

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

TITAN LOGISTICS GROUP LLC,
15200 Brookpark Road
Cleveland, OH 44135

and

FUMEE SMOKE AND VAPE, LLC,
7831 Cincinnati-Dayton Road
West Chester, OH 45069

and

**INVICTA PARTNERS LLC d/b/a/
INVICTA NUTRACEUTICALS**
870 East Crescentville Road
Cincinnati, Ohio 45246

Plaintiffs,

v.

MIKE DEWINE,
*In his official capacity as Governor of the
State of Ohio*
Riffe Center, 30th Floor
77 South High Street
Columbus, Ohio 43215

and

**OHIO DEPARTMENT OF
AGRICULTURE,**
8995 E. Main Street
Reynoldsburg, Ohio 43068

Defendants.

Case No.:

Judge:

**VERIFIED COMPLAINT FOR PRELIMINARY AND PERMANENT INJUNCTION,
AND OTHER RELIEF**

Plaintiffs Titan Logistics Group LLC (“Plaintiffs”), Fumee Smoke and Vape, LLC, Invicta Partners LLC d/b/a/ Invicta Nutraceuticals, by and through undersigned counsel and for their

Verified Complaint against Defendants Governor Mike DeWine (“Governor DeWine”) and the Ohio Department of Agriculture (“ODA” and collectively with Governor DeWine the “Defendants”) state as follows:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Titan Logistic Group LLC is an Ohio limited liability company that sells high quality smoke and vapor products, including many made from hemp. The company also manufactures hemp-derived beverages and hold multiple hemp licenses issued by Ohio Department of Agriculture. Titan’s Verification is appended as Exhibit A, *affidavit of Wesley Bryant*.

2. Plaintiff Fumee Smoke & Vape LLC is a family-owned and operated business focused on selling high quality smoke and vapor products, including many made from hemp. It is an Ohio limited liability company. Fumme’s Verification is appended as Exhibit B, *affidavit of Omayr Daas*.

3. Plaintiff Invicta Partners LLC d/b/a/ Invicta Nutraceuticals, is an Ohio limited liability company that manufactures and sells high quality smoke and vapor products, including many made from hemp.

4. Governor DeWine is Governor of Ohio.

5. ODA is a state agency with its principal place of business located in Franklin County, Ohio.

6. This Court may properly assert jurisdiction over this matter pursuant to Ohio Revised Code § 2305.01 and Revised Code Chap. 2721 due to the subject matter of the dispute.

7. Venue is proper in this county pursuant to Civ.R. 3(B)(1) and 3(B)(3) because Defendants are located in Franklin County, Ohio and the subject matter of the dispute is planned to be executed in, among other counties, Franklin County, Ohio.

FACTS

8. The Agricultural Improvement Act of 2018, better known as the 2018 Farm Bill, removed hemp from the Controlled Substances Act and reclassified it as an agricultural commodity.

9. Pursuant to the 2018 Farm Bill, hemp can be legally grown if it contains less than 0.3% Delta-9 tetrahydrocannabinol (“Delta 9 THC”). While currently lawful under Ohio law, hemp and hemp products containing less than 0.3% Delta 9 THC do not have regulations including no age requirement to purchase products containing hemp.

10. In July 2019, Ohio enacted S.B. 57. This bill adopted the federal definition of hemp. This definition includes all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers of the *Cannabis sativa* L. plant with a Delta-9 THC concentration not exceeding 0.3% on a dry weight basis.¹ Consequently, hemp and its derivatives are legal in Ohio if they meet the federal Delta-9 THC threshold.

11. S.B. 57 removed hemp and hemp products from Ohio’s controlled substances list. As such, products derived from hemp are not considered a controlled substance in Ohio. S.B. 57 allows for the sale, purchase, and use of hemp products.

12. In Ohio, hemp products are primarily sold in small retail stores. Ohio has over 4,000 small businesses and family-owned retailers that sell hemp products.

