



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE,)	
CITY OF WILMINGTON,)	
)	
Plaintiffs,)	
)	
v.)	C. A. No.
)	
2800 NORTHEAST BOULEVARD,)	NON-ARBITRATION
WILMINGTON, DE 19802,)	CASE
THUNDERGUARDS MOTORCYCLE)	
CLUB, INC., A&W SUPPLY CO.,)	
BRUCE LANGFORD, B-D DETAILING,)	
DAYWINE HUNTER,)	
)	
Defendants.)	

VERIFIED COMPLAINT

This action, brought by the State of Delaware and the City of Wilmington against the Defendants and property named above, seeks to abate a criminal nuisance occurring on that property pursuant to the *Criminal Nuisance Abatement Act*, 10 Del. C. ch. 71.

This action arises out of a multitude of violent nuisance activity occurring on or about the property located at 2800 Northeast Boulevard (a.k.a. 2800 Governor Printz Boulevard), Wilmington, DE 19802 (the "Property") including multiple murders, shootings, assaults, robberies, illegal possession of firearms, and illegal use and sale of drugs. Upon information and belief, the State of Delaware and City of Wilmington allege the following:

JURISDICTION AND VENUE

1. Jurisdiction for this action is provided under 10 *Del. C.* § 7106 (a).
2. Venue is proper in this County under 10 *Del. C.* § 7106 (a) because the property at issue is located within this County.

THE PARTIES AND PROPERTY

3. Plaintiff, the State of Delaware, brings this action through the Delaware Department of Justice. The Attorney General has standing to bring this action under 10 *Del. C.* § 7105(a). Plaintiff, the City of Wilmington, joins the State in this action. The City of Wilmington has standing to bring this action under 10 *Del. C.* § 7105(b).

4. The Property at issue is located at 2800 Northeast Boulevard, Wilmington, DE 19802. The Property includes two separate parcels, Parcel 2603000074 owned by Defendant Thunderguards Motorcycle Club, Inc. (hereinafter “Parcel 74”) and Parcel 2603000007 owned by Defendant Bruce P. Langford (hereinafter “Parcel 07”). The metes and bounds of the Property are specifically delineated in the attached deeds. (Exhibits A and B).

5. Parcel 74 is a one-story warehouse used and operated as a clubhouse for the Thunderguards Motorcycle Club. (Exhibit C).

6. Parcel 07 is a one-story autobody repair shop, directly adjoined to Parcel 74. Parcel 07 includes a parking area and at least 4 garages rented to the Thunderguards Motorcycle Club for their activities. (Exhibit C).

7. Defendant Thunderguards Motorcycle Club, Inc. is a Delaware Corporation with a registered office located at 913 North Market Street, Suite 902, Wilmington, DE 19801. George Evans, Esq. is the registered agent of the corporation. (Exhibit D).

8. According to the Certificate of Incorporation, Defendant Thunderguards professes to be an educational, community service corporation organized exclusively for charitable, and educational purposes. The corporation formed on October 4, 1995. (Exhibit D).

9. Defendant Bruce Langford is a Delaware resident who operates A&W Supply Company on Parcel 07. (Exhibit E). He rents or otherwise allows members of Thunderguards to illegally use the adjoining garages for late-night social gatherings.

10. Defendant Daywine Hunter is a Delaware resident who owns and operates B-D Detailing. Defendant Hunter operates B-D Detailing in a garage leased from Defendant Langford and located on the Property. (Exhibits F and C). Upon information and belief, Defendant Hunter is a member of the Thunderguards.

11. The Property is the site of illegal drug transactions and violent criminal activity. The Property is generally known in the surrounding community as the main clubhouse and social gathering area for the Thunderguards, a motorcycle gang. This activity has been ongoing and continuous since at least 2006.

12. As a result of the continuing and escalating criminal nuisance activity on the Property, the State and City sent certified letters to the record property owners and business owners. The certified letters were signed for by the Defendants and/or their agents, and the return receipts were received on or about March 20, 2014 or earlier. Copies of the letters were posted on the Property, and a copy was hand delivered to

Defendant Langford. Therein, the owners were provided notice of the Plaintiffs' intent to file a Complaint for Temporary and Permanent Abatement of the criminal nuisance occurring on the Property (Exhibits G, H, I, J).

