

and)
)
PAUL HELLWARTH,)
individually and in his capacity as)
a public official and police officer)
acting under color of state law,)
)
c/o Douglas R. Elliot, Jr.)
Oxford City Manager)
15 South College Avenue)
Oxford, Ohio, 45056)
)
Defendants.)

COMES NOW, Plaintiff Devin R. Johnson, by and through counsel, and for his Complaint and Jury Demand against Defendants, the City of Oxford, Weisman Enterprises Holdings, Inc., d/b/a Brick Street Bar, Mark P. Weisman, Mathew Blauvelt, individually and in his capacity as a public official and police officer acting under color of state law, and Paul Hellwarth, individually and in his capacity as a public official and police officer acting under color of state law, states as follows:

NATURE OF THIS CIVIL ACTION

1. Plaintiff Devin R. Johnson brings this civil action under 42 U.S.C. §1983 against Defendants Matthew Blauvelt and Paul Hellwarth, individually and in their capacities as police officers employed by the City of Oxford Police Division (“OPD”), Defendant the City of Oxford, Ohio, and public officials acting under color of state law, for using excessive and unlawful force in violation of the Fourth Amendment to effectuate his arrest on November 18, 2023, in and around the Brick Street Bar owned and operated by Defendants Weisman Enterprises Holdings, Inc. and Mark P. Weisman, themselves acting under color of state law.

2. Johnson proceeds against the City of Oxford in its own right under Section 1983 and *Monell v. Department of Social Services*, 436 U.S. 658 (1978).

3. Plaintiff finally proceeds against Weisman Enterprise Holdings, Inc., d/b/a Brick Street Bar and Mark P. Weisman under Section 1983 (a) for conspiring with OPD and the City generally, and Officers Blauvelt and Paul Hellwarth, specifically, to violate Devin’s constitutional rights, and (b) because their actions and the actions of their employees, agents, and representatives in effectuating Devin’s arrest are fairly

attributable to the state as a matter of law under “public function,” “symbiotic relationship or nexus,” and “entwinement” theories of liability for the nominally private character of its operations.

4. By this Civil Action, Devin seeks compensatory damages, damages for emotional distress, pain and suffering, humiliation, and psychological injuries, equitable relief, pre- and post-judgment interest, punitive damages, reimbursement of his attorney’s fees and costs, and all other relief to which he is entitled.

PARTIES, JURISDICTION, AND VENUE

5. Plaintiff realleges and incorporates the preceding allegations of this Complaint as if fully rewritten.

6. Plaintiff Devin R. Johnson is a student enrolled at Indiana State University in Terre Haute, Indiana, though at all times relevant to this Complaint, a lawful resident of the State of Ohio.

7. Defendant the City of Oxford, Ohio (“the City”) is a municipal home rule city located in Butler County, Ohio.

8. Defendant Weiseman Enterprises Holdings, Inc., d/b/a Brick Street Bar (“Brick Street”) is a for-profit corporation organized under the laws of the State of Ohio, with a principal place of business in Butler County, Ohio, at all times relevant to this Complaint.

9. Defendant Mark P. Weiseman has been a resident of Butler County, Ohio, and the principal owner-operator of Brick Street at all times relevant to this Complaint.

10. Defendant Matthew Blauvelt has been a police officer employed by the City of Oxford at all times relevant to this Complaint, and a resident of Butler County, Ohio.

11. Defendant Paul Hellwarth has been a police officer employed by the City of Oxford at all times relevant to this Complaint, and a resident of Butler County, Ohio.¹

12. This Court has personal jurisdiction over the parties identified in this Complaint, and subject matter jurisdiction over the controversy alleged under 28 U.S.C. §1331 due to the federal questions raised.

13. Venue is appropriate in the United States District Court, Southern District of Ohio, under 28 U.S.C. §1391 because the Defendants reside and/or are principally located and/or incorporated in this federal judicial district.

FACTS

14. Plaintiff realleges and incorporates the preceding allegations of this Complaint as if fully rewritten.

15. On November 18, 2023, Devin, who is Black and of physical stature, was a 20-year-old junior at Miami University in Oxford, Ohio, and member of the football team.

16. The City touts itself on its website as being “the Home of Miami University,” and indeed it is. The City governs in a Council-Manager style municipal government. Seven Council Members serve the City by setting policy, approving an annual budget, and overseeing its various departments including without limitation OPD.

¹ For the sake of brevity and economy, Officers Blauvelt and Hellwarth may be collectively referred to in this Complaint as “the Officers” unless otherwise indicated.

