

**IN THE COMMON PLEAS COURT
GENERAL DIVISION
BUTLER COUNTY, OHIO**

**REPRESENTATIVE LEVI DEAN
at al.,**

Plaintiff

vs.

DAVID YOST

Defendant

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Case No.: CV 2026 05 1131

JUDGE: J. GREGORY HOWARD

**DECISION AND ENTRY
GRANTING DEFENDANT'S
MOTION FOR JUDGMENT ON
THE PLEADINGS**

FINAL APPEALABLE ORDER

This matter comes before the Court upon the motion of Defendant D. Andrew Wilson¹, Attorney General of Ohio (“Defendant” or “Attorney General”), pursuant to Civ. R. 12(C), to issue judgment in his favor of all Plaintiffs’ claims for relief. Defendant filed his motion on July 10, 2026. Plaintiffs, Ohio Representatives Levi Dean and Jennifer Gross, and City of Lebanon, Ohio, Council member Kristen Eggers filed their memorandum in opposition to Defendant’s motion on July 23, 2026. Defendant filed his reply in support of his motion on July 30, 2026.

Plaintiffs filed their amended complaint against Defendant on June 1, 2026. Plaintiffs’ amended complaint alleges that Article I, Section 22 of the Ohio Constitution (“Section 22”) conflicts with at least three fundamental provisions of the Ohio Constitution – thereby

**Judge
J. Gregory Howard**
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Butler County, Ohio

¹ Plaintiffs’ Amended Complaint names David Yost Attorney General of Ohio as defendant; however, effective July 7, 2026, D. Andrew Wilson is the Attorney General of Ohio.

constituting a revision to the Ohio Constitution rather than an amendment. Amd Comp. ¶10. Plaintiffs seek declaratory and injunctive relief against that alleged unconstitutional revision. Amd Comp. ¶11. Defendant seeks judgment in his favor on all Plaintiffs' claims due to Plaintiffs lack of standing to bring this action and because their complaint fails to meet the statutory requirements for declaratory relief. Additionally, injunction is a form of relief not an independent cause of action. Plaintiffs argue they have standing and that their complaint properly seeks declaratory relief and injunctive relief upon a finding of likely invalidity to Section 22. Memo. in Opp p. 11.

Ohio Civil Rule 12(C) provides the following: "[a]fter the pleadings are closed but within such time as not to delay the trial, any party may move for judgment on the pleadings." The purpose of a Civil Rule 12(C) motion is to resolve only questions of law. *Cyrus v. Home Depot USA, Inc.*, 12th Dist. No. CA2007-09-098, 2008-Ohio-4315, at ¶18; *Landwehr v. Batavia*, 12th Dist. No. CA2007-01-005, 2007-Ohio-6035, at ¶ 6. In ruling on a motion under Civil Rule 12(C), a court is permitted to consider only the complaint and the answer, and in so doing the court must construe the material allegations with all reasonable inferences drawn therefrom, as true and in favor of the non-moving party. *Cyrus* at ¶ 20, citing *Whaley v. Franklin Cty. Bd. Of Commrs.* (2001), 92 Ohio St.3d 574, 581. To grant a motion under Rule 12(C), the court must find that the non-moving party can prove no set of facts entitling him or her to relief. *Greene v. Ohio Adult Parole Authority*, 10th Dist. No. 08AP-555, 2008-Ohio-5972, at ¶9. Thus, a court can grant a Civ.R. 12(C) motion only if no disputes of material fact exist and the pleadings show that the movant is entitled to judgment as a matter of law. *Ruble v. Ream*, 4th Dist. No.03CA14, 2003-Ohio-5969, at ¶8.