13. Governor DeWine previously acknowledged he lacked authority to unilaterally ban hemp products. In January 2024, Governor DeWine urged lawmakers to take action and regulate the sale of hemp products because he could not. Governor DeWine stated, “I would be very happy to have a ban. This is up to the legislature.” BeMiller, *What is delta-8 THC? Gov. Mike DeWine*

¹ R.C. 928.01(C) (“Hemp” means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths per cent on a dry weight basis.)

wants to keep Ohio kids from getting 'diet weed', Columbus Dispatch (Jan. 17, 2024). Governor DeWine went on to state, “I cannot do anything without action by the state legislator [sic].” Henry, *Gov. DeWine supports banning delta-8 products; retailers favor enforcing age restrictions*, Ohio Capital Journal, (Jan. 19, 2024).

14. The Ohio General Assembly introduced legislation addressing the sale of hemp products in 2025. S.B. 56, introduced on January 28th and passed by the Ohio Senate on February 26th, remains pending in the Ohio House Judiciary Committee after three hearings. This legislation would authorize only adult-use marijuana dispensaries to sell hemp products.

15. On March 25th, House Bill 198 was introduced. This legislation does not alter Ohio’s definition of hemp but instead creates a regulatory structure that allows traditional retailers to sell hemp products under new regulations, including the prohibition on selling hemp products to individuals younger than 21 years of age. The legislation also establishes statewide licensing and testing for hemp products and mandates certain labeling requirements. It remains pending in the House Judiciary Committee after three hearings.

16. Despite acknowledging that regulating hemp was a matter for the Legislature, and even though the House and Senate have legislation pending regulating hemp products, Governor DeWine declared a public health state of emergency pursuant to Revised Code 3715.74 for all forms of consumer products containing “intoxicating hemp” by issuing Executive Order 2025-05D (the “Executive Order”), on October 8, 2025. *Executive Order attached as Exhibit B.*

17. This Order: (1) requires all consumer products containing intoxicating hemp to be removed from public display; (2) prohibits the sale of all consumer products containing intoxicating hemp; (3) mandates retailers to segregate consumer products containing hemp from other merchandise and hold them for disposition by ODA or designated law enforcement officers.

The Executive Order goes into effect on October 14, 2025 and is in effect for 90 days unless Governor DeWine modifies or terminates the order.

18. The Executive Order is overly broad in that it applies to all hemp and hemp products including those that are legal under the 2018 Farm Bill and Ohio's current laws. It is also vague because there is no definition of "intoxicating hemp" in the Ohio Revised Code or Ohio Administrative Code.

19. The Executive Order also invalidates existing licenses without any due process or R.C. 119 hearing and runs afoul of R.C. 928.03 procedures for revoking hemp licenses.

20. The Executive Order, similarly, ignores the 2018 Farm Bill that prohibits states from interfering with the interstate transportation of hemp and hemp products.

21. The Executive Order conflicts with R.C. Chapter 928, which authorizes the sale of hemp and hemp products.

22. Governor DeWine's purported basis for invoking rulemaking authority is that consumer products containing "intoxicating hemp" are adulterated. R.C. § 928.02(D), however, specifically states, "Notwithstanding any other provision of the Revised Code to the contrary, the addition of hemp or a hemp product to any other product does not adulterate that other product." As such, Governor DeWine lacked a basis for invoking emergency rulemaking.

COUNT I **(Declaratory Judgment)**

23. Plaintiffs incorporate the foregoing paragraphs as if fully restated herein.

24. A real controversy exists between Plaintiffs and Defendants.

25. The real controversy herein is justiciable in character and speedy relief is necessary to preserve the rights of Plaintiffs.

26. Here, Plaintiffs have suffered an injury or, if the Executive Order is allowed to be implemented on October 14th, will suffer an injury that is traceable to the Defendants' unlawful conduct and likely to be redressed by the requested relief, which is for the Court to declare that the Defendants may not move forward with implementing and enforcing the Executive Order and/or Governor DeWine does not have authority to issue the emergency rule.

27. Governor DeWine lacks a basis to use an executive order to regulate all hemp products because there is no evidence hemp products pose an imminent threat to public health.

28. Governor DeWine violated the separation of powers doctrine by issuing the Executive Order.

29. Based upon the foregoing, Plaintiffs seek a declaratory judgment that Defendants may not proceed with implementing or enforcing the Executive Order and that Governor DeWine lacked authority or a basis to issue the Executive Order.

COUNT II
(Temporary Restraining Order, Preliminary Injunction and Permanent Injunction)

30. Plaintiffs incorporate the foregoing paragraphs as if fully restated herein.

31. Absent injunctive relief, Defendants will irreparably harm Plaintiffs by:

- Causing Plaintiffs to lose out on sales of hemp products;
- Causing Plaintiffs to have properly issued licenses revoked;
- Causing Plaintiffs to lose customers; and,
- Forcing Plaintiffs to close their businesses.

32. Such an injunction is necessary to preserve the status quo and prevent irreparable harm to Plaintiffs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully requests the following relief:

(1) A temporary restraining order, preliminary and permanent injunction, binding upon Defendants and those persons in active concert or participation with them, prohibiting and upon trial permanently enjoining Defendants from implementing the Executive Order or taking any action to enforce the Executive Order.

(2) Enter judgment in favor of Plaintiffs on their action for Declaratory Judgment count, and grant all declaratory relief it deems just and appropriate; and

(3) Enter judgment in favor of Plaintiffs for any relief this Court deems just and appropriate, including attorney's fees, expert fees, punitive damages, other legal fees and costs, and interest.

Respectfully submitted,

/s/ Jonathan R. Secrest

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kshimp@dickinsonwright.com

Attorneys for Plaintiffs

EXHIBIT A

COUNTY OF CUYAHOGA)

) ss:

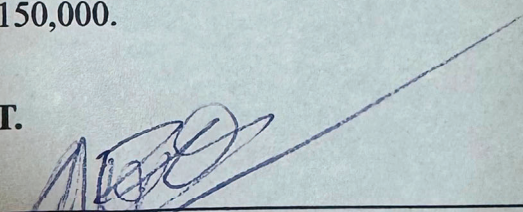
STATE OF OHIO)

AFFIDAVIT WESLEY BRYANT

I, Wesley Bryant, after first being duly cautioned and sworn, hereby depose and state as follows:

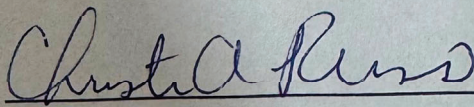
1. I am over the age of eighteen (18) and I have personal knowledge of the facts set forth in this Affidavit and am competent to testify as to those facts.
2. I am the founder and owner of Titan Logistics Group, LLC ("Titan").
3. I have personal knowledge of Titan's business operations and sales.
4. Hemp products account for almost 100% of Titan's sales. This inventory will degrade with approximately \$150,000 of it rendered unusable within the next thirty days.
5. If a ban on the sale of hemp product goes into effect, Titan is projecting a loss of inventory at MSRP of approximately \$2,428,000.
6. If a ban on the sale of hemp product goes into effect, Titan's estimated physical cost and product loss is estimated at \$1,083,500.
7. If a ban on the sale of hemp products goes into effect, Titan will be forced to permanently cease business operations.
8. In addition to Titan ceasing business operations, its creditors will not receive payment on amounts due and owed, which exceed \$150,000.

FURTHER AFFIANT SAYETH NAUGHT.



Wesley Bryant

Sworn to before me, and subscribed in my presence, this 8th day of October 2025.



Notary Public



EXHIBIT B

COUNTY OF BUTLER

)

) ss:

STATE OF OHIO

)

AFFIDAVIT OF OMAYR DAAS

I, Omayr Daas, after first being duly cautioned and sworn, hereby depose and state as follows:

1. I am over the age of eighteen (18) and I have personal knowledge of the facts set forth in this Affidavit and am competent to testify as to those facts.
2. I am a member of Fumee Smoke & Vape, LLC ("Fumee").
3. I have personal knowledge of Fumee's business operations and sales.
4. Hemp products account for approximately 25% of Fumee's sales.
5. Sales of hemp products result in approximately \$30,000 in retail revenue a month.
6. If a ban on the sale of hemp products goes into effect, Fumee projects needing to almost immediately terminate 50% of its staff.
7. I have reviewed the allegations in the Verified Complaint, and they are true and accurate to the best of my knowledge.

FURTHER AFFIANT SAYETH NAUGHT.



Omayr Daas

Sworn to before me, and subscribed in my presence, this 8th day of October 2025.



TABATHA ANDERSON
Notary Public, State of Ohio
My Commission Expires 10/10/2026


EXHIBIT C



MIKE DEWINE
GOVERNOR
STATE OF OHIO

Executive Order 2025-05D

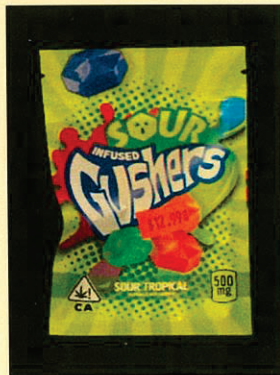
The Emergency Amendment of Rules 901:14-1-01 and 901:14-2-01 of the Ohio Administrative Code by the Ohio Department of Agriculture and Declaration of an Adulterated Consumer Product Emergency

WHEREAS, hemp is a legal, non-intoxicating plant; and

WHEREAS, numerous manufacturers create intoxicating hemp by extracting compounds or creating new compounds from hemp that cause a high or psychoactive effects similar to marijuana; and

WHEREAS, the availability and abuse of intoxicating hemp products are a serious threat to public health and safety; and

WHEREAS, intoxicating hemp is being marketed in stores across Ohio as candy, gummy candy, cookies, and other products that are attractive to children, and the packaging often mimics commercially available candy and cookies; and



WHEREAS, Ohio children are currently legally able to purchase intoxicating hemp products without presenting any form of age-verification or identification; and

WHEREAS, intoxicating hemp products available for sale in Ohio are typically not placed in child-resistant packaging; and

WHEREAS, intoxicating hemp products are currently being advertised and sold in retail establishments across Ohio, including near schools, playgrounds, and churches; and

WHEREAS, there are no mandatory testing protocols in Ohio to ensure the safety of intoxicating hemp; and

WHEREAS, when subject to testing, intoxicating hemp products have been found to contain contaminants such as pesticides, mold, and solvents¹; and

WHEREAS, marijuana typically contains a very small amount of delta-8-THC and a larger amount of delta-9-THC, in contrast intoxicating hemp products contain much larger amounts of delta-8-THC. It is therefore obvious that delta-8-THC poisonings are a result of intoxicating hemp and not marijuana; and

WHEREAS, according to data from Ohio Poison Control Centers, there have been hundreds of reports of intoxicating hemp (delta-8-THC) poisoning in Ohio over the last several years, including reports involving children under the age of six, the majority of whom received emergency care or were hospitalized after ingesting intoxicating hemp; and

WHEREAS, the foregoing demonstrate an immediate need to address the dangers of intoxicating hemp and its serious threat to public health and safety; and

WHEREAS, there is a need to clearly prohibit the manufacture, distribution, and/or sale of intoxicating hemp in Ohio by further clarifying in the Ohio Administrative Code that intoxicating hemp is not “hemp” or a “hemp product.” This clarification will not impede the manufacture, distribution, or sale of “hemp” or a “hemp product” and does not conflict with Section 928.02(D) of the Ohio Revised Code (ORC) because although the addition of “hemp” or a “hemp product” does not adulterate a consumer product, the addition of intoxicating hemp does; and

WHEREAS, Section 928.03 of the ORC authorizes the Ohio Department of Agriculture to adopt rules regarding standards and procedures for the regulation of hemp cultivation and processing; and

WHEREAS, Section 119.03(G) of the ORC authorizes the Governor, on the request of a State agency, to suspend the normal rule making procedures with respect to specific rules when an emergency exists necessitating the immediate adoption, amendment, or rescission of such rules. When such a determination is made, the agency may immediately adopt, amend, or rescind such rules, but the rules are only valid for one hundred and twenty (120) days; and

¹ See, e.g., Missouri Department of Health and Senior Services, Health Advisory, Health Advisory: Health Risks Associated with Hemp-Derived Intoxicating Cannabinoids (accessed Oct. 8, 2025).

WHEREAS, the Ohio Department of Agriculture has requested a determination whether an emergency exists that requires the amendment of rules 901:14-1-01 and 901:14-2-01 of the Ohio Administrative Code (OAC) on an emergency basis and that would therefore permit the Ohio Department of Agriculture, pursuant to Section 928.03 of the ORC, to immediately amend these rules; and

WHEREAS, Section 3715.74 of the ORC authorizes the Governor to declare an adulterated consumer product emergency if the Governor has a reasonable basis to believe that one or more units of a consumer product have been adulterated and that further sale or use of the consumer product presents a threat to public health and safety; and

WHEREAS, the Ohio Department of Agriculture and the Ohio Department of Health have requested an adulterated consumer product emergency for consumer products containing intoxicating hemp pursuant to ORC 3715.74.

NOW THEREFORE, I, Mike DeWine, Governor of the State of Ohio, have determined, upon the request of the Ohio Department of Agriculture, that an emergency exists requiring the immediate amendment of rules 901:14-1-01 and 901:14-2-01 of the OAC.

I hereby order that the procedures prescribed by Section 119.03 of the ORC with respect to the adoption or amendment of the specified rules be suspended and that the Ohio Department of Agriculture be permitted to amend the rules immediately by filing them electronically with the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review (JCARR).

I hereby order that this Executive Order be filed in electronic form with the Ohio Department of Agriculture, the Secretary of State, the Director of the Legislative Service Commission, and JCARR.

I signed this Executive Order on October 8, 2025, in Columbus, Ohio. This Executive Order will go into effect on October 14, 2025, at 12:01 a.m., and it will expire one hundred and twenty (120) days from the effective date of the emergency rules, or upon the adoption of the rules through the normal JCARR process, whichever is sooner.

FURTHER, I, Mike DeWine, Governor of the State of Ohio, by virtue of the authority vested in me by the Constitution and laws of the State of Ohio, do hereby order and direct that there is a reasonable basis to believe that intoxicating hemp, as defined in emergency rule 901:14-2-01 of the Ohio Administrative Code, and intoxicating hemp products have been adulterated and that further sale or use of intoxicating hemp and intoxicating hemp products present a threat to the public health and safety. **Pursuant to ORC 3715.74, I hereby declare an adulterated consumer product emergency for consumer products containing intoxicating hemp.** Accordingly, I hereby order and direct:

1. All consumer products containing intoxicating hemp must be removed from public display by all retailers,
2. No consumer products containing intoxicating hemp may be sold or offered for sale during the pendency of this emergency, and
3. Any retailer who possesses consumer products containing intoxicating hemp must segregate these units from other merchandise and dispossess them in a lawful manner, which includes but is not limited to returning them to the manufacturer or supplier, or holding them for disposition by law enforcement officers, officials of the Department of Agriculture, or officials of local health departments.

I hereby direct that this adulterated consumer product emergency order be filed with the Secretary of State, Department of Agriculture, Department of Health, and the State Board of Pharmacy.

This adulterated consumer product emergency order will go into effect on October 14, 2025, at 12:01 a.m., and it will remain in place for ninety (90) days unless modified or terminated by my order. Pursuant to ORC 107.42, this consumer product emergency order will terminate ninety (90) days from the effective date of this order, unless otherwise extended by division (C) of ORC 107.42.


Mike DeWine, Governor



ATTEST:

Frank LaRose, Secretary of State