17. For its part, OPD has been led by Chief John A. Jones at all times relevant to this Complaint, save a leave of absence in early 2023, at which time Lieutenant Geoff Robinson served as acting Chief.

18. The City Council also appoints the City Manager, the Finance Director, the Law Director and the members of its various boards, commissions, and committees. Mayor William Snavely and Vice Mayor Chantel Raghu round out the City government leadership.

19. Brick Street is a popular night spot and music venue with Miami University students. It has been owned and operated as “Brick Street” since 2004 by prominent businessmen Defendant Mark P. Weisman and his brother Will Weisman. Before the brothers took over the establishment, the establishment operated in various iterations of a bar since 1963.

20. In the late evening of November 17, 2023, and early morning of November 18, 2023, Devin was a paying customer at Brick Street along with perhaps hundreds of young people doing what college students do at popular establishments like Brick Street.

21. At about 1:00 a.m. Devin stepped out to get some air and only realized upon trying to go back in that he’d exited the bar from a door that didn’t allow for reentry through it.

22. Upon seeing a handful of patrons exit from a side door, Devin went back in only to be immediately physically confronted by Brick Street employees, though he didn’t instantly identify them as such given the late hour, dimly lit night club, and crowd of patrons.

23. The Brick Street employees then physically manhandled Devin to eject him from the bar, though he was causing no disturbance, had paid the admission fee like everyone else, and otherwise committed no unlawful act or of aggression toward anyone.

24. Once outside the bar, another Brick Street employee joined in to take Devin to the ground with his face against the sidewalk.

25. Officer Blauvelt was working a detail assigned to Brick Street that night and evening. The detail has been paid for by Brick Street and Weisman pursuant to an informal arrangement between them and OPD brass since before January 2020. In essence, OPD supplied Brick Street and Weisman with public officials and police officers with the power to make arrests as a private security force. For example, on January 16, 2020, Weisman and then Lieutenant Geoff Robinson discussed the arrangement via email:

On Thu, Jan 16, 2020 at 2:41 PM Geoff Robinson <grobinson@cityofoxford.org> wrote:

Good afternoon Mark. I wanted to check in with you to verify you still want to continue with a security detail this spring at/around Brick St. I would be happy to meet with you but I will be out of town through January 27 and want to get it posted for the weekend prior to classes beginning if that is your intention. If you do want to continue the detail through the semester, it may be easiest to let me know what weekends you DO NOT want the detail so we can get working on posting a sign-up sheet.

Thanks

Geoff

Geoffrey W. Robinson | Lieutenant
City of Oxford | Division of Police
Desk 513.524.5258 | Fax 513.524.9111
grobinson@cityofoxford.org
101 East High St. | Oxford | OH 45056

26. In a follow up email, Weisman confirmed that he wanted to the arrangement to continue.

27. At any rate, around 1:15 a.m. Blauvelt responded to a radio call from a Brick Street employee reporting that a fight had broken out in front of the bar involving other employees.

28. Upon arriving at Brick Street, Blauvelt found Devin being held face down on the sidewalk by two Brick Street employees.

29. At that time, Devin couldn't see who was holding him to the ground. Nor did he know the persons who confronted him and taken him to the ground by force outside of Brick Street, or why.

30. At the time, Devin didn't know that Officer Blauvelt had arrived because he couldn't see him and he was in a state of confusion after being beat up by the Brick Street employees.

31. Upon arriving Officer Blauvelt neither identified himself by name or as a police officer. If Officer Blauvelt spoke to Devin, Devin didn't hear him and/or didn't recognize that the person speaking to him was a police officer.

32. After being held in the uncomfortable position by Brick Street employees, Devin attempted to adjust his position. He was otherwise subdued by the Brick Street employees, unable to sit up or stand, and was no threat to anyone around him, including without limitation Officer Blauvelt.

33. Upon adjusting his body, however, Blauvelt forcibly pushed Devin to the ground by his face. By that point, Blauvelt still hadn't announced himself as a police officer and had given Devin no instructions.

34. Until this point, Devin had no idea that Blauvelt was even present, much less that he was a police officer.

35. Officer Blauvelt then delivered three closed-fisted strikes to the back of Devin's head and neck. At that point, Blauvelt still hadn't identified himself as a police officer, delivered any instructions to Devin, or placed Devin under arrest. And Devin still couldn't see who was punching him. Nor did he have any way of knowing that Blauvelt was a police officer.

