

# SUPREME COURT OF OHIO

## Doe et al. v. The City of Columbus et al.

Doe v. Columbus, 2026-Ohio-1095 · No. 2024-0056 · Decided April 1, 2026

### SUMMARY

The Supreme Court of Ohio held that a municipality may immediately appeal an order preliminarily enjoining enforcement of its duly enacted ordinances under R.C. 2505.02(B)(4). The court concluded that such an injunction satisfies both statutory conditions because it determines the provisional remedy and causes irreparable harm to the municipality's sovereign interest in enforcing its laws. The court reversed the Fifth District Court of Appeals' dismissal and remanded for consideration of the merits of the city's appeal.

### CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Ohio                                                                                                                                                                                                                                                                                                                                |
| WRITING FOR THE COURT | Hawkins, J.; Kennedy, C.J.; DeWine, J.; Deters, J.; Shanahan, J.; Fischer, J.; Brunner, J.                                                                                                                                                                                                                                                           |
| JURISDICTION          | Supreme Court of Ohio                                                                                                                                                                                                                                                                                                                                |
| DECIDED               | April 1, 2026                                                                                                                                                                                                                                                                                                                                        |
| DOCKET                | 2024-0056                                                                                                                                                                                                                                                                                                                                            |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                                                                                                                                                |
| PROCEDURAL POSTURE    | The City of Columbus appealed a preliminary injunction issued by the Delaware County Court of Common Pleas that barred enforcement of portions of two firearm-related ordinances. The Fifth District Court of Appeals dismissed the appeal for lack of a final, appealable order. The Supreme Court of Ohio accepted the city's appeal and reversed. |
| STANDARD OF REVIEW    | The court reviewed the legal question of whether the preliminary-injunction order was a final, appealable order under R.C. 2505.02(B)(4).                                                                                                                                                                                                            |
| PRECEDENTIAL VALUE    | Published and precedential Supreme Court of Ohio opinion                                                                                                                                                                                                                                                                                             |
| PARTIES               | The City of Columbus, Columbus City Council President Shannon Hardin, Columbus City Attorney Zach Klein v. The Does                                                                                                                                                                                                                                  |

### TOPICS

appellate jurisdiction

interlocutory appeal

appellate procedure

municipal law

ordinances

## PRACTICE AREAS

appellate procedure

constitutional law

municipal law

firearms regulation

remedies

## QUESTIONS PRESENTED

1. Whether a preliminary injunction barring a municipality from enforcing duly enacted ordinances is a provisional-remedy order that satisfies R.C. 2505.02(B)(4)(a).
2. Whether the municipality would lack a meaningful or effective remedy after final judgment, satisfying R.C. 2505.02(B)(4)(b), when enforcement of its ordinances has been preliminarily enjoined.
3. Whether the City of Columbus could immediately appeal the preliminary injunction.

## HOLDINGS

1. A preliminary injunction is a provisional remedy, and an order granting one is a final, appealable order when the requirements of R.C. 2505.02(B)(4) are met.
2. A municipality suffers irreparable injury to its sovereign interest when a court facially enjoins enforcement of a duly enacted ordinance, so an appeal after final judgment would not provide a meaningful or effective remedy.
3. The City of Columbus may immediately appeal the trial court's preliminary injunction under R.C. 2505.02(B)(4).

## KEY QUOTATIONS

*“The State and its municipalities have a sovereign interest in passing and enforcing their duly enacted laws, and a court’s order enjoining the operation of such laws causes irreparable injury to that sovereign interest.”* (¶ 2)

*“Accordingly, we conclude that there is an immediate right of review when a lower court facially enjoins the enforcement of a duly enacted law.”* (¶ 29)

## FACTUAL BACKGROUND

Columbus enacted two ordinances regulating firearm magazine capacity and firearm storage around minors. The Does challenged portions of the ordinances under Ohio's firearm-regulation preemption statute and the Ohio Constitution. The Delaware County Court of Common Pleas issued a preliminary injunction barring the city from enforcing specified provisions, and the city sought an immediate appeal.