LEGAL CLAIMS

Maintaining a Criminal Nuisance: Illegal Drug Activity

13. The Defendants use the Property as a site for illegal drug transactions.

14. On October 22, 2006, following a shooting on the Property, law enforcement officers executed a search warrant at the Property. During their search, they observed illegal drugs and drug paraphernalia in the Clubhouse (in addition to locating nine firearms).

15. On October 27, 2007, an individual was shot in the parking lot adjacent to the Property. The victim was in the parking lot attempting to purchase drugs.

16. In 2012, Delaware State Police officers conducted an investigation into the illegal activities of the Thunderguards Motorcycle Club. As part of the investigation, on November 6, 2012, search warrants were executed at eleven (11) locations, including the Property. As a result of the search warrant, 2,378.5 grams of cocaine and 167.1 grams of marijuana were seized, in addition to drug paraphernalia and \$41,913.00.

17. As part of the above referenced investigation, police officers monitored and intercepted telephone and wire communications establishing that members of the Thunderguards Motorcycle Club were actively involved in the sale and distribution of illegal drugs at the Property. On October 11, 2012, police officers intercepted a telephone communication between two Thunderguards members for the purchase of five (5) ounces of cocaine.

18. On October 14, 2012, police officers intercepted another telephone communication between the two Thunderguards members referenced in paragraph 17. During the telephone call, the buyer requested nine (9) ounces of cocaine. The seller stated he had the original amount of cocaine, five (5) ounces, the buyer had requested. Police officers conducted surveillance and followed the seller to the buyer's residence. After the drug transaction took place, police officers followed the buyer to the Thunderguard's Clubhouse.

19. Upon information and belief, illegal drug activity, including the sale, distribution and/or consumption of illegal drugs, has occurred on the Property within a year of the filing of this Complaint, and continues to occur.

Maintaining a Criminal Nuisance: Illegal Firearms

20. The Defendants permit, use and store illegal firearms at the Property. In so doing, the Property attracts violent criminal behavior associated with the illegal use of firearms.

21. On October 22, 2006, following a shooting on the Property, law enforcement officers executed a search warrant at the Property and located nine (9) firearms in the Clubhouse.

22. On December 27, 2008, a Thunderguards member physically assaulted his girlfriend at the Property. When she attempted to call police, he brandished a firearm and threatened to kill her.

23. On March 10, 2012, an individual attending an event at the Property attempted to enter the Clubhouse while unlawfully carrying a concealed firearm.

24. On November 4, 2012, the Wilmington Police Department received a complaint

that an individual was displaying a firearm in the Clubhouse. When officers arrived, they discovered two individuals with gunshot wounds. One individual died from his wounds.

25. On November 6, 2012, law enforcement executed a search warrant at the Property. While executing the warrant, officers arrested a Thunderguards member unlawfully carrying a concealed firearm. The member stated he was carrying the weapon to protect himself from retaliation.

26. As more fully explained below, since 2006 there have been a total of fifteen (15) shootings on or around the Property of which Plaintiffs are aware. Of the fifteen (15) shootings, five (5) shooting incidents resulted in the death of individuals and nine (9) shooting incidents resulted in individuals sustaining serious physical injuries.

Maintaining a Criminal Nuisance: Criminal Gang Activity

27. The Thunderguards Motorcycle Club is recognized as an outlaw gang by the National Gang Intelligence Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives given the national hierarchy and associated criminal activity of its membership chapters.

28. The Property is the main base of operations for the gang's "Mother Chapter" established in the mid-1960's.

29. Across the United States, the Thunderguards gang chapters have been identified in 14 separate states and are suspected in at least two others and have an estimated 300 members.

30. The members of the Thunderguards gang identify themselves by distinct markings, patches, and symbols that are commonly referred to as "colors." The clubhouse on Parcel 74 is restricted to members of the Thunderguards and their guests.

31. The Property is a known refuge for illegal criminal gang activity, conducted by the Thunderguards. In the last year, Thunderguards gang members have been arrested for various illegal activity stemming from the Property.

32. In Delaware, the Thunderguards are allies of the Pagan Motorcycle Club, a notorious outlaw motorcycle club.

33. The Thunderguards gang continues to be a threat to law enforcement and the communities where they congregate as an organization and the Mother Chapter located on the Property facilitates this criminal gang activity.