36. Shortly thereafter, Officer Hellwarth arrived on the scene, which was again unknown and unknowable by Devin at the time. When Hellwarth arrived, he and Blauvelt violently kicked and kneed Devin in the side despite Devin being subdued – now by them, and face down on the sidewalk.

37. It wasn't until Devin felt the Officers placing his wrists in handcuffs that he understood Blauvelt and Hellwarth to **be** police officers.

38. The Officers then placed Devin under arrest and transported him to the nearby police station. He was charged with criminal trespass, underage intoxication, resisting arrest, and assault, though he was not taken to jail that evening. After being charged, the Officers drove Devin back to his dorm.

39. In the aftermath, Brick Street and Weisman claimed that none of the bar's video cameras captured the events of November 18, 2025.

40. On December 26, 2023, however, OPD placed Officer Blauvelt on administrative leave for using excessive force against Devin only after video shot by a bar patron surfaced on TikTok.

41. On January 3, 2024, Weisman later produced a video to the police and explained that it wasn't produced earlier because it wasn't "relevant."

42. As discussed above, Weisman and Brick Street have had a symbiotic relationship with OPD since no later than 2018 when the private detail began. Since then, Weisman has acted in concert with OPD to supply and share crime reports, data, and statistics directly impacting Brick Street.

43. In 2022, Wiseman collaborated with Chief Jones to install and maintain a security camera network on Brick Street's premises that would increase footage retention time from one week to two weeks. The understanding and agreement between Weisman and Jones were that this footage would be stored and maintained for law enforcement purposes and would be available to OPD at its election.

44. After Officer Blauvelt was suspended, OPD supplied Weisman and Brick House with a detail at Weisman's request due to the backlash from the TikTok video.

45. As to the events of November 18, 2023, Weisman was in constant communication with Chief Jones and Lt. Robinson to supply them with cherry-picked video footage and his account of the events.

46. For example, on December 27, 2023, Weisman had the following email exchange with Jones and Robinson suggesting that he and the OPD were working together to manage the fallout from the TikTok video:

From: Mark Weisman <mw120396@gmail.com>
Sent: Wed, 27 Dec 2023 14:47:30 +0000
To: John Jones; Geoff Robinson
Subject: unauthorized release of video

John/Geoff:

I am trying to confirm who released the selected portion of our copyright video which was intended to be used for relevant parties only. Every station called us to get permission to post the video because they understood that it was our officially owned footage. We denied each request. We believe that it was prudent to allow the full investigation to be completed and regardless would not give permission to anyone other than relevant parties as part of an investigation..

My assumption is that the lawyer for the defendant requested the video and shared with the person who is related to the defendant who then released on portion of the video to support her narrative. Thanks for any help and if needed we can go through a formal process.

Best regards, Mark

47. On January 2, 2024, Weisman exchanged the following email with Chief

Jones regarding Devin's then defense counsel:

From: Mark Weisman <mw120396@gmail.com>
Sent: Tuesday, January 2, 2024 9:24 AM
To: John Jones <JJones@cityofoxford.org>
Subject: Fwd: Changed caption

Hi John:

I do not have the assistant prosecutors email information but please pass on as you see fit. There is an investigator who appears to be on Ryan's team and commented on his post. He goes by Rag.rag.rag.rag. He sent a very strong note accusing Brick Street and the police of completely lying. He then went on to say very disparaging words against "The Fraternity of Police". Interestingly, he changed his post from outright accusations to "it is more complicated." At any rate, the assistant prosecutor may want to reach out to better understand this person's involvement related to this matter.

We deeply regret that the defense lawyer shared evidence that he received through discovery, directly or indirectly, to someone completely unrelated to an ongoing investigation. I personally find it grossly unethical to take such a tact and allow a person from Rocky River Ohio to create a personal narrative with an agenda.

The facts matter and Devin knowingly trespassed, pushed a female employee out of the way and then punched another employee. We will not allow others to manipulate facts and our team, including those at the arrest sight will be completely honest on what they witnessed.

Best regards, Mark

48. On January 3, 2024, Weisman further discussed video evidence with OPD officials:

----- Forwarded message -----

From: **Mark Weisman** <mwl20396@gmail.com> Date: Wed, Jan 3, 2024 at 8:42 AM
Subject: Fwd:

In this video which you have we slowed down and brought the video closer. It is very clear that Mr. Johnson comes in fast and knocks the female employee out of the way as she attempts to stop him. Not only is he immediately followed in by our outside crowd person, an attempted to be stopped by our door person, within 5 seconds our crowd manager who witnessed him blasting through the exit and pushing our female employee out of the way, confronts him. Instead of simply turning around when caught and leaving like every person who has attempted to sneak in the past 20 years, he decides to punch our crowd manager in the face before being pushed out.

