

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Drewes Farms Partnership,

Case No. 3:19 CV 434

Plaintiff,

PRELIMINARY INJUNCTION ORDER

-vs-

JUDGE JACK ZOUHARY

City of Toledo, Ohio,

Defendant.

Plaintiff Drewes Farms Partnership (“Drewes Farms”) and Defendant City of Toledo stipulate and agree to the entry of this Preliminary Injunction Order without any admission of wrongdoing or violation of law, and without a finding of law or fact by this Court other than that stated below.

Plaintiff Drewes Farms filed its Motion for Preliminary Injunction on February 28, 2019 (Doc. 6), asking this Court to enjoin the enforcement and implementation of the “Lake Erie Bill of Rights” (“LEBOR”) (Verified Complaint (Doc. 1-1)). LEBOR was an initiative petition measure enacted by City of Toledo voters, passed via special election held on February 26, 2019. The Lucas County Board of Elections certified the votes for LEBOR around March 13, 2019, effectively amending the Charter of the City of Toledo to include LEBOR.

The Verified Complaint and Motion allege that the City of Toledo, through LEBOR, has deprived Drewes Farms of rights secured by federal law, including rights secured by the U.S. Constitution. Drewes Farms asks this Court to declare LEBOR void and unenforceable based on these alleged deprivations and also because LEBOR conflicts with, or is preempted by, various state and

federal laws or constitutional provisions. Drewes Farms asserts that it will suffer irreparable injury if LEBOR is enforced.

The City of Toledo has not yet answered or otherwise responded to the Complaint, nor has the City of Toledo commenced or initiated any action against Drewes Farms or others pursuant to LEBOR. The purpose of a preliminary injunction under Federal Civil Rule 65, “‘is merely to preserve the relative positions of the parties until a trial on the merits can be held.’” *Barron v. Vision Serv. Plan*, 575 F. Supp. 2d 825, 831 (N.D. Ohio 2008), quoting *Univ. of Texas v. Camenisch*, 451 U.S. 390, 395 (1981). To preserve the status quo until the merits of this action can be decided, the parties agree that the City of Toledo, its agents and employees, are enjoined from enforcing LEBOR. The parties further agree that nothing in this Order precludes or prevents the City of Toledo from administratively incorporating LEBOR into its Charter.

Based on the nature of this injunction and the agreement of the parties, this Court will not require the posting of a dollar bond. This Order will be in effect until otherwise ordered by this Court.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

March 18, 2019

Approved by:

s/ Thomas Fusonie
Thomas Fusonie
Daniel Shuey

Counsel for Plaintiff Drewes Farms Partnership

s/ Gerald Kowalski
Gerald Kowalski
Sarah Skow

Counsel for Defendant City of Toledo, Ohio