## PROCEDURAL HISTORY

The Does sued the City of Columbus and related officials, alleging that portions of two firearm ordinances violated Ohio's firearm-regulation preemption statute and the Ohio Constitution. The trial court granted a preliminary injunction. The Fifth District dismissed the city's interlocutory appeal, concluding that the injunction

was not immediately appealable. The Supreme Court of Ohio reversed and remanded for the Fifth District to reach the merits of the city's appeal.

#### DISPOSITION

reversed\_and\_remanded

#### REMAND INSTRUCTIONS

The Fifth District Court of Appeals must address the merits of the city's appeal.

#### CASES CITED

- State v. Glenn, 2021-Ohio-3369
- State v. Muncie, 2001-Ohio-93
- In re Special Docket No. 73958, 2007-Ohio-5268
- Swearingen v. Waste Technologies Industries, 134 Ohio App.3d 702 (7th Dist. 1999)
- Gregory v. Ashcroft, 501 U.S. 452 (1991)
- Bond v. United States, 572 U.S. 844 (2014)
- United States v. Lopez, 514 U.S. 549 (1995)
- State ex rel. Morrison v. Beck Energy Corp., 2015-Ohio-485
- State ex rel. Hackley v. Edmonds, 150 Ohio St. 203 (1948)
- Bloom v. Xenia, 32 Ohio St. 461 (1877)
- Newburgh Hts. v. State, 2022-Ohio-1642
- Cincinnati Bell Tel. Co. v. Cincinnati, 1998-Ohio-339
- Perrysburg v. Ridgway, 108 Ohio St. 245 (1923)
- TWISM Ents., L.L.C. v. State Bd. of Registration for Professional Engineers & Surveyors, 2022-Ohio-4677
- Toledo v. State, 2018-Ohio-2358
- Yajnik v. Akron Dept. of Health, Hous. Div., 2004-Ohio-357
- Arnold v. Cleveland, 67 Ohio St.3d 35 (1993)
- Univ. Hts. v. O'Leary, 68 Ohio St.2d 130 (1981)
- Hilton v. Toledo, 62 Ohio St.2d 394 (1980)
- Maryland v. King, 567 U.S. 1301 (2012)
- New Motor Vehicle Bd. of California v. Orrin W. Fox Co., 434 U.S. 1345 (1977)
- Abbott v. Perez, 585 U.S. 579 (2018)
- Free Speech Coalition, Inc. v. Skrmetti, 2025 U.S. App. LEXIS 771
- OPAWL-Building AAPI Feminist Leadership v. Yost, 118 F.4th 770 (6th Cir. 2024)
- Thompson v. DeWine, 976 F.3d 610 (6th Cir. 2020)
- Doe v. Whitmer, 2025 U.S. App. LEXIS 15361
- Naples Pride, Inc. v. Naples, 2025 U.S. App. LEXIS 17858

- Valentine v. Collier, 956 F.3d 797 (5th Cir. 2020)
- E.A.K.M. v. M.A.M., 2025-Ohio-2946
- Rein Constr. Co. v. Trumbull Cty. Bd. of Commrs., 138 Ohio App.3d 622 (11th Dist. 2000)
- Columbus v. State, 2023-Ohio-195
- Preterm-Cleveland v. Yost, 2022-Ohio-4540
- Riggins v. Nevada, 504 U.S. 127 (1992)
- League of Women Voters of Ohio v. Ohio Redistricting Comm., 2022-Ohio-65
- State ex rel. Ohio Academy of Trial Lawyers v. Sheward, 1999-Ohio-123
- State ex rel. Martens v. Findlay Mun. Court, 2024-Ohio-5667
- Deyerle v. Perrysburg, 2004-Ohio-4273

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