Maintaining a Criminal Nuisance: Violent Activity/Public Nuisance

34. The Property is a material annoyance, inconvenience and discomfort to neighboring properties and persons. The Property is a haven for violent criminal activity, including at least five murders, numerous violent assaults, an armed robbery and at least 15 confirmed shootings since 2006. The violent activity is ongoing and escalating.

35. On or about February 13, 2013, Defendant Thunderguards Motorcycle Club, Inc. was notified by the City of Wilmington that its Property was deemed a “public nuisance property” pursuant to Wilmington City Code Chapter 5, section 5-58, entitled “Public Nuisances.”¹ (Exhibit K). The purpose of the City’s ordinance is to abate nuisance activity arising from a property owner and/or occupant’s use of a property “in flagrant and persistent violation of state and local laws.” 1 *Wilm. C.* §5-58(a). The

¹ 1 *Wilm. C.* §5-58, enacted on July 9, 2009, provides that a certain number of points will be assessed to a property when an enforcement action has been taken at the property in response to a violation of law. A property is deemed a public nuisance when it accumulates twelve or more points within six consecutive months, or eighteen or more points within twelve consecutive months. If the property is deemed a nuisance property, the commissioner of the Department of Licenses and Inspections may take certain enforcement measures to abate the nuisance activity, including closure of the property, suspension of any applicable business licenses and issuance of a criminal summons.

Wilmington City Council has found that such properties “substantially and seriously interfere with the interest of the public in enhancing the quality of life and community environment in the city... and preserving and protecting the public health, safety and welfare.” 1 *Wilm. C.* §5-58(a). Although the notice reflects “only” five “incidents” in the year preceding the issuance of the notice, the Property has a significant documented history of recurring violent nuisance criminal activity in and around the Property which the City and certain members of the Thunderguards Motorcycle Club have unsuccessfully attempted to abate.

36. On October 22, 2006, at approximately 4:00 a.m., an individual was walking on the sidewalk across from the Property. A large crowd was gathered on the Property. Gunshots rang out, and the individual was struck in the thigh. Witnesses confirmed the shooting resulted from a fight between individuals on the Property. Casings were located on the Property. A search warrant was executed at the Thunderguards’ Clubhouse. Nine firearms were located in the Clubhouse, together with illegal drugs and drug paraphernalia. No charges were filed in this matter because the victim could not identify the shooter, and there were no further leads.

37. On January 2, 2007, an individual filed a report with the Wilmington Police Department alleging she was drugged during a party at the Thunderguards’ Clubhouse. The victim woke up the next morning, unclothed, in a motel room. The victim believes she was raped, but was ashamed and embarrassed to report the incident. At the time of the report, the victim was approximately 20-22 weeks pregnant. The case was eventually closed due to the lack of evidence and the failure of the victim to cooperate with the investigation.

38. On February 2, 2007, a seventeen year old male with mental disabilities filed a report with the Wilmington Police Department alleging his foster father paid a woman to engage in sexual intercourse with him at the Thunderguards' Clubhouse. The case was closed due to lack of evidence.

39. On August 11, 2007, an individual was standing in the parking lot of the Property when gunfire broke out. As he attempted to flee, he was struck in the knee by a round. No suspects were identified.

40. On October 20, 2007, two individuals were assaulted with a straight razor while leaving the Thunderguards' Clubhouse. The assault stemmed from an incident which occurred inside the Clubhouse involving a woman and one of the individuals assaulted. No charges were filed because the victims refused to cooperate with police and identify the suspect.

41. On October 27, 2007, an individual shot and killed a person in the parking lot used by individuals frequenting the Thunderguards' Clubhouse. He also wounded two other people. The three individuals were in the area to "meet females." One of the victims wounded by the gunshot was in the parking lot attempting to purchase illegal drugs.

42. On October 31, 2007, an individual filed a report with the Wilmington Police Department alleging she was raped by two members of the Thunderguards while at the Clubhouse. Charges were brought against one of the members.

43. On May 10, 2008, an individual visiting the Thunderguards' Clubhouse was shot at when he exited his vehicle in front of the Property. The victim stated an unknown person approached him, and shot at him from a distance of five feet. As the victim ran

away from the suspect, he heard additional gunshots. A member of the Thunderguards flagged down a police officer who had also heard the gunshots. No suspects were identified.

