

STATE OF INDIANA
COUNTY OF MARION

SS:

IN THE MARION SUPERIOR COURT
CIVIL DIVISION, ROOM 4
CAUSE NO. 49D04-2105-OV-016871

CITY OF INDIANAPOLIS,
Plaintiff,

v.

JEREMIAH STARGELL,
DOB: 02/11/1985,
Defendant.

MOTION FOR DEFAULT JUDGMENT AND PERMANENT INJUNCTION

Comes now the Plaintiff, the City of Indianapolis, by counsel, and files its Motion for Default Judgment as to the Defendant, Jeremiah Stargell, and in support thereof states the following:

1. The Plaintiff's Complaint and Summons was opened as a new filing in Odyssey on May 20, 2021, and Plaintiff filed its Complaint and Summons on May 26, 2021, alleging that Defendant violated Section 531-102 (c)(1): Animal at Large Attacks Another Animal (two counts) of the Revised Code of the Consolidated City of Indianapolis and Marion County ("Revised Code") in Indianapolis, Marion County, Indiana.

2. Defendant was served with the original Complaint and Summons on May 18, 2021 by ACO Natalie Euler of Indianapolis Animal Care Services. The ticket was dated May 18, 2021 because that was the day the violation occurred. ACO Natalie Euler's Affidavit is attached hereto and made a part of.

3. Defendant was ordered to appear on June 14, 2021. Defendant appeared to the scheduled Pre-Trial Conference. Parties agreed to set this matter for a Bench Trial on July 19, 2021 at 10am.

4. On July 19, 2021 Defendant failed to appear to the scheduled Bench Trial or otherwise answer the Complaint.

5. On May 18, 2021 personnel of Indianapolis Animal Care Services (IACS) arrived at 36 S Mount St for an animal attack investigation. ACO Natalie Euler met with the owner of the dog that was attacked. The victim's dog, a 3-year-old tan unaltered male chihuahua, was attacked and killed on May 18, 2021 at approximately 21:00 hours in his own yard.

6. The victim stated that he was on his way home when he pulled in front of the house and saw the Defendant's two dogs. He recognized the dogs as those that lived on Addison St. The dogs ran up to his vehicle not allowing him to get out, so he pulled around to the alley. The owner of the dog stated that he let his dog outside in the open backyard to use the restroom, while he was inside, he heard the dog screaming. He found the two dogs attacking his dog. The two dogs then took off running between the houses. The victim's dog suffered a large open chest wound, a puncture to the left thigh, and a puncture to the lower abdomen.

7. ACO Euler made contact with the attacking dog's owner Mr. Jeremiah Stargell at 29 S. Addison St., Indianapolis. Stargell stated that he was not home at the time of the incident, but he did not believe that his two dogs were the attacking dogs. After conducting her investigation ACO Euler cited the Defendant with for violating two counts of Section 531-102(c)(1): Animal at Large Attacks Another Animal.

8. On October 21, 2019 the Defendant entered into an Agreed Judgement with the City of Indianapolis, in which he was permanently enjoined from violating Section 531-102 (animals may not be at large and must be properly confined at all times) of the Revised Code, under Cause number 49D04-1909-OV-040483. As of the date of this filing the Defendant has not paid the \$635 fine and court costs imposed by the Court.

9. The Defendant has an additional open case in this Court under Cause number 49D04-2105-OV-016870 for violating two counts of Section 531-102(c)(1): Animal at Large Attacks Another Animal and two counts of Section 531-301: Rabies Vaccination Required, an incident that occurred the same day as this incident.

10. The Defendant is not an infant or incompetent person to the best of my knowledge and belief.

11. The Defendant is not on active military status as evidenced by the Military Affidavit attached hereto and made a part of.

WHEREFORE Plaintiff respectfully requests that the Court grant the Plaintiff's Motion for Default Judgment and enter judgment as follows:

Section 531-102: Animal at Large Attacks Another Animal (\$500.00 each, \$1,000.00 total), two counts, of the Revised Code;

for total fines in the amount of \$1,00.00 plus Court costs in the amount of \$135.00, and for all other proper relief.

Plaintiff also requests that the Defendant be permanently enjoined from violating Section 531-102: Animal at Large Attacks Another Animal of the Revised Code.

Plaintiff also request that the Defendant be permanently enjoined from owning or Keeping and animal in the City of Indianapolis.

Plaintiff also request that Defendant be ordered to surrender his dogs, identified as Sheba (A296861), a 2-year-old unaltered female grey and white pit bull terrier mix, and 2-year-old Izzy (A314771), an unaltered male blue and white pit bull terrier mix.

Respectfully submitted,

by: /s/ Yamir Gonzalez-Velez
Yamir Gonzalez-Velez, #32609-64
Assistant City Prosecutor

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing is being sent to Defendant as listed below, by United States mail, first class postage prepaid, this same date as filing.

Jeremiah Stargell
29 S Addison St.,
Indianapolis, IN 46222

/s/ Yamir Gonzalez-Velez
Yamir Gonzalez-Velez, #32609-64
Assistant City Prosecutor