by plat recorded in Plat Book 50, Page 228, in the Register's Office of Hamilton County, Tennessee

Subject to easement for ingress and egress as set out in instrument recorded in Book 4120, Page 841, in the Register's Office of Hamilton County, Tennessee and as shown, described or noted on plat recorded in Plat Book 50, Page 228, said Register's Office.

Subject to any governmental zoning and subdivision ordinances or regulations in effect thereon.

The grantee herein assumes and agrees to pay all taxes assessed against said real estate for the year 2012.

GRANTOR'S SOURCE OF EQUITABLE TITLE is a Warranty Deed recorded in Book 9787, Page 288 in the Register's Office of Hamilton County, Tennessee.



Crime Analysis Intelligence Brief

Chattanooga Police Department October 10, 2019

Crime Analysis Unit

3410 Amnicola Highway
Chattanooga, TN 37406
423-643-5164

To: Chief David Roddy and City Attorney Phil Noblette
Re: 1400 Cowart Crime Reports and Calls for Police Service,
Presently Coyote Jack's, a nightclub establishment
Submitted by: Chattanooga Police Crime Analyst K. Hill
Source of Data: Chattanooga Police Record Management System

The area Queried is 1400 Cowart, only those calls and reports specific to that address are included.

The Shots Fired and Shootings Report is January 1, 2015 to date October 8, 2019

There have been 5 Incidents of Person's Shot at 1400 Cowart, 10 people have been shot. Of those, 3 were fatal shootings determined to be Homicide. In addition, there have been 9 instances of Shots Fired at the club.

Table with 3 columns: Incident Type, Date/Time, and Description. Includes rows for 'Narratives read and comments filtered for 911 Calls that are distinct (no duplicate callers)' and 'SHOTS-Shots Fired'.



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There have been 470 Calls to Hamilton County 911 for Police Service to 1400 Cowart between January 1, 2015 and October 8, 2019. Not all calls resulted in actual incident reports but the calls to 1400 Cowart exceed by more than double calls for service to other comparable establishments and the calls for Violent Incident Response is more than four times higher than other comparable clubs.

Comparison of Police Service January 1, 2015 to October 7, 2019		Clyde's	Hair of the Dog	Bud's
Violent Crime Calls and All Calls for Police Service to 911	1400 Cowart	122 W Main	334 Market	5751 Brainerd
Assault	30	7	7	5
Disorder	61	19	22	15
Disorder Prevention\Protest\Crowd	2	0	0	0
Fight/Disorder	23	5	3	7
Riot	1	0	0	0
Sexual Offense	1	0	3	3
Shots Fired/Person Shot/ Active Assailant/Stabbing	23	0	0	0
Total Violence Calls for Service	141	31	35	30
All Calls for Police Service (raw numbers, comments not filtered)	<u>470</u>	<u>189</u>	<u>128</u>	<u>187</u>

There are 266 Incident Reports in the Chattanooga Police Record Management System for the address of 1400 Cowart between January 1, 2015 and October 8, 2019.

1400 Cowart, Records in CPD RMS 2015 to Date October 8, 2019	2015	2016	2017	2018	2019	Total by Police Report
Misc Report 000	11	1		1		13
Burglary 240				3	2	5
Embezzlement 270					1	1
Stolen Property 280					1	1
Property Damage/Vandalism 290	1	1	3	1	3	9
Weapon Law Violation 520			5	2	4	11
Homicide 09A		1	1		1	3
Sex Offense, Forcible Fondling 11D			2			2
Aggravated Assault 13A		1	6	2	3	12
Simple Assault 13B	1	1	15	10	11	38
Pocket Picking 23A			2			2
Theft from Building 23D	1		2	1		4
Theft from Vehicle 23F	2	1	1	1	1	6
Theft Other 23H			6		3	9
Credit Card/ATM Fraud 26B			1			1
Impersonation 26C			2			2
Hacking/Computer Invasion 26G			2			2
Drug/Narcotic Violation 35A			8	4	4	16
Drug Equipment Violation 35B			5		4	9
Disorderly Conduct 90C			7	4	3	14
DUI 90D			4	3	2	9
Drunkness 90E			14	5		19
Liquor Law Violation 90G			1			1
All Other Offenses 90Z			1	1	3	5
91Z			17	19	30	66
Alarm (CPD stopped reporting)ALB	4					4
Property Found PFD	1					1
Total by Year	21	6	106	57	76	266