There is no disputing that Mr. Johnson tried to sneak in and was immediately confronted. There is no disputing that Mr. Johnson pushed a female out of the way. There is no disputing that Mr. Johnson struck our crowd manager in the face. There is no disputing that Mr. Johnson came back at continued his assault by grabbing our crowd manager in a headlock and pulling him to the sidewalk.

As always our staff will be fully cooperative in any trial. We deeply regret that we were put in a difficult situation.

Best regards, Mark

48. In the Spring of 2024, Devin was found guilty of misdemeanor charges of assault and resisting arrest for which he received one year of probation along with \$1,000 in fines, 180 suspended days in jail for assault and 90 days suspended for resisting arrest.

49. By this Complaint, Devin doesn't challenge his conviction. He challenges only objectively unreasonable force used against him by the police in connection with the minor misdemeanors for which he was convicted and for which he served no jail time. He further challenges the role of Brick Street Bar and Weisman as a co-conspirator with the City and OPD.

50. At the end of the 2025 school year, Devin left Miami University to attend Indiana State and play football, where he's been a model citizen and student.

51. The events of November 18, 2023, and its aftermath have left Devin with anxiety, PTSD, and stress due to his encounters with the police.

CAUSES OF ACTION

Count I Violation of the Fourth Amendment | Excessive Force Officers Blauvelt and Hellwarth

52. Plaintiff realleges and incorporates the preceding allegations of this Complaint as if fully rewritten.

53. Section 1983 states in relevant part:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress[.]

54. At all times relevant to this Complaint, Officers Blauvelt and Hellwarth have been public officials and police officers employed by the City of Oxford in that capacity.

55. As described in this Complaint, the Officers, working in concert with Brick Street employees and Wiesman used objectively unreasonable force against Devin, particularly when compared with the minor misdemeanors for which he was convicted.

56. At no time did Devin pose a threat to the Officers much less an immediate threat when they used force against him to effectuate his arrest.

57. Nor was there ever any risk that Devin would escape the police and/or flee his arrest.

58. When the Officers used excessive and unlawful force against Devin to effectuate his arrest, and in their handling and transportation of him, in concert with Brick Street employees, they were acting under the color of state law.

59. As alleged in this Complaint, the Officers violated Devin's clearly established rights arising under the Fourth Amendment to be free of excessive and unlawful force in the effectuation of his arrest, handling, and transportation at the hands of the police.

60. As a direct and proximate result of the Officers exercising excessive and unlawful force against Devin in the manner described in this Complaint, and in violation of the Fourth Amendment, Devin has suffered compensable injuries, harm, and damages in excess of the jurisdictional threshold of this Court to be determined by the trier of fact.

Count II
Monell Liability | City of Oxford

61. Plaintiff realleges and incorporates the preceding allegations of this Complaint as if fully rewritten.

62. The City is liable in its own right for violating Devin's rights under the Fourth Amendment under Section 1983 and *Monell* because the Officers' driving and motivating force in using excessive and unlawful force against Devin in their capacities as police officers and public officials acting under color of state law, was the execution of the City's policies, procedures, and customs of, without limitation (i) inaction in response to, (ii) tolerance, endorsement and ratification of, and (iii) deliberate indifference toward the violations of the clearly established Fourth Amendment right to be free of the same at the hands of the police, and in this case, private actors.

63. This is the case whether or not the City's policies, procedures, and customs are directly or indirectly derived (a) from the official acts and edicts of lawmakers and officials, and/or (b) informal approval through the City's official decision-making channels, and/or by persons with the ultimate authority.

64. But for the acts and omissions of the City and OPD with final decision-making authority, as a matter of policy or custom, the City has tolerated, endorsed, accepted, ratified, approved of, and acquiesced to the violations of Devin's constitutional rights under Fourth Amendment as secured by federal law and the laws of the United States, without limitation in their negligent or deliberately indifferent: (a) Hiring and retaining of the Defendant Officers; (b) Failure to properly train the Defendant Officers; (c) Failure to properly supervise the Defendant Officers; and (d) Failure to discipline and correct the unlawful acts and omissions of the Defendant Officers described in this Complaint.

