

IN THE FRANKLIN COUNTY COURT OF COMMON PLEAS
CIVIL DIVISION

CITY OF ATHENS, *et al.*,

Plaintiffs,

Case No. 17 CV 10258

v.

Judge David E. Cain

JOSEPH A. TESTA,
TAX COMMISSIONER, *et al.*,

Defendants.

AGREED ORDER

The Plaintiffs have requested a preliminary injunction staying the effect and enforcement of House Bill 49 of the 132nd General Assembly (“H.B. 49”).

The matter came before this Court on a status conference as of this date.

The Parties have agreed to a preliminary order as follows:

1. Certain provisions of H.B. 49 require municipalities to reconcile their ordinances in accordance with H.B. 49 by January 31, 2018 (“Ordinance Reconciliation”). Because of the Parties’ intent to brief issues in this matter and taking into account the intervening holidays, the Parties have agreed to stay the Ordinance Reconciliation provisions (Section 803.100(B) of H.B. 49 of the 132nd General Assembly) until February 24, 2018, or until further order of this Court, whichever is sooner.
2. Plaintiffs shall submit a brief by January 12, 2018
3. Defendants shall submit a brief by February 2, 2018.
4. Plaintiffs shall submit a reply brief by February 9, 2018.
5. A Preliminary Injunction hearing is scheduled for February 12 – 13, 2018.

6. All other provisions of H.B. 49, other than the Ordinance Reconciliation provisions, shall remain in full force and effect until or unless further order of this Court.

This order is interlocutory and not subject to appeal. Bond is waived.

Signature blocks on proceeding pages.

IT IS SO ORDERED.

Judge David E. Cain

DATE

AGREED:

/s/ Thaddeus M. Boggs

12/21/2017

Thaddeus M. Boggs (0089231)
Frank J. Reed, Jr. (0055234)
Stephen J. Smith (0001344)
Yazan S. Ashrawi (0089565)
Eugene L. Hollins (0040355)
Michelle Y. Harrison (0093814)
FROST BROWN TODD LLC
10 West Broad Street, Suite 2300
Columbus, Ohio 43215
Phone: (614) 464-1211
Facsimile: (614) 464-1737
Email: ghollins@fbtlaw.com
freed@fbtlaw.com
ssmith@fbtlaw.com
yashrawi@fbtlaw.com
tboggs@fbtlaw.com
myharrison@fbtlaw.com

DATE

Attorneys for Plaintiffs

AGREED:

Michael DeWine (0009181)
STATE OF OHIO ATTORNEY GENERAL
30 East Broad Street, 14th Floor
Columbus, Ohio 43215
Phone: 614-466-4986

/s/ Jeffrey C. Miller
Jeffrey C. Miller (0068882)
Victoria L. Ferrise (0085012)
BRENNAN, MANNA & DIAMOND, LLC
200 Public Square
Suite 3270
Cleveland, OH 44114
Phone: 216.658.2323
Facsimile: 216.658.2157
Email: jcmiller@bmdllc.com
vlferrise@bmdllc.com
Attorneys for Defendants
Special Counsel

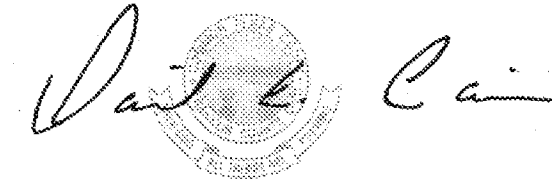
Authorized by email 12/20/2017
DATE

0137438.0653794 4826-5567-4201v2

Franklin County Court of Common Pleas

Date: 12-21-2017
Case Title: ATHENS CITY ET AL -VS- OHIO STATE TAX COMMISIONER
ET AL
Case Number: 17CV010258
Type: AGREED ORDER

It Is So Ordered.

The image shows a handwritten signature in cursive that reads "David E. Cain". To the left of the signature is a circular official seal, which is partially obscured by the signature. The seal appears to be the official seal of the Franklin County Court of Common Pleas.

/s/ Judge David E. Cain