# CAPTION: CITY OF CINCINNATI V. STATE OF OHIO

**06-26-24**

APPEAL NO.: C-230492

TRIAL NO.: A-2300389

KEY WORDS: INJUNCTION – MUNICIPAL – R.C. 9.68 – CONSTITUTIONAL LAW/CIVIL – HOME RULE AMENDMENT – APPELLATE REVIEW/CIVIL

SUMMARY:

The trial court’s order preliminarily enjoining enforcement of R.C. 9.68, as amended in 2018 and 2022, was a final appealable order where the injunction reversed the status quo by enjoining an amended law that had been in effect for nearly four years. [*But see* DISSENT: The trial court’s order was not final and appealable where defendant, the appealing party, would be afforded a meaningful and effective remedy by an appeal after final judgment because plaintiff also sought a permanent injunction on the same grounds that it requested the preliminary injunction and because the trial court’s order maintained the status quo by returning the legal landscape between the parties to enforcement of original R.C. 9.68, which was in effect at the time that the first iteration of the lawsuit in this case was filed.]

The trial court erred in granting plaintiff city’s motion for a preliminary injunction enjoining the enforcement of R.C. 9.68, as amended in 2018 and 2022, where plaintiff failed to prove by clear and convincing evidence that the amended law violated the Ohio Constitution’s Home Rule Amendment, free speech clause, or the constitution’s embedded separation of powers doctrine, and where other preliminary injunction factors weighed against the issuance of an injunction.

JUDGMENT: REVERSED AND CAUSE REMANDED

JUDGES: OPINION by BERGERON, J.; ZAYAS, P.J., CONCURS IN JUDGMENT ONLY and CROUSE, J., DISSENTS.