

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

BUCKEYE FIREARMS FOUNDATION,)	CASE NO.: CV 09 685734
INC. et al.)	
Plaintiffs,)	
)	
vs.)	JUDGE BRIAN J. CORRIGAN
)	
THE CITY OF CLEVELAND, et al.,)	
)	ORDER GRANTING
Defendants.)	INJUNCTIVE RELIEF

Plaintiffs Buckeye Firearms Foundation Inc., James Irvine and Gilbert Croteau (“Plaintiffs”) filed the instant matter against Defendants City of Cleveland (“City”), the Cleveland Metroparks¹ and numerous public officials seeking declaratory judgment, injunctive relief and mandatory attorney fees.

Plaintiffs argue that the City’s Ordinances pertaining to firearms conflict with R.C. 9.68² and are therefore unconstitutional and unenforceable.

Along with the filing of the Complaint, Plaintiffs filed a Motion for Temporary Restraining Order and for Preliminary Injunction asking the Court to enjoin the Defendants from enforcing the Cleveland Codified Ordinances that pertain to firearms.

The Court held a Case Management Conference on June 17, 2009 to discuss the pending Motion for Temporary Restraining Order and Preliminary Injunction. Subsequent to this conference, the Court effectively stayed this matter pending the outcome of the companion case of *Cleveland v. State* (2010), 128 Ohio St. 3d 135, 942 N.E.2d 370.

¹ Plaintiff voluntarily dismissed Defendant Cleveland Metroparks on April 4, 2011.

² R.C. 9.68(A) - The individual right to keep and bear arms, being a fundamental individual right that predates the United States Constitution and Ohio Constitution, and being constitutionally protected right in every part of Ohio, the general assembly finds the need to provide uniform laws throughout the state regulating the ownership, possession, purchase, other acquisition, transport, storage, carrying, sale, or other transfer of firearms, their components, and their ammunition. Except as specifically provided by the United States Constitution, Ohio Constitution, state law, or federal law, a person, without further license, permission, restriction, delay, or process, may own, possess, purchase, sell, transfer, transport, store or keep any firearm, part of a firearm, its components, and its ammunition.

In *Cleveland v. State*, the City of Cleveland challenged the constitutionality of R.C. 9.68. The Ohio Supreme Court ultimately held R.C. 9.68 to be a general law that displaces municipal firearm ordinances and does not unconstitutionally infringe on municipal home rule authority.


Based on the Supreme Court's recent ruling, Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction is granted. R.C. 9.68 clearly invalidates any and all municipal ordinances regulating "the ownership, possession, purchase, other acquisition, transport, storage, carrying, sale, or other transfer of firearms, their components, and their ammunition."

This Court therefore orders Defendants to refrain from any enforcement of City of Cleveland Codified Ordinances 674.02, 674.03, 674.04, 674.05, 674.07, 674.09, 674.10, 627A.02, 627A.03, 628.03, 628.04, 627.02, 627.04, 627.06, 627.08, 627.09, 627.10, 627.11, and 627.16 against any person who possesses, purchases, sells, transfers, transports, stores, or keeps any firearm, part of a firearm, its components, and its ammunition in manners authorized and/or not prohibited by state or federal law.

No bond is required.

A hearing on Mandatory Attorney's Fees is scheduled for **July 7, 2011 @ 10:30 A.M.** in Courtroom 22-A.

IT IS SO ORDERED.


JUDGE BRIAN J. CORRIGAN

CERTIFICATE OF SERVICE

A copy of the foregoing **Order Granting Injunctive Relief** was sent by ordinary U.S.

Mail this 20th day of May, 2011 to:

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JUDGE BRIAN J. CORRIGAN