44. On July 13, 2008, a large, disorderly crowd was gathered in the parking lot of the Thunderguards' Clubhouse as a result of an argument between various Thunderguards members. An individual who had exited the Clubhouse was stabbed while maneuvering through the crowd. The victim did not know the suspect, but he stated the suspect was wearing Thunderguards colors. The suspect, a member of the Thunderguards, was later positively identified by the victim and arrested.

45. On December 6, 2008, at approximately 4:00 a.m., Wilmington Police officers in the area of 2800 Northeast Boulevard heard several gunshots. The officers noticed a large crowd in the 2700 block of Northeast Boulevard gathered around a vehicle. The officers discovered an individual in the vehicle who had been shot several times. The victim died of his injuries. No suspects were identified.

46. On December 27, 2008, at approximately 1:53 a.m., an individual contacted the Wilmington Police Department. She stated while at the Thunderguards' Clubhouse, her boyfriend, a member of the Thunderguards, took her cellular telephone and approximately \$120.00. When the victim attempted to retrieve her property, the boyfriend physically assaulted her. When the victim attempted to call 911 from a pay phone, the boyfriend disconnected the call, brandished a firearm and threatened to kill her. The suspect was eventually arrested.

47. On January 1, 2009, at approximately 4:00 a.m., Wilmington Police officers stopped a vehicle traveling at a high rate of speed with its flashers activated. The driver

of the vehicle advised the officers that she was driving her passenger to the hospital because he had been physically assaulted in the parking lot of the Thunderguards' Clubhouse by three individuals. The case was eventually suspended because the victim was uncooperative.

48. On May 2, 2009, at approximately 3:09 a.m., an individual was stabbed at the Thunderguards' Clubhouse. The victim was arguing with an individual when someone approached him and stabbed him twice in the stomach. No suspects were identified.

49. While at the Thunderguards' Clubhouse investigating the stabbing incident noted in paragraph 48, Wilmington Police officers heard multiple gunshots. The officers located three victims with gunshot wounds adjacent to the Property. One victim was fatally wounded. The victims had just left the Clubhouse. They were walking to their vehicle when they were confronted by a group of individuals with whom they had argued earlier in the evening at a different location. The suspects were identified by the surviving victims and arrested.

50. Following the homicide and stabbing incidents referenced in paragraphs 48 and 49 which occurred within moments of each other, on May 2, 2009, Wilmington Public Safety Director James N. Mosley ordered the Property closed pursuant to Wilmington City Code chapter 7 section 7-2, authorizing the public safety director to immediately close an establishment in situations of localized disturbances. Director Mosely requested a meeting between City officials and the leadership of the Thunderguards to address the extreme and continuing violence occurring on and about the Property.

51. On May 5, 2009, City officials met with then president of the Thunderguards, Gamaliel "Snake" Watson, and Stephen Fullman, the business manager of the

Thunderguards. The City officials in attendance included members of the Wilmington Police Department, the Department of Public Safety, the Wilmington Fire Marshal's Office, the Finance Department, the Mayor's Office of Constituent Services, the Department of Licenses and Inspections, and the Wilmington Law Department. A member of the State of Delaware Attorney General's Office was also present.

52. The purpose of the meeting was to discuss the violence and criminal activity occurring in and around the Thunderguards' Clubhouse and develop a strategy with the Thunderguards' leadership to abate the activity. At the meeting, the Thunderguards agreed to undertake the following measures: 1) the Thunderguards would hire extra duty Wilmington Police officers to be present between the hours of 12:00 a.m. and 4:00 a.m. for any after hour event held at the Clubhouse; 2) if the Wilmington Police Department could not fulfill a specific request for extra duty officers, the Thunderguards would hire adequate licensed security guards; and 3) the Thunderguards agreed to close the Clubhouse until June 1, 2009. In addition to the foregoing, City officials recommended the following actions: 1) implement measures to screen guests (guest card policy, banned persons list); and 2) adjust the hours of their events to end at 1:00 a.m. rather than 4:00 a.m. City officials also advised the Thunderguards that if the activity continued, the City would suspend and/or revoke their business license and close the Property pursuant to Wilmington City Code, chapter 5 section 5-58, entitled "Disorderly Establishments." (Exhibit L).

