

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

STATE OF DELAWARE,)	
)	
Plaintiff,)	
)	
v.)	C. A. No.
)	
1031 SOUTH MARKET STREET,)	
WILMINGTON DELAWARE)	
19802 (a.k.a. "THE GOLD CLUB"),)	
MICHAEL ROSE, KENT)	
MANOR, INC., AND PML)	NON-ARBITRATION
CLUBS, INC.,)	
)	
Defendants.)	

VERIFIED COMPLAINT

This action, brought by the State of Delaware against the defendants and property named above, seeks to abate a 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 arrests of numerous individuals at, near or coming from the property for vehicle thefts, illegal drug possession, assaults, shootings, stabbings, and other illegal activity, as well as recent shootings which occurred on the premises of the property- one of which resulted in death. The State of Delaware alleges 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 in this case 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).

4. The property at issue in this case is the Gold Club, located at 1031 South Market Street, Wilmington Delaware 19802 (the “Property” or “Gold Club”). The Property includes that lot, the parcel of land, and any building erected thereon. The metes and bounds of the Property are specifically delineated in the attached deed. (Exhibit A).

5. The owner of record of the Property is the Defendant Kent Manor, Inc., a Delaware corporation.

6. The Gold Club itself is owned by Defendant PML Clubs, Inc.

7. On information and belief, Kent Manor, Inc. and PML Clubs, Inc. are owned and operated by Defendant Michael Rose.

FACTUAL BACKGROUND

8. The Gold Club has been the site of drug use, incidents of sex, stabbings, vehicle thefts, robbery and other criminal or illicit activity.

9. The Gold Club was the site of a drug incident on February 13, 2012.
10. The Gold Club was the site of a drug incident on August 9, 2014.
11. The Gold Club was the site of a shooting incident on August 24, 2012.
12. The Gold Club was the site of a shooting on March 23, 2014.
13. The Gold Club was the site of a shooting on May 6, 2014.
14. The Gold Club was the site of a shooting on or about September 27, 2015, during which the victim was shot as he was exiting the building.
15. The Gold Club was the site of a shooting which resulted in homicide on or about November 15, 2015.
16. The Delaware State Police (“DSP”) have repeatedly been called to the site of the Gold Club to address criminal nuisance issues. A copy of the police incident responses to the location from January 3, 2012 through October 1, 2015 is attached as Exhibit B.
17. Exhibit B shows that the police have responded to incidents at the Gold Club at least 237 times since January 3, 2012.

18. The events referenced in paragraphs 8 through 17 constitute an ongoing “criminal nuisance” as defined by 10 *Del. C.* § 7103(5)f.

19. On March 24, 2015, Defendant Michael Rose was indicted for racketeering involving money laundering, bank fraud, and drug trafficking through his businesses including the Property. A copy of the federal indictment is attached as Exhibit C.

20. On May 8, 2015, a certified letter was delivered to Michael Rose and to the Kent Manor Inc.’s agent for service of process, Darrell S. Baker, Esq. Therein, the Defendant was provided notice of the State’s intent to file a Complaint for Temporary and Permanent Abatement of the Nuisances at the Property. (Exhibit D). In response to that letter, Mr. Baker contacted the State and represented that the Property was a portion of a much larger parcel, all of which would be sold and redeveloped in the near future. In connection with that plan, the Gold Club would be closed.

21. As of the filing of this complaint, the Property has not been sold, the Gold Club continues to operate, and the Property continues to be a criminal nuisance property.

22. The owners and/or managers of the Gold Club have not addressed or in any way remediated the open criminality promoted on the Property. The nuisance at the Gold Club continues unabated.

23. The volume and nature of the criminal activity occurring on the premises of the Gold Club constitutes a nuisance to the surrounding community.

LEGAL CLAIMS

Count 1

Defendant PML Clubs, Inc. occupies, establishes, promotes, permits, facilitates, or conducts a criminal nuisance involving violent felonious acts

24. The State of Delaware re-alleges by incorporating herein by reference the allegations in ¶¶ 1-23.

25. Within the past three years there have been at least five incidents during which shots have been fired on the Property. Four of those incidents involved the shooting of a person. One of them was a homicide.

26. Within the past year there has been at least two people shot on the Property. One of them was murdered.

27. The activity set forth at ¶¶ 1 - 26 constitutes a criminal nuisance as defined by 10 *Del. C.* § 7103(5)e.

28. Defendant PML Clubs, Inc. currently owns or manages the Property.

29. Defendant PML Clubs, Inc. is maintaining a criminal nuisance in violation of 10 *Del. C.* § 7104.

Count 2

Defendant Michael Rose occupies, establishes, promotes, permits, facilitates, or conducts a criminal nuisance involving violent felonious acts

30. The State of Delaware re-alleges by incorporating herein by reference the allegations in ¶¶ 1-29.

31. Within the past three years there have been at least five incidents during which shots have been fired on the Property. Four of those incidents involved the shooting of a person. One of them was a homicide.

32. Within the past year there have been two people shot on the Property. One of them was murdered.

33. The activity set forth at ¶¶ 1 - 32 constitutes a criminal nuisance as defined by 10 *Del. C.* § 7103(5)e.

34. Defendant Michael Rose is responsible for ownership of the Property through his controlling interest in PML Clubs, Inc. and Kent Manor, Inc.

35. Defendant Michael Rose is maintaining a nuisance in violation of 10 *Del. C.* § 7104.

Count 3

Defendant Kent Manor Inc., occupies, establishes, promotes, permits, facilitates, or conducts a criminal nuisance involving violent felonious acts

36. The State of Delaware re-alleges by incorporating herein by reference the allegations in ¶¶ 1-35.

37. Within the past three years there have been at least five incidents during which shots have been fired on the Property. Four of those incidents involved the shooting of a person. One of them was a homicide.

38. Within the past year there has been two people shot on the Property. One of them was murdered.

39. The activity set forth at ¶¶ 1 – 38 constitutes a criminal nuisance as defined by 10 *Del. C.* § 7103(5)e.

40. Defendant Kent Manor, Inc. currently owns the Property.

41. Defendant Kent Manor, Inc. is maintaining a criminal nuisance in violation of 10 *Del. C.* § 7104.

Count 4
Criminal Nuisance
The Gold Club
1031 South Market Street, Wilmington Delaware 19802

42. The State of Delaware re-alleges by incorporating herein by reference the allegations in ¶¶ 1- 41.

43. The Property, located at 1031 South Market Street, Wilmington Delaware 19802, is the site of the nuisances complained of in this action.

44. The Property constitutes a criminal nuisance as defined by 10 *Del. C.* § 7103(5)f.

45. The Property is a blight to the surrounding community. Its existence as a nuisance has caused, and 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.

46. It is to secure the common safety of the citizens of the State of Delaware that laws are enacted which empower the State to take action in the face of social problems which constitute ongoing threats to the physical security of the community.

47. The existence of a nuisance at the Property is precisely the type of social problem which the General Assembly intended to address through the enactment of the Criminal Nuisance Abatement 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).

48. Defendant the Gold Club is a criminal nuisance in violation of 10 *Del. C.* § 7104.

PRAYER FOR RELIEF

WHEREFORE, the State of Delaware respectfully requests this Court to grant the following relief against the Defendants:

- a) Declaration that the Property is a 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 nuisance at the Property or elsewhere in Delaware;
- c) Issuance of a Temporary Abatement Order mandating closure of the Property and the securing of same pending a Permanent Abatement Hearing pursuant to 10 *Del. C.* § 7113;

- d) Issuance of a Closing Order which prohibits the individual Defendants and all persons from removing or in any manner interfering with the furniture, fixtures and movable or personal property located on or within the Property pursuant to 10 *Del. C.* § 7111(d);
- e) Civil penalties;
- f) Any additional remedies the Court finds fair and just; and
- g) All attorneys' fees and costs.

/s/ Oliver J. Cleary
Oliver J. Cleary (# 5830)
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DATE: November 18, 2015