

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

CITY OF COLUMBUS, <i>et al.</i> ,	:	
	:	CASE NO. 24 CV 2865
Plaintiffs,	:	
	:	JUDGE MARK A. SERROTT
vs.	:	
	:	
STATE OF OHIO, <i>et al.</i> ,	:	
	:	
Defendants.	:	

ORDER

On May 17, 2024, this matter came before the Court for a hearing on the Plaintiffs’ motion for preliminary injunction and a trial on the merits. For the reasons more fully outlined in this Court’s oral ruling on May 17, 2024, the Court hereby:

1. Dismisses Defendants Ohio Department of Health and Dr. Bruce Vanderhoff as Defendants in this action.
2. Denies the Defendants’ motion to dismiss except as to Defendants Ohio Department of Health and Dr. Bruce Vanderhoff as set forth in Paragraph 1 and denies the Defendants’ motion for dismissal pursuant to Civ.R.41..
3. Denies the Defendants’ motion *in limine* with respect to excluding the testimony of Plaintiffs’ witnesses.
4. Grants Plaintiffs’ motion to file Amended Complaint.
5. Finds for the Defendant State of Ohio on the merits of the claims in Plaintiffs’ Amended Complaint brought under Claim V (Home Rule Contract Claim), Claim VI (Single Subject Claim), and Claims VII and VIII (Equal Protection Claims).

6. As it relates to Claims I-IV, the Court hereby **ISSUES** a declaratory judgment that R.C. 9.681 is an unconstitutional infringement on the rights of the Plaintiff municipalities to exercise their right to Home Rule pursuant to Article XVIII, Section 3 of the Ohio Constitution, and finds in favor of the Plaintiffs on those claims.
7. The Court further **GRANTS** the Plaintiffs' motion for a permanent injunction against R.C. 9.681 in favor of all Plaintiffs in this action and bars enforcement of R.C. 9.681 against any plaintiff in this case.
8. No bond is required from the Plaintiffs.

This Order shall take effect immediately. This is a final, appealable order.

IT IS SO ORDERED.

JUDGE SERROTT

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Franklin County Court of Common Pleas

Date: 05-23-2024
Case Title: CITY OF COLUMBUS ET AL -VS- STATE OF OHIO ET AL
Case Number: 24CV002865
Type: ORDER

It Is So Ordered.

A handwritten signature in black ink, reading "Mark A. Serrott", is written over a circular purple seal. The seal contains the text "COMMON PLEAS COURT" and "FRANKLIN COUNTY OHIO" around the perimeter, with "ALL THINGS ARE" at the bottom.

/s/ Judge Mark A. Serrott

Court Disposition

Case Number: 24CV002865

Case Style: CITY OF COLUMBUS ET AL -VS- STATE OF OHIO ET AL

Case Terminated: 06 - Court Trial

Final Appealable Order: Yes

Motion Tie Off Information:

1. Motion CMS Document Id: 24CV0028652024-05-1699980000
Document Title: 05-16-2024-MOTION - DEFENDANT: STATE OF OHIO - TO EXCLUDE
Disposition: MOTION DENIED
2. Motion CMS Document Id: 24CV0028652024-05-1599970000
Document Title: 05-15-2024-MOTION IN LIMINE - DEFENDANT: STATE OF OHIO
Disposition: MOTION DENIED
3. Motion CMS Document Id: 24CV0028652024-05-1599980000
Document Title: 05-15-2024-MOTION TO DISMISS - DEFENDANT: STATE OF OHIO
Disposition: MOTION GRANTED IN PART
4. Motion CMS Document Id: 24CV0028652024-04-1899960000
Document Title: 04-18-2024-MOTION TO DISMISS - DEFENDANT: STATE OF OHIO
Disposition: MOTION IS MOOT
5. Motion CMS Document Id: 24CV0028652024-04-1299840000
Document Title: 04-12-2024-MOTION FOR LEAVE TO FILE - NON-PARTY: AFRICAN AMERICAN TOBACCO CONTROL LEADERS
Disposition: MOTION RELEASED TO CLEAR DOCKET

6. Motion CMS Document Id: 24CV0028652024-04-0999100000

Document Title: 04-09-2024-MOTION FOR TEMPORARY
RESTRAINING ORDER - PLAINTIFF: CITY OF COLUMBUS

Disposition: MOTION GRANTED