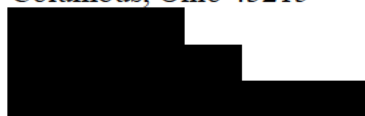


**IN THE COURT OF COMMON PLEAS
WILLIAMS COUNTY, OHIO**

Fire Chief Douglas Pool,	:	
City of Bryan Fire Department,	:	
	:	Case No. 24CI100
Plaintiff,	:	
	:	Judge J.T. Stelzer
v.	:	
	:	
Dad's Place,	:	
	:	
and	:	
	:	
Reihle Rentals, LLC	:	
	:	
Defendant.	:	

**BRIEF OF AMICUS CURIAE OHIO ATTORNEY GENERAL
DAVE YOST IN SUPPORT OF DEFENDANTS**

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Ohio Attorney General
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On December 5, 2024, this Court granted a preliminary injunction in a civil action against a church, Dad’s Place, and its landlord, Reihle Rentals, LLC, effectively requiring that they evict anyone currently within its walls—despite freezing weather and ongoing briefing in a separate criminal action disputing the same essential facts. The Attorney General urges the Court to stay its preliminary injunction for two independent reasons.

First, as a practical matter, enforcement of the preliminary injunