

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CIVIL DIVISION

Ohio House Republican Alliance, et al.	:	
	:	CASE NO. 23CV7202
Plaintiffs,	:	
	:	JUDGE SERROTT
vs.	:	
	:	
Jason Stephens, et al.,	:	
	:	
Defendant.	:	

**ORDER DENYING MOTION OF PLAINTIFFS FOR
TEMPORARY RESTRAINING ORDER**

This matter is before the Court on the Motion of Plaintiffs for Temporary Restraining Order (the “Motion”) seeking a temporary restraining order enjoining Defendants Jason Stephens, J. Matthew Yuskewich, Winterset CPA Group, Inc., and Jeff LaRe (“Defendants”) from the following: making expenditures, and/or transfers, to or from any bank account associated with the Ohio House Republican Alliance (“OHRA”) Legislative Campaign Fund (“LCF”); operating the OHRA LCF in any manner, including issuing statements on behalf of OHRA. The Plaintiffs also seek an order for expedited discovery.

For the reasons set forth herein, this Court DENIES the Temporary Restraining Order. The legal findings herein are for the purposes of the Temporary Restraining Order and in no way foreclose the court from making different findings in the future or foreclose the parties from making additional legal arguments for other findings. The Court makes the following findings based upon the Motion and supporting Affidavits, Defendant’s Memorandum in Opposition and the arguments and information presented to the Court at the hearing held on February 8, 2024.

The Court reviewed the following factors in reaching its determination: “(1) the likelihood or probability of a plaintiff’s success on the merits; (2) whether the issuance of the injunction will prevent irreparable harm to the plaintiff; (3) what injury to others will be caused by the granting of

the injunction; and (4) whether the public interest will be served by the granting of the injunction.” *Corbett v. Ohio Bldg. Auth.*, 86 Ohio App.3d 44, 49, 619 N.E.2d 1145 (10th Dist.1993). “The grant or denial of an injunction is solely within the trial court's discretion and, therefore, a reviewing court should not disturb the judgment of the trial court absent a showing of a clear abuse of discretion.” *Garono v. State*, 37 Ohio St.3d 171, 173, 524 N.E.2d 496 (1988).

First, this Court will consider the likelihood or probability of success on the merits. Plaintiff argues that this case simply requires this Court to interpret Revised Code 3517.10(D)(3)(d), which states in relevant part that “[e]ach legislative campaign fund shall be administered and controlled in a manner designated by the caucus.” Plaintiffs would have this Court issue a declaration that through an alleged vote of a majority of the Republican members of the Ohio House of Representatives, they are the rightful administrators of OHRA. Plaintiffs concede that notice of the vote was not given to the Chair of the State Republican Party, although the Chair is an *ex officio* member of the caucus and would be entitled to cast a vote. However, Plaintiffs contend that such oversight is not fatal to their claim, and that the caucus apparently designated that they should be running OHRA. Furthermore, the notice given of the meeting was not sufficient notice (less than two business days) and the vote and signatures purported to indicate the outcome of the vote are ambiguous.

Defendants argue that this matter is purely a non-justiciable political question. Defendants similarly concede that the Caucus determines how OHRA is administered, however, they dispute the manner and procedure that Plaintiffs are claiming entitle them to administer OHRA. While the statute is clear that the caucus has the sole power to administer the LCF, Defendants argue that this Court should not interject themselves into creating internal rules on how the Caucus should conduct their operations.

At this time, the Court reserves judgment as to whether the issue presented is a political question. Should this Court determine the issue presented is nonjusticiable, dismissal is the only appropriate remedy. However, further discovery and proceedings appear necessary for this Court to

make such a determination. As such, this Court finds that Plaintiff's probability of success on the merits is currently insufficient. However, the Court notes that if due process notice is given and a clear record made of a majority vote to determine the control and administration of the LCF, this Court would likely enforce the statute. But at this juncture, the Court is unable to make that determination and does still harbor some reservations of whether the whole matter is a political question.

The Court now turns to the second factor as to whether the issuance of the injunction will prevent irreparable harm to the Plaintiff. Plaintiff contends that allowing Defendants to maintain control of the OHRA LCF will have far reaching effects beyond the simple expenditure of the funds in the LCF. Plaintiff points out that the monies are currently being used to fund candidates in the upcoming primary elections and will have an irreversible effect on the election. Defendants argue that Plaintiffs have contributed none of the money in fund, and that only now that the fund has reached over \$3,000,000.00, Plaintiffs are seeking control.

Looking at the apparent history of this case, it is difficult for this Court to make a determination that irreparable harm will occur. Plaintiffs allege that the caucus vote occurred in January 2023. While Plaintiffs did attempt to work with Defendants in coming to a compromise, Plaintiffs did not file suit until October 7, 2023. Now, nearly 4 months later, Plaintiffs seek this temporary restraining order, approximately 6 weeks before the primary election. Given the delay and lack of urgency by Plaintiffs, this Court is not convinced that irreparable harm will occur to the Plaintiffs. None of the issues presented by Plaintiffs to this Court appear to be surprises or unpredictable results of Defendants controlling the LCF. Thus, this prong is also not met.

Third, this Court will look at what injury to others will be caused by the granting of the injunction. The March 19 primary election looms large over this matter, as Plaintiffs and Defendants appear to be supporting different candidates in many of the races around Ohio. Plaintiff would have this court freeze the funds in the LCF pending the conclusion of the case. This requested relief,

however, would come at the expense of those candidates who have justifiably relied upon support from the LCF. Freezing the LCF would not maintain the status quo, would not benefit Plaintiffs or Defendants, but would unfairly punish those candidates who have contributed and raised money and expected to receive funds in the weeks leading up to the primary election. It is impossible to ignore the specter of political gamesmanship that looms over this litigation. It appears that Plaintiffs, while perhaps well intentioned, are using this process as a sword, rather than a shield for their rights. As such, this Court finds that granting the injunction to freeze the funds would cause unjustifiable harm to third parties.

Finally, the public interest will not be served by the granting of the injunction. The Funds in the LCF are not public monies. It does not appear that Defendants are using the funds for nefarious or otherwise illegal purposes. It is in the public interest to have free and fair elections, which includes political advertising to inform the public of information concerning a candidate's qualifications.

Therefore, for the aforementioned reasons, this Court **DENIES** Plaintiffs' Motion for Temporary Restraining Order.

This case is set for a status conference, via videoconference, on March 25, 2024, at 1:30 PM. Log-in information will be provided via separate correspondence.

IT IS SO ORDERED.

SIGNATURE PAGE ATTACHED
JUDGE MARK A. SERROTT

Franklin County Court of Common Pleas

Date: 02-14-2024
Case Title: OHIO HOUSE REPUBLICAN ALLIANCE ET AL -VS- JASON STEPHENS ET AL
Case Number: 23CV007202
Type: ORDER

It Is So Ordered.

A handwritten signature in black ink, appearing to read "Mark A. Serrott", is written over a circular, dotted electronic signature stamp.

/s/ Judge Mark A. Serrott

Court Disposition

Case Number: 23CV007202

Case Style: OHIO HOUSE REPUBLICAN ALLIANCE ET AL -VS-
JASON STEPHENS ET AL

Motion Tie Off Information:

1. Motion CMS Document Id: 23CV0072022024-02-0199980000
Document Title: 02-01-2024-MOTION FOR TEMPORARY
RESTRAINING ORDER - PLAINTIFF: OHIO HOUSE REPUBLICAN
ALLIANCE

Disposition: MOTION DENIED