Standing is required to invoke the jurisdiction of a court. *Bank of Am., N.A. v. Kuchta*, 141 Ohio St.3d 75, 2014-Ohio-4275, ¶22. A lack of standing is a fundamental flaw that requires a court to dismiss the action. *Bank of Am., N.A. v. Kuchta*, 141 Ohio St.3d 75, 2014-Ohio-4275, ¶23. Standing looks to the rights of the individual parties to bring the action; they must assert a personal stake in the outcome of the action. *Id.* citing *Ohio Pyro, Inc. v. Ohio Dept. of Commerce*, 115 Ohio St.3d 375, 2007-Ohio-5024, ¶27. Standing does not depend on the merits of the plaintiff's assertion that the particular conduct is illegal or unconstitutional. *Moore v. Middletown*, 133 Ohio St.3d 55, 2012-Ohio-3897, ¶ 23. To establish standing, a party must show they suffered: “(1) an injury that is (2) fairly traceable to the defendant's allegedly unlawful conduct, and (3) likely to be redressed by the requested relief.” *Moore v. Middletown*, 133 Ohio St. 3d 55, 2012-Ohio-3897, ¶ 22. The injury must be concrete, not speculative. *State ex rel Food and Water Watch v. State*, 153 Ohio St.3d 1, 2018-Ohio-555, ¶20. “[I]njury that is borne by the population in general, and which does not affect the plaintiff in particular, is not sufficient to confer standing.” *Cronin v. Governor of Ohio*, 8th Dist. No. 110802, 2022-Ohio-829, ¶17.

Defendant contends Plaintiffs fail to meet the injury requirement of standing because their complaint fails to cite any actual injury and fails to distinguish their alleged harm from harm that is “borne by the population in general.” In response, Plaintiffs argue they have alleged concrete injuries resulting from enforcement of this invalid constitutional provision and satisfy the requirement of pleading standing in multiple ways.

First, Plaintiffs claim they have been standing as Legislatures since Section 22 deprives them of legislative authority. Section 22 prevents Plaintiff Eggers from introducing

or supporting ordinances to prohibit, through zoning, late-term abortions from being performed next to a church or school. Moreover, Section 22 prevents Plaintiffs Dean and Gross from protecting informed consent, which is a fundamental human right. Defendant points out that Plaintiffs' complaint makes it clear that they are suing in their personal capacity. Legislatures may not claim rights tied only to their official capacities when they are suing in their private capacity. Additionally, even if suing in their capacity as Legislatures they do not have standing since this is not a mandamus action and they have not identified any votes they cast for laws that are allegedly not being enforced.

Second, they all have standing since Plaintiff Eggers plead standing as a parent to two minor daughters. As a parent she is harmed because Section 22 eliminates parental rights. In response, Defendant points out that parental consent laws including R.C. §2919.121 are still valid laws in Ohio. Plaintiffs do not point to any court decision enjoining these laws. Thus, any contention that Section 22 invalidates or limits Ohio's parental-consent law is incorrect and speculative and is a conclusory allegation. Additionally, Plaintiff Eggers does not allege that either of her daughters are pregnant or likely to be, or that they would likely seek an abortion without parental consent. Plaintiffs' pure speculation does not establish individualized injury sufficient for standing.

Third, they have standing from indirect effects as recognized by the U.S. Supreme Court in *Diamond Alternative Energy, LLC v. Environmental Protection Agency*, 606 U.S. 100 (2025). Defendants point out that Plaintiffs have plead speculated injuries. Since they have not been injured, there is no injury to be addressed. Therefore, *Diamond Alternative Energy* is not relevant to Plaintiffs' standing argument.

After carefully considering the parties' briefs and the applicable law and construing all the material allegations in favor of Plaintiffs the Court agrees with Defendant and finds that the Plaintiff's lack standing. The Court's finding that the plaintiffs lack standing resolves this matter; therefore, the Court will not address Defendant's remaining arguments.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendant's Motion for Judgment on the Pleadings is **GRANTED**. Judgment is granted in Defendant's favor as to all Plaintiffs' claims.

This is a final appealable order. There is no just cause for delay.

SO ORDERED.

A handwritten signature in dark ink, appearing to read 'JGH', is written over a horizontal line.

Judge J. Gregory Howard
Butler County Court of Common Pleas

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