# CAPTION: WEST V. CITY OF CINCINNATI

**05-22-24**

APPEAL NO.: C-230469

TRIAL NO.: A-2303087

KEY WORDS: INJUNCTION – MUNICIPAL – PROCEDURE/RULES – R.C. 9.68

SUMMARY:

The trial court did not err in proceeding to the merits of plaintiff’s request for declaratory and injunctive relief despite ongoing criminal proceedings against plaintiff for violating the city ordinance against which he sought equitable relief because, in R.C. 9.68(B), the General Assembly created an exception to the general principle that courts should not act in equity during the pendency of criminal proceedings where the plaintiff has an adequate remedy at law.

The trial court did not err by consolidating the trial on the merits into the preliminary injunction hearing without notice under Civ.R. 65(B) because defendants did not show how they were prejudiced by the unnoticed consolidation.

The question of whether the trial court erred by entering final judgment prior to defendants filing their objections to plaintiff’s proposed findings of fact and conclusions of law is moot because defendants properly preserved all of their arguments for appeal.

The trial court did not err by enjoining Cincinnati Municipal Code 915-3(b) because it restricts the storage of firearms in a way not specifically provided for by federal or state law and thus is preempted and nullified by R.C. 9.68, Ohio’s statewide firearms uniformity law.

The trial court erred in enjoining all other parts of Cincinnati Municipal Code 915, because all of those parts either do not relate to firearms at all or do not regulate firearms in a way that conflicts with R.C. 9.68.

JUDGMENT: AFFIRMED IN PART, REVERSED IN PART, AND CAUSE REMANDED

JUDGES: OPINION by BERGERON, J.; ZAYAS, P.J., and CROUSE, J., CONCUR.