

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

TITAN LOGISTICS GROUP, LLC,	:	
ET AL.	:	
Plaintiff,	:	Case No. 25CV008646
v.	:	JUDGE CARL A. AVENI
MIKE DEWINE, ET AL.	:	
Defendant.	:	

TEMPORARY RESTRAINING ORDER

This matter came before the Court for a hearing on Plaintiffs' Motion for Temporary Restraining Order, filed October 8, 2025. The Court held a hearing on the motion on October 14, 2025, at which counsel for Plaintiffs and Defendants appeared.

Before the Court proceeds to the merits, the Court addresses the threshold issue of standing. To succeed in establishing standing, plaintiffs must show that 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. City of Middletown*, 133 Ohio St.3d 55, 2012-Ohio-3897, ¶ 22, citing *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-561, 112 S.Ct. 2130, 119 L.Ed.2d 351 (1992). Based on the arguments before the Court, the Court finds that Plaintiffs have demonstrated standing.

A temporary restraining order is an extraordinary remedy that rests within the sound discretion of the trial court. *Weiler v. Google LLC*, 8th Dist. Cuyahoga No. 112038, 2023-Ohio-3357, ¶ 16, citing *Perkins v. Quaker City*, 165 Ohio St. 120 (1956). In determining whether to grant injunctive relief, the court considers the following factors: (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. *Coleman v. Wilkinson*, 2002-Ohio-2021 (10th Dist.), citing *Corbett v. Ohio Bldg. Auth.*, 619 N.E.2d 1145 (10th Dist.1993).

Moreover, in determining whether to grant injunctive relief, the above factors must be balanced, and no one factor is dispositive. *Escape Enters., Ltd., v. Gosh Enters., Inc.*, 10th Dist. No. 04AP-834, 2005-Ohio-2637, ¶ 48, quoting *Cleveland v. Cleveland Elec. Illum. Co.*, 115 Ohio App.3d 1, 14, 684 N.E.2d 343 (8th Dist.1996).

Upon review, the Court finds that the factors governing temporary injunctive relief weigh in Plaintiffs' favor.

First, the Court finds that Plaintiffs have shown a likelihood of success on the merits. Executive Order No. 2025-05D attempts to exercise legislative power reserved by the Ohio Constitution to the General Assembly, thereby violating the separation of powers. In addition, the Executive Order facially attempts to supersede the statutory framework already enacted by the General Assembly, which specifically defines and permits the the sale and regulation of hemp and hemp products pursuant to R.C. 928.01(C) and (F).

Second, without temporary injunctive relief, the Court finds Plaintiffs will face immediate and irreparable harm through substantial disruptions to their business operations.

Third, the Court finds to the extent any harm to third parties may result, such harm is outweighed by the Court's countervailing interest in preserving our constitutional system of government. Enjoining executive action in this context serves to uphold the separation of powers and ensures that changes to the legal status of hemp products occur through lawful legislative means.

Finally, the Court finds the public interest favors upholding the Legislature's constitutional authority and preventing unilateral executive action contrary to statute and the Ohio Constitution.

For the reasons discussed above, Plaintiffs' Motion for Temporary Restraining Order is **GRANTED**. Executive Order No. 2025-05D is **TEMPORARILY RESTRAINED** and shall have no force or effect for fourteen (14) days from the issuance of this Order.

Defendants Mike DeWine, in his official capacity as Governor of the State of Ohio, and the Ohio Department of Agriculture, together with their officials, agents, attorneys, employees, and representatives, and all persons acting in active concert or participation with them, are **TEMPORARILY RESTRAINED** from enforcing, implementing, or otherwise acting under Executive Order No. 2025-05D, or any rule, directive, or action taken pursuant to or in reliance upon that Executive Order, for fourteen (14) days from the issuance of this Order.

The Court further determines that Plaintiffs are not required to post security for this Temporary Restraining Order. The purpose of bond set forth in Civ.R. 65(C), which is to protect a defendant from monetary losses if an injunction is later deemed wrongful, does not apply here because restraining enforcement of Executive Order No. 2025-05D imposes no compensable financial harm on Defendants and merely preserves the Legislature's statutory framework for hemp regulation pending adjudication of this matter on the merits.

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The Court will issue a separate entry scheduling the preliminary injunction hearing for Tuesday, October 28, 2025, at 9:00 a.m.

The separation of powers is not a matter of convenience; it is a constitutional safeguard embedded in the Ohio Constitution. The Court's role is limited to enforcing that safeguard, not to deciding matters of policy. Consistent with that principle, the Court urges the General Assembly to exercise its own separate constitutional authority to determine the appropriate scope of comprehensive hemp regulation through the legislative process, and to do so without delay.

IT IS SO ORDERED.

Copies to all counsel via electronic filing system.

Franklin County Court of Common Pleas

Date: 10-14-2025
Case Title: TITAN LOGISTICS GROUP LLC ET AL -VS- MIKE DEWINE ET AL
Case Number: 25CV008646
Type: T R O (TEMPORARY RESTRAINING ORDER) ON

It Is So Ordered.

A handwritten signature in black ink, appearing to read 'Carl A. Aveni II', is written over a faint circular court seal. The signature is fluid and cursive.

/s/ Judge Carl A. Aveni II