53. On June 3, 2009, at the request of the Thunderguards, City officials again met with Gamaliel Watson and Stephen Fullman. At the meeting, Watson and Fullman confirmed the Thunderguards had hired extra duty officers for an upcoming event,

however, they refused to implement any type of screening process for guests as recommend by the City. Additionally, the Thunderguards did not agree to end their events earlier.

54. On September 5, 2009, an individual filed a report with the Wilmington Police Department alleging she was physically assaulted by a member of the Thunderguards while at the Thunderguards' Clubhouse. The victim alleged the member verbally threatened her with sexual assault and then grabbed her. After she pushed him away, the member returned and punched her in the face causing serious physical injury. The suspect was eventually arrested.

55. On December 29, 2010, two women filed a report with the Wilmington Police Department alleging they were physically assaulted by a member of the Thunderguards. The women stated the member struck them as they left the "Boom Boom Room," a term referring to one of the garages on the Property owned by Defendant Langford and rented to the Thunderguards. One of the women sustained a brain hemorrhage. Police were unable to arrest the suspect because the victims later recanted their statements, advising police they could not recall the identity of the person who struck them.

56. On July 2, 2011, an individual filed a report with the Wilmington Police Department alleging she was assaulted in front of the Thunderguards' Clubhouse by her boyfriend. The victim stated she was in front of the Clubhouse at 4:00 a.m. that morning. Her boyfriend approached her, angry at seeing her at the Clubhouse at that time of the day. He struck her across the face, causing her to fall back and strike her head on the pavement. The suspect was arrested.

57. On October 15, 2011, at approximately 4:35 a.m., the Wilmington Police Department became aware of a stabbing victim in the Wilmington Hospital Emergency Room. An individual suffering from stab wounds to his back had come into the Emergency Room. The victim stated he was stabbed in front of the Thunderguards' Clubhouse. He stated when he exited the Clubhouse, a group of men (who he initially identified as Thunderguards members) surrounded him and began to physically assault him. No charges were filed because the victim was uncooperative.

58. On November 13, 2011, at approximately 3:54 a.m., the Wilmington Police Department was notified of gunshots at the Thunderguards' Clubhouse. When officers arrived at the Property, they were met by an officer working an extra duty job at the Clubhouse. The officer advised he had heard gunshots in the parking lot, and observed two suspects fleeing the parking lot immediately after the gunshots. Although police searched the area, they did not locate the suspects.

59. On December 10, 2011, at approximately 3:36 a.m., a Wilmington Police officer working an extra duty job at the Thunderguards' Clubhouse witnessed an individual standing on the sidewalk opposite the Property draw and fire a gun into a large group of people gathered in front of the Clubhouse. At the time of the incident, the officer was seated in a marked police vehicle. The suspect was not apprehended.

60. On January 8, 2012, at approximately 2:28 a.m., Wilmington police officers on patrol in the area of the Property heard gunshots. In trying to determine the location of the shooting, officers went to the Thunderguards' Clubhouse and spoke to several individuals who were present. They stated they did not see or hear anything. The Wilmington Police Department was later contacted by Wilmington Hospital staff

concerning a gunshot victim. The victim stated that while he was walking into the Thunderguards' Clubhouse, he saw a group of individuals arguing outside the Clubhouse. As he approached, the group dispersed and an individual began firing a gun in his direction. After speaking with the victim, the officers returned to the area and discovered five spent shell casings approximately 30 feet south of the entrance to the Property.

61. On March 10, 2012, at approximately 2:18 a.m., Wilmington police officers were working an extra duty job at an event held at the Thunderguards' Clubhouse. A member of the Thunderguards' security detail advised the officers that an individual they had "pat down" at the entrance to the Clubhouse was carrying a concealed weapon. The officer confirmed the individual was unlawfully carrying a concealed firearm. The individual was arrested.

62. On March 18, 2012, at approximately 4:20 a.m., the Wilmington Police Department was contacted by Wilmington Hospital staff who reported that an individual suffering from stab wounds had been admitted to the hospital. The victim stated he was a member of the Locos Motorcycle Club. He had come from a party in West Chester, Pennsylvania to attend an after-hours party at the Thunderguards' Clubhouse. He stated he was walking from his vehicle to the Clubhouse when someone stabbed him with a broken bottle. No arrests were made because the victim could not identify the suspect.

