

STATE OF OHIO            )  
                                   )        SS:                   AFFIDAVIT  
 CUYAHOGA COUNTY        )

Now comes Tim Merriman, being duly sworn and cautioned, and states the following:

1. I reside at 18580 High Parkway, Rocky River, Ohio.
2. I am submitting this affidavit in connection with my and my neighbors desire to obtain a temporary restraining order and/or injunction against a certain "Dog Park" located on land owned and/or operated by the City of Lakewood, Ohio (the "Dog Park").
3. In connection with this purpose, I hereby affirm to the following facts:
  - A. Since the opening of the Dog Park, I and my nearby neighbors along the property line over the MetroParks have experienced consistent and loud barking by dogs, at all times of the day, and still the Dog Park remains operated in the same condition.
  - B. In response to that dog barking problem, I and my wife worked with our other neighbors and contacted Rocky River officials, resulting in 24 residents in the area signing a petition/letter which was submitted to then Mayor William Knoble and Councilman Frank Gollinger, and still the Dog Park remains operating in the same condition.
  - C. In response to the dog barking problem, on June 25, 2006, I and my wife worked with our neighbors and contacted Rocky River officials, resulting in 17 residents in the area signing a petition/letter which was submitted to the City of Lakewood Law Department, and still the Dog Park remains operating in the same condition.
  - D. In response to that dog barking problem, our neighbors have appeared at numerous Rocky River City Council meetings to complain about the problem, and still the Dog Park remains operated in the same condition.

- E. In response to that dog barking problem, our neighbors have complained numerous times to Lakewood's Mayor's Office, the Lakewood Law Department, the Lakewood Animal Warden, and the Lakewood Police, and still the Dog Park remains operating.
- F. On Tuesday July 3, 2007, my wife Lynn marked down the following times when the barking from the dogs was excessive:
- 8:09 AM
  - 8:39 AM
  - 8:48 AM
  - 9:26 AM
  - 9:28 AM
  - 9:35 AM
  - 9:47 AM
  - 10:00 AM
  - 10:10 AM
  - 10:19 AM
- Lynn then left to run errands and returned around 2:30 PM. The afternoon crowd wanted to sing as well:
- 2:36 PM
  - 2:56 PM
  - 3:09 PM
  - 6:06 PM
  - 7:40 PM
- This is typical of any day. We don't have the time to mark down every single occurrence on every day.
- G. Because of the way our house (and the houses of my neighbors) is situated, we hear all of the barking that takes place at the Dog Park, with some days being incredibly loud because of the direction of the wind.
- H. We hear this barking all year around, and in the winter when the leaves are off the trees, the sound travels much clearer up the hill, and in the summer when we want to leave our windows open we can hear the even greater numbers of dogs which use the Dog Park at that time.

4. This affidavit is being made in connection with my and my husband's desire to have a court issue a temporary restraining order and preliminary injunction because absent injunctive relief, there is no adequate remedy at law.

FURTHER AFFIANT SAYETH NAUGHT

Tim Merriman  
Tim Merriman

SWORN BEFORE ME, and subscribed in my presence this 18  
day of July, 2007.

[Signature]  
NOTARY PUBLIC  
Michael J. O'Shea  
Attorney at Law  
My commission has no  
expiration date