

IN THE NAPOLEON MUNICIPAL COURT OF HENRY COUNTY, NAPOLEON, OHIO

CITY OF NAPOLEON, Ex.Rel.  
David M. Grahn, City Law Director  
P.O. Box 151  
Napoleon, Ohio 43545  
Plaintiff,

Case No. 97 CVH 00441

**SUPPLEMENTAL DISCOVERY  
RESPONSE AND  
INTERROGATORIES  
RESPONSE**

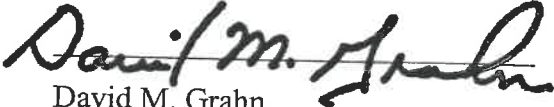
-vs-

The Heller Aller Co., Inc. et al.,  
c/o Attorney James H. Bradner  
P.O. Box 415  
Highwood, Ill. 60040-01415  
Respondent,

-----  
The City of Napoleon hereby supplements it's response to discovery and interrogatory as follows: the City intends to call as an expert witness Timothy R. Worline as to structural conditions of the Heller-Aller building and appurtenances and intends to introduce the attached Exhibits. See attached Exhibit "A" and Exhibit "B".

\* \* \* \* \*

I hereby certify a copy of the foregoing **SUPPLEMENTAL DISCOVERY RESPONSE AND INTERROGATORIES RESPONSE** was mailed to The Heller Aller Co., Inc. c/o Attorney James H. Bradner, President P.O. Box 415 Highwood, Ill. 60040-01415; James H. Bradner, Jr., Testamentary Trustee under the will of James H. Bradner, deceased 695 Euclid Ave., Highland Park, IL. 60035; James Hoops, Henry County Auditor, P.O. Box 546, Napoleon, Ohio, 43545; Calvin Spiess, Henry County Treasurer, P.O. Box 546, Napoleon, Ohio 43545; Cast Metals, Inc. c/o Zella Thompson, Statutory Agent, E-207 Co. Rd. 2, Deshler, Ohio, 43516; State of Ohio Department of Taxation, 30 E. Broad Street., 22nd Floor, Columbus, Ohio 43215; S.E. Johnson Companies, Inc., M.C. Uhl, Statutory Agent, 1345 Ford Street, Maumee, Ohio 43537; Alloy Founders, Inc., Terry Moore, Statutory Agent, 1345 Ford Street, Maumee, Ohio 43537 by ordinary U.S. mail this 8th day of October, 1998.

  
David M. Grahn  
City Law Director  
255 West Riverview Avenue  
Napoleon, Ohio 43545  
(419) 592-4010  
Sup. Ct. Reg. #0043925

## Napoleon Police Department

## Prosecutor's Report

Page#: 1

True Copy of Report on File as of 09/29/98 15:53

## Incident Information

OCCURENCE DATE: (from) 09/18/98 1054 (to) 09/18/98 1054  
 Report Date/Time: 09/18/98 1054 Case Number: 980900001260  
 Report Title: CRIM TRESPASS  
 Number: 900 Street: N PERRY ST City: NAPOLEON  
 Zip: 43545- Zone/Grid: 1  
 Dispatch Time: 1054 Arrival Time: 1057 Clear Time: 1104 Total: 10 min  
 Officer Reporting: 6 Assisting Officers: 11,14,1

## Brief Narrative

BROWN/JAMES/CARROLL/WEITZEL-AN EMPLOYEE OF KIRCHERS CALLED REPORTING  
 KIDS BREAKING WINDOWS AT THE OLD HELLER ALLER BLDG. 4 JUV'S OF  
 NAPOLEON CAUGHT & CHARGED.

## Arrestee Information

Name: ZAMORA, ISREAL SSN: - -  
 Address: 1079 N PERRY ST City: NAPOLEON State: OH  
 Zip: 43545- Phone: ( ) - OL #: OL State:  
 DOB: 09/29/86 Age: 11- Race: W Sex: M Hair: BRO Eyes: BRO  
 Height: 53- 0" Weight: 90- 0 Resident Status: 1 Photo #:  
 Arrest Date: 09/18/98 Arr. Type: ZAMORA, ISREAL Arrest #: 98A  
 Multi Clearance: N Armed With: NONE  
 Fingerprint Card #:  
 Arrested Juvenile Disposition: 0 Bail Amount: \$ 0.00  
 Offense Code(s): 291121 Where was Subject Booked:

## Arrest Location:

Address: City: , State:

## Arrestee Information

Name: SANCHEZ, JOSE ROBERTO SSN: - -  
 Address: 905 N PERRY #5 City: NAPOLEON State: OH  
 Zip: 43545- Phone: ( ) - OL #: OL State:  
 DOB: 10/15/88 Age: 09- Race: W Sex: M Hair: BRO Eyes: BRO  
 Height: 48- 0" Weight: 75- 0 Resident Status: 1 Photo #:  
 Arrest Date: 09/18/98 Arr. Type: SANCHEZ, JOSE R Arrest #: 98A  
 Multi Clearance: N Armed With: NONE  
 Fingerprint Card #:  
 Arrested Juvenile Disposition: 0 Bail Amount: \$ 0.00  
 Offense Code(s): 291121 Where was Subject Booked:

## Arrest Location:

Address: City: , State:

## Arrestee Information

Name: ESQUIVEL, JAMIE J SSN: - -  
 Address: 905 N PERRY #4 City: NAPOLEON State: OH  
 Zip: 43545- Phone: ( ) - OL #: OL State:  
 DOB: 06/04/86 Age: 12- Race: W Sex: M Hair: BLK Eyes: BRO  
 Height: 56- 0" Weight: 85- 0 Resident Status: 1 Photo #:

Napoleon Police Department

Prosecutor's Report

Page#: 2

True Copy of Report on File as of 09/29/98 15:53

Arrest Date: 09/18/98 Arr. Type: ESQUIVEL, JAMIE Arrest #: 98A
Multi Clearance: N Armed With: NONE
Fingerprint Card #: Bail Amount: \$ 0.00
Arrested Juvenile Disposition: 0 Where was Subject Booked:
Offense Code(s): 291121

Arrest Location:
Address: City: , State:

Arrestee Information

Name: SANCHEZ, MARCELINO SSN: - -
Address: 905 N PERRY #5 City: NAPOLEON State: OH
Zip: 43545- Phone: ( ) - OL #: OL State:
DOB: 08/14/85 Age: 13- Race: W Sex: M Hair: BLK Eyes: BRO
Height: 56- 0" Weight: 97- 0 Resident Status: 1 Photo #:
Arrest Date: 09/18/98 Arr. Type: SANCHEZ, MARCEL Arrest #: 98A
Multi Clearance: N Armed With: NONE
Fingerprint Card #: Bail Amount: \$ 0.00
Arrested Juvenile Disposition: 0 Where was Subject Booked:
Offense Code(s): 291121

Arrest Location:
Address: City: , State:

Offender Information

Name: ZAMORA, ISREAL SSN: - -
Address: 1079 N PERRY ST City: NAPOLEON State: OH
Zip: 43545- Phone: ( ) - OL #: OL State:
DOB: 09/29/86 Age: 11- Race: W Sex: M Hair: BRO Eyes: BRO
Height: 53- 0" Weight: 90- 0 Resident Status: 1 Photo #:

Offender Information

Name: SANCHEZ, JOSE ROBERTO SSN: - -
Address: 905 N PERRY #5 City: NAPOLEON State: OH
Zip: 43545- Phone: ( ) - OL #: OL State:
DOB: 10/15/88 Age: 09- Race: W Sex: M Hair: BRO Eyes: BRO
Height: 48- 0" Weight: 75- 0 Resident Status: 1 Photo #:

Offender Information

Name: ESQUIVEL, JAMIE J SSN: - -
Address: 905 N PERRY #4 City: NAPOLEON State: OH
Zip: 43545- Phone: ( ) - OL #: OL State:
DOB: 06/04/86 Age: 12- Race: W Sex: M Hair: BLK Eyes: BRO
Height: 56- 0" Weight: 85- 0 Resident Status: 1 Photo #:

Offender Information

Name: SANCHEZ, MARCELINO L SSN: - -
Address: 905 N PERRY #5 City: NAPOLEON State: OH
Zip: 43545- Phone: ( ) - OL #: OL State:
DOB: 08/14/85 Age: 13- Race: W Sex: M Hair: BLK Eyes: BRO
Height: 56- 0" Weight: 97- 0 Resident Status: 1 Photo #:

Napoleon Police Department

Prosecutor's Report

Page#: 3

True Copy of Report on File as of 09/29/98 15:53

Victim Information

Name: HELLER ALLER  
Address: 900 N PERRY ST  
Zip: 43545- Phone: ( ) - OL #: City: NAPOLEON State: OH  
DOB: Age: - Race: Sex: Hair: OL State:  
Height: 0- 0" Weight: 0- 0 Resident Status: Photo #: Eyes:

Property Information

Loss Type: DESTROYED/DAMAGED/VANDALIZED  
Property Type Property Value Recovery Date  
INDUSTRIAL/MANUFACTURING BLDG \$1

980900001260

Cp called and advised that there were several juveniles in the Heller Aller Building breaking windows and causing damage. This officer responded and noted that there were noises and sounds of breaking glass on the N. Perry St. end of the bldg. Lt. Brown arrived and checked inside the bldg. Lt. Brown located one of the juveniles and advised that the others ran out the back. This officer was advised by Bernard Hahn that he just viewed three spanish male juveniles run out the back and across the laws. As this officer was receiving the info, the three males appeared near the area walking towards Scott St. They were identified by Hahn as the same three that ran out of the bldg.

This officer stopped the three males and later identified them as Jaime J. Espuivel and Marcelino Sanchez. They were transported to the PD where they were advised of their rights and charged with Criminal Trespassing. Parents were contacted and later release by Lt. Brown.

C.L.Carroll

Unit #14

**T.R. Worline & Associates, Inc.**

Golf View Professional Building  
 1044 Chelsea Ave., P.O. Box 671  
 Napoleon, Ohio 43545  
 419-592-9661  
 FAX 419-592-8029

October 7, 1998

Mr. Brent Damman  
 Building and Zoning Administrator  
 City of Napoleon  
 255 Riverview Avenue  
 Napoleon Ohio 43545-0151

Subject: The Heller-Aller Company Building  
 TRWA Project No. 0651-0012

Dear Mr. Damman:

On Thursday, October 1, 1998 at approximately 2:00 PM, you and I viewed the subject building located at 823 Oakwood Avenue, in Napoleon, Ohio. It was my understanding that the purpose of my visit to the site was to view and comment on the structural stability of structure in a general sense based on what I could see. We agreed that a detailed structural analysis would not be performed or required at this time.

In viewing the structure, the most obvious and severe structural failure occurs in the building area designated "1" in the roof structure. The northwest section of the area has actually collapsed onto the second floor and the roof is completely open to the sky in an area of approximately 25 feet by 25 feet. We have designated that on the attached copy of an aerial photograph. The roof structure is a wood plank deck on wood purlins on wood truss/girders spanning across the building. It is quite evident that the roof leaks and has leaked severely for some time, deteriorating all of the wood elements of the structure. The north wood truss/girder is severely deteriorated near the west end and completely failed. The next truss/girder to the south is still in place, but the following girder to the south has severe deterioration and is failing. Someone has placed a temporary shore under it to prevent the total failure and collapse. Although the rest of the truss/girders appear to be in place yet, we did notice that the southern most truss/girder appears to have begun its failure mode as well. The bottom of the wood planking and the wood purlins all appear to be visibly water stained and deteriorating. The purlins can be seen to be sagging with the naked eye.

In addition to the deterioration of the roof structure in this area designated "1", the second floor

Mr. Brent Damman, October 7, 1998

Page 2

is all water stained and deteriorating as well. Although, a complete failure of the second floor has not occurred, it does appear to be severely weakened and we were careful to watch where we were walking so as not to fall through floor somewhere. The most severe deterioration is in the west half of the building. The east half appears to be in better condition and there is some concrete floor on the east half as well that seems to be more structurally sound. From the ground floor looking up at the underside of the second floor we could see severe water staining and deterioration to the floor decking and joists. If nothing is done to repair or maintain the building, it is only a matter of time for the ultimate failure of the structure in this area.

Looking at the under side of the roof in the area designated "3", there is some indication of leaking and areas where light could be seen through the roof, however, the water stains and deterioration were not of the magnitude as that in the area "2" described above. The structure in this area appears to be structurally sound, however, it still needs to be maintained and repaired to keep it that way.

In the foundry building, designated area "2", there is evidence of water stains and deterioration to the wood decking, joists, and girders. The roof structure is supported by brick masonry walls which also appear to be failing. On the north wall there is an area about 15 feet long where the interior brick wythe has completely failed and collapsed. There is also a similar area on the south wall, although not as long an area. Again, this deterioration and failure will only become more severe and dangerous to the structure as time goes on and maintenance and repair is neglected.

In a walk around the exterior of the building we noticed that in many locations the gutters and downspouts have failed and are no longer functional, contributing to the demise of the building. There are also some lean-to structures on the west and the north that are sagging and in the process of failing.

We were not able to view the interior second floor of the north building and so cannot report on the roof condition or framing of it.

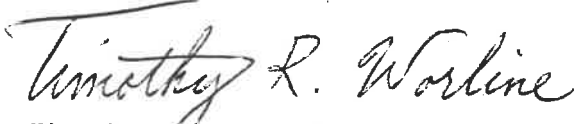
In summary, it appears that the buildings designated "1" and "2" on the sketch are in the mode of progressive failure as they continue to deteriorate. Although both of these areas are unsafe, and could easily fail due to loads of wind and/or snow, this is especially true of the area designated "1". This area has already failed and it can be seen that the failure area is going to increase in the near future if nothing is done to remediate it. Such a failure could easily injure or kill anyone occupying the area at the time. Even when there is no weather threat, someone in the building could get hurt from the debris, fall through a floor, or cause further failure and be injured.

Mr. Brent Damman, October 7, 1998  
Page 3

If you have any questions, or if we can be of further service, please contact us.

Sincerely,

T. R. WORLINE AND ASSOCIATES, INC.

A handwritten signature in cursive script that reads "Timothy R. Worline". The signature is written in dark ink and is positioned above the typed name and title.

Timothy R. Worline, P.E., P.S.  
President  
TW/wpi

On-file as: ADHO8A07.WPD



928

922

916  
3 Apt.

" 2 "

Oakwood

ROOF COLLAPSED

FAILED TRUSSES

SHORE

" 1 "

FAILING TRUSS

832

Heller Aller

828  
CALLED  
NORTH

" 3 "

823  
Oakwood

W Perry

Map Address

829  
831