63. On April 21, 2012, at approximately 4:30 a.m., the Wilmington Police Department was contacted by Christiana Hospital staff regarding a woman who was assaulted in the area of the Thunderguards' Clubhouse. The victim stated she was walking from the Clubhouse to her vehicle when someone physically assaulted her. The

victim suffered a fracture to the orbital bone. No arrests were made because the victim could not identify the suspect.

64. On May 17, 2012, at approximately 2:47 a.m., Wilmington Police officers were dispatched to the 2700 block of Thatcher Street in response to a complaint of gunshots. The officers were met by a Wilmington Police officer who was working an extra duty job for an event at the Thunderguards' Clubhouse. The officer stated he heard approximately five gunshots. Officers located four spent shell casings and two live rounds in the 1000 block of East 27th Street, approximately one block away from the Property. A vehicle parked in the 2700 block of Thatcher Street was struck several times. No arrests were made.

65. On July 8, 2012, at approximately 3:44 a.m., Wilmington Police officers working an extra duty job for an event being held at the Thunderguards' Clubhouse reported a shooting had just occurred at the Clubhouse. The officers identified the shooter as an individual matching the description of an individual who was removed from the Clubhouse earlier in the evening. The individual stood on the sidewalk opposite the Clubhouse and fired multiple rounds from a .40 caliber semi automatic hand gun into a group of individuals in front of the Clubhouse. No arrests were made.

66. On July 29, 2012, at approximately 4:30 a.m., two women were leaving the Thunderguards' Clubhouse when they were approached by two men. One of the men attempted to grab a purse from one of the women. When the woman did not release her purse, the men struck her several times in the face with their closed fists. When the victim fell to the ground, the men continued to kick the victim in the face and stomach, eventually taking her purse and fleeing. The victim returned to the Clubhouse to locate a

police officer working an extra duty job that evening in order to report the incident. However, gunfire had erupted in the parking lot of the Clubhouse, and the officers were investigating the matter. The victim decided to leave and report the crime the following day. No arrests were made.

67. On November 4, 2012, at approximately 1:31 a.m., the Wilmington Police Department received a report that a person with a gun was in the Thunderguards' Clubhouse. When they arrived, officers discovered a gunshot victim on the ground in the center of a large, disorderly crowd. The victim later died from his injuries. A second victim was struck by a round, but he survived his injury. A member of the Thunderguards advised officers that prior to the shooting, the deceased victim had been in the Clubhouse, waving a gun. Two different types of spent shell casings were recovered at the scene, several 9 mm shell casings and two .380 acp shell casings. Officers believed there was a shootout between at least two individuals, possibly the deceased victim and an unknown gunman. No weapons were discovered, and witnesses at the scene were uncooperative. No arrests were made.

68. On November 6, 2012, members of the Delaware State Police executed a search warrant at the Thunderguards' Clubhouse and the surrounding buildings located on the Property. The search warrant was executed as part of an investigation into the Thunderguards Motorcycle Club. During the execution of the search warrant, officers encountered an individual carrying a concealed firearm. The individual advised officers he carried the weapon to protect himself from retaliation, explaining that a homicide had occurred at the Clubhouse just a few days prior. The individual was a convicted felon,

and a person prohibited from possessing a deadly weapon. Therefore, he was arrested. It was later determined he is a member of the Thunderguards.

69. On December 4, 2012, Kurtis Davis, the Thunderguards' chaplain, requested a meeting with the City of Wilmington to discuss the recent homicide. On December 13, 2012, members of the Wilmington Police Department, the Wilmington Fire Marshal's Office, the Department of Licenses and Inspections, the Mayor's Office of Constituent Services, the Wilmington Law Department and State of Delaware Attorney General's Office met with Mr. Davis. While denying any culpability or responsibility on the part of the Thunderguards, Mr. Davis advised City officials that as a result of the homicide, the Thunderguards Motorcycle Club had enacted "new rules" to prevent similar incidents from occurring at the Property. Although he advised officials he would provide the City with a copy of the "new rules" after the meeting, Mr. Davis did not do so. Mr. Davis stated the Thunderguards had initiated "changes," but refused to elaborate on the specifics of the changes. Mr. Davis stated a member of the "National Security Team" would be present at each event taking place at the Clubhouse to ensure the "new rules" were followed. When officials made specific recommendations designed to abate the unlawful activity occurring at the Property, Mr. Davis stated he could not agree to the recommendations because he needed approval from the Thunderguards leadership. However, Mr. Davis never contacted the City after the December 13 meeting.

70. On February 13, 2013, the Thunderguards Motorcycle Club was issued a "Notice of Public Nuisance Property" (the "Notice") as it related to the Property. The Notice documented criminal and nuisance activity which occurred on the Property within the preceding year. The Notice also advised the Thunderguards that should they fail to

take affirmative action to stop the nuisance activity, they would be subject to certain sanctions authorized by 1 *Wilm. C.* §5-58, including revocation of their business license, closure of the Property and criminal fines. (Exhibit K).

71. On March 1, 2013, "Brother Foots," a member of the Thunderguards, contacted the City regarding the Notice. Although Brother Foots disagreed with the assessment of points for one of the incidents reflected in the Notice, he stated he would provide the City with a written plan designed to abate the nuisance activity occurring on the Property. No plan was ever submitted to the City, nor did Brother Foots contact the City again.

72. Approximately three weeks later, on March 23, 2013, at 3:52 a.m., Wilmington police officers working an extra duty job at an event held at the Thunderguards' Clubhouse heard multiple gunshots from the parking lot of the Clubhouse. The officers located a victim suffering from multiple gunshot wounds in the parking lot. A second gunshot victim was later discovered. The second victim was driven to the Wilmington Hospital Emergency Room and left at the entrance. The victims had been shot after they left the Clubhouse. No arrests were made.

73. On March 26, 2013, at approximately 3:00 p.m., members of the Wilmington Fire Marshal's Office conducted an inspection of the Thunderguards' Clubhouse and the adjacent garages rented by the Thunderguards. The inspection revealed one of the garages had been illegally converted into a place of assembly, complete with a lounge area, fully stocked alcohol bar, pool table, chairs and tables. The adjacent garage contained extra supplies, alcohol, food, vending machines, stripper poles, propane and motorcycles. The Department of Licenses and Inspections, the Wilmington Police

Department and the Division of Alcohol and Tobacco Enforcement were called to the Property. The alcohol was confiscated, and the garages condemned.

71. The administrative inspection revealed that violations of Wilmington Building Code existed in the Clubhouse. Additionally, the Wilmington Police Department confiscated two illegal gambling machines, and the Division of Alcohol and Tobacco Enforcement confiscated alcoholic beverages located in the Clubhouse.

72. On February 22, 2014, Wilmington police officers on patrol in the area of 28th Street and Northeast Boulevard observed a large number of individuals leaving the Clubhouse. While observing the crowd, they heard several gunshots. Although they searched for the source of the gunshots, they were unable to locate any suspects. Shortly thereafter, the officers were dispatched to the Wilmington Hospital Emergency Room because a gunshot victim had sought medical assistance. The gunshot victim was a Thunderguards member who had been leaving the Clubhouse when he was shot. Subsequent investigations revealed the shooting had occurred in the parking lot used by individuals frequenting the Clubhouse. No arrests were made.

73. On March 6, 2014, officers from the Wilmington Police Department were dispatched to the 1200 block of Lancaster Avenue in response to a shooting incident. When they arrived, the officers observed an individual bleeding profusely from six (6) gunshot wounds to his lower extremities. He was being dragged into a vehicle by his brother. Upon information and belief, the gunshot victim is a member of the Thunderguards, and he has an ownership interest in B-D Detailing. The victim refused to cooperate with the police. No arrest has been made.

74. On March 30, 2014, an individual filed a report with the Wilmington Police Department alleging she was assaulted in the parking lot of the Thunderguards' Clubhouse by her boyfriend. The victim stated she was walking to the Clubhouse when her boyfriend struck her in the face twice with a closed fist, threw her to the ground and began to kick her repeatedly. The victim was able to escape when bystanders restrained the suspect. Police issued a warrant for the suspect's arrest.

75. The events referenced in ¶¶ 13-74 constitute an ongoing "criminal nuisance" as defined by 10 *Del. C.* § 7103(5). The events referenced above are incidents of which Plaintiffs are aware at the time this Complaint was filed. In all likelihood, there are additional incidents of illegal drug activity, illegal firearms use, and violent activity that have occurred on or about the Property.