65. But for the City's approval, adoption, tolerance, ratification, and endorsement of, deliberate indifference to, and inaction and acquiescence in the face of the unlawful and unconstitutional conduct of the Defendant Officers, Brick Street, and Weisman described in this Complaint such that the same rises to the level of policy, procedure, custom, and usage, and the driving and motivating force behind the same, Devin would not have been subject to the deprivation of his rights arising under Fourth Amendment as secured by federal law and the laws of the United States

66. As a direct and proximate result of the same, the City of Oxford has caused Devin compensable injuries, harm, and damages in excess of the jurisdictional threshold of this Court to be determined by the trier of fact.

Count III
Civil Conspiracy to Violate Civil Rights
Weisman Enterprise Holdings, Inc. and Wiseman

67. Plaintiff realleges and incorporates the preceding allegations of this Complaint as if fully rewritten.

68. As alleged in this Complaint, a single plan exists and existed between Brick Street, Weisman, the City, and OPD.

69. That objective is to coordinate, agree, conspire, and combine to violate the constitutional rights of certain patrons of Brick Street Bar generally, and Devin's constitutional rights specifically.

70. To this end, Brick Street employees under Weisman's control would not have acted as alleged in the Complaint without the instruction, endorsement, or tolerance of their employer. In that sense, the employees of Brick Street and Weisman overtly and physically participated hand in hand with the Officers to exert unlawful, unreasonable, and excessive force against Devin on November 18, 2023, and to violate his clearly established right to be free of the same in effectuating his arrest, and in their handling and transportation of him.

71. Therefore, as a matter of law, by conspiring with the City and OPD generally, and with the Defendant Officers specifically in the case of Devin Johnson, Brick Street and Weisman qualify as state actors under Section 1983.

72. Even if Brick Street, Weisman, and/or their employees *didn't* directly and physically participate in conduct rising to the level of excessive force, they may still be held liable as state actors under Section 1983 for conspiring with the City and OPD generally to violate the constitutional rights of certain bar patrons, and with the Defendant Officers specifically in the case of Devin Johnson.

73. As a direct and proximate result of conspiring with the City and OPD generally, and the Defendant Officers specifically, to violate Devin's constitutional rights as alleged in this Complaint, Brick Street and Weisman caused Devin to suffer compensable injuries, harm, and damages in excess of the jurisdictional threshold of this Court to be determined by the trier of fact.

74. The actions of Brick Street and the security personnel it employs are also fairly attributable to the state, and thus they acted under color of state law because (a) they are endowed by law with plenary police powers such that they are *de facto* police officers serving a traditionally public function reserved to police officers; (b) their operations were intimately involved in (i) the unconstitutional conduct of the Officers alleged in this Complaint and (ii) the City's policies of tolerance, inaction, endorsement, and deliberate indifference toward the same, such that Brick Street played a central role in the Officers' decision to deprive Devin of his right to be free of excessive force in violation of the Fourth Amendment; and (c) they are inextricably "entwined" with governmental policies such that the nominally private character of its operations is overborne by the pervasive entwinement of the policies, procedures, usages, and customs

of the City and the police officers it employs its workings such that there is no substantial reason to claim unfairness in applying constitutional standards to it.

75. Thus, as alleged in this Complaint, Brick Street acted under color of state law under “public function,” “symbiotic relationship or nexus,” and “entwinement” theories for the reasons discussed above. Indeed, but for Brick Street acting as an arm of the state, the Officers wouldn’t have had an opportunity to use excessive force against Devin in effectuating his arrest, and in their handling and transportation of him.

76. As alleged in this Complaint, Brick Street violated Devin’s clearly established rights arising under the Fourth Amendment to be free of excessive and unlawful force in the effectuation of his arrest, handling, and transportation at the hands of the police.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Devin R. Johnson prays for judgment against Defendants the City of Oxford, Weisman Enterprises Holdings, Inc., d/b/a Brick Street Bar, Mark P. Weisman, Mathhew Blauvelt, individually and in his capacity as a public official and police officer acting under color of state law, and Paul Hellwarth, individually and in his capacity as a public official and police officer acting under color of state law, as follows: (a) compensatory damages; (b) damages for emotional distress, humiliation, and psychological injuries; (c) equitable relief; (d) statutory damages; (e) punitive damages; (f) reimbursement of her attorney’s fees and costs; and (g) all other relief to which she’s entitled.

DATED: November 18, 2025.

Respectfully submitted,

/s/ Justin M. Whittaker
Justin Whittaker, Esq. (0093212)
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**Counsel for
Plaintiff Devin R. Johnson**

JURY DEMAND

Plaintiff demands a jury trial on all issues so triable.

/s/ Justin M. Whittaker
Justin Whittaker, Esq. (0093212)