

SANDUSKY COUNTY
COMMON PLEAS COURT
FILED

APR 03 2026

CHRIS SCHNEIDER
CLERK

IN THE COURT OF COMMON PLEAS
SANDUSKY COUNTY, OHIO

NORTH FORK DISTRIBUTION I, LLC.,

Plaintiff,

v.

DEREK WENSINGER, ET AL.,

Defendants.

Case No. 26-CV-312

Judge Jeremiah S. Ray

**NON-PARTY OHIO ATTORNEY GENERAL DAVE YOST'S MOTION TO INTERVENE
AS OF RIGHT**

Now comes non-party Ohio Attorney General Dave Yost, by and through counsel, who hereby moves to intervene as of right, pursuant to Civ.R. 24(A)(1). R.C. 2721.12(A) grants the Attorney General an unconditional right to intervene in a declaratory judgment case in which the constitutionality of a statute is questioned. Here, the Plaintiffs challenge the entirety of S.B. 56, which became effective March 20, 2026. Accordingly, the Attorney General is entitled to intervene and defend. A memorandum in support is attached. Further, pursuant to Civ.R. 24(C), a proposed answer is also attached.

Respectfully submitted,

DAVE YOST
Ohio Attorney General

/s/ Michael A. Walton

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MEMORANDUM IN SUPPORT

Civ.R. 24 governs intervention. It states, in relevant part, “[u]pon timely application anyone shall be permitted to intervene in an action: (1) when a statute of this state confers an unconditional right to intervene.” Civ.R. 24(A)(1). Civ.R. 24 also requires that a non-party seeking to intervene under that rule shall also file a pleading, as defined by Civ.R. 7(A), and shall serve the motion to intervene and pleading in accordance with Civ.R. 5. Civ.R. 24(C). Accordingly, pursuant to these requirements, the Attorney General is contemporaneously filing a proposed answer to the complaint, attached hereto. *See* Civ.R. 7(A) (defining “pleading” to include an answer to a complaint).

R.C. 2721.12 details the specific procedures plaintiffs must follow in order to bring a declaratory judgment claim challenging the constitutionality of a statute. Initially, to confer subject matter jurisdiction upon the common pleas court, the plaintiff must serve a copy of their complaint upon the Attorney General. R.C. 2721.12(A) (“if any statute * * * is alleged to be unconstitutional, the attorney general also shall be served with a copy of the complaint”); *Cicco v. Stockmaster*, 2000-Ohio-434, syllabus (“A party who is challenging the constitutionality of a statute * * * must serve the pleading upon the Attorney General * * * .”). In addition to this service requirement, R.C. 2721.12(A) grants the Attorney General the unconditional right intervene and defend the challenged statutes. *See* R.C. 2721.12(A) (“the attorney general * * * *shall* be heard” (emphasis added)).

Here, Plaintiff challenges the entirety of S.B. 56, which is a comprehensive bill that, as is relevant here, changed the definition of “hemp” to effectively re-classify intoxicating hemp products, such as those allegedly sold by Plaintiff, as marijuana. Accordingly, as of March 20, intoxicating hemp and intoxicating hemp products are subject to the same state-wide regulatory

scheme as marijuana. Thus, numerous statutes were either created, amended, or removed by S.B. 56. Further, Plaintiff alleges that the entirety of S.B. 56 (1) violates federal dormant commerce clause principles, (2) is preempted by the 2018 Farm Bill, and (3) is invalid because the Governor's line-item veto was improper. *See generally* Compl. Because Plaintiff challenges the statutes contained in S.B. 56, the Attorney General has the unconditional right to intervene and defend those statutes. *See* R.C. 2721.12(A); Civ.R. 24(A)(1).

Further, the Attorney General's participation in this case will ensure statewide consistency between the various actions challenging S.B. 56, none of which Plaintiffs appear to have brought to this Court's attention. For instance, Plaintiffs' complaint and motion for temporary relief never mention that Plaintiff unsuccessfully sought a writ of mandamus forcing Secretary of State to file pre-veto S.B. 56 as the law of Ohio. *Fifty West Brewing Co., LLC v. Canepa*, 2026-Ohio-972 (dismissing complaint for writ of mandamus challenging Governor DeWine's line-item veto brought by North Fork Distribution I, Inc. and other relators). Nor do these filings apprise the Court of the pending action in the Franklin County Court of Common Pleas asserting identical claims to the ones here. *Saucy Seltzer Corp. v. DeWine*, No. 26 CV 2464 (Franklin C.P). Represented by the same counsel representing the Plaintiff here, the *Saucy Seltzer* plaintiffs' motion for temporary restraining order was denied on March 19. The Attorney General represents all the State Defendants in S.B. 56 challenges across the State. So, although the Attorney General has the unconditional right to intervene here, his participation as a party will also ensure that this Court receives up-to-date information about these other actions.

CONCLUSION

For the foregoing reasons, Attorney General Dave Yost respectfully asks this Court to grant his motion to intervene and file his proposed answer, attached hereto, instantan.

Respectfully submitted,

DAVE YOST
Ohio Attorney General

/s/ Michael A. Walton

MICHAEL A. WALTON (0092201)*

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CERTIFICATE OF SERVICE

I hereby certify that on April 2, 2026, a copy of the foregoing was filed with the court via email. A copy of the foregoing was served upon counsel via electronic mail and defendants via regular U.S. mail at:

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