Adverse Impact on the Community

76. Resulting from the criminal nuisance, there is an increased fear from neighboring residents to walk through or in public areas.

77. There is an increased volume of vehicular and pedestrian traffic to and from the Property that is related to the criminal nuisance activity referenced in ¶¶ 13-74.

78. The Wilmington Police Department has witnessed an increase in the number of police calls for service to the property that are related to the criminal nuisance activity referenced in ¶¶ 13-74.

79. Illegal firearms and corresponding incidents of shootings have been reported at or near the Property.

80. Investigative purchases of controlled substances have been conducted at or near the Property in reference to the ongoing criminal nuisance activity.

81. Wilmington Police Department and other police agencies have arrested several people from the Property related to the ongoing criminal nuisance activity referenced in ¶¶ 13-74.

82. Multiple police agencies have served or executed search warrants at the property related to the ongoing criminal nuisance activity referenced in ¶¶ 13-26.

83. The Property has been the subject of a number of housing and/or health code violations relating to the nuisance activity alleged herein.

84. Paragraphs 13-83 constitute an “adverse impact” on the surrounding community as defined by 10 *Del. C.* § 7103(1).

85. The ongoing criminal nuisance activity existing on the Property attracts criminals, violence and the threat of violence associated with the illegal drug trade and criminal outlaw gang activity.

86. The owners and/or occupants of the Property have not addressed or in any way remediated the open criminality promoted on the Property. The criminal nuisance at the Property continues unabated.

87. The Property is a blight to the surrounding community. Its existence as a criminal nuisance has caused, and, unless abated, will continue to cause, economic damage to the surrounding businesses, a decline in property value to surrounding residences, and a severe negative impact to the quality of life in the surrounding community.

88. The nature of the criminal nuisance at the Property—murder, rape, assault, significant amounts of drug use, drug dealing, prostitution, illegal guns and violent criminal activity—constitutes a clear threat to the public health, safety, and welfare.

89. The existence of this criminal nuisance at the Property is precisely the type of social problem which the Delaware General Assembly intended to address through enactment of the Criminal Nuisance Act. The purpose of the Act is:

- (1) To authorize temporary and permanent abatement relief and other remedies to abate any criminal nuisance as defined herein;
- (2) To eliminate locations that otherwise attract criminals, violence and the threat of violence associated with either illegal drug trade or any of the other nuisances defined herein;
- (3) To abate drug nuisances and illegal drug activity as well as the other nuisances defined herein that otherwise reduce property values, injure legitimate businesses and commerce and erode the quality of life for law-abiding persons working or residing in or near these locations;
- (4) To ensure that the civil actions and remedies authorized by this chapter be heard by the courts on a priority basis to expeditiously identify and abate all nuisances, particularly those involving illegal drug trade or activity; and
- (5) To encourage owners, landlords, operators and managers of buildings, places or premises (hereinafter referred to as "premise") to take the affirmative steps necessary to prevent violations on their properties involving any of the above nuisances, particularly those involving illegal drug trade or activity. 10 *Del. C.* §7102(a)

PRAYER FOR RELIEF

WHEREFORE, the State of Delaware and the City of Wilmington respectfully request this Court grant the following relief against the Defendants:

- a) Declaration that the Property is a criminal nuisance under 10 *Del. C.* ch. 71;
- b) Temporary and permanent abatement relief which perpetually prohibits the Defendants and any other person from further maintaining a drug nuisance at the Property or elsewhere in Delaware;
- c) Civil penalties;
- d) Any additional remedies the Court finds fair and just; and
- e) All attorneys' fees and costs.

DELAWARE DEPARTMENT OF JUSTICE


Daniel Edward Logan, Jr. (5205)
Deputy Attorney General
820 North French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8400
(302) 577-5866 (facsimile)
Daniel.logan@state.de.us

CITY OF WILMINGTON LAW DEPARTMENT


Rosamaria Tassone-DiNardo (3546)
First Assistant City Solicitor
800 N. French Street, 9th Floor
Wilmington, Delaware 19801
(302) 576-2175
(302) 571-4565 (facsimile)
rtassone@ci.wilmington.de.us

Date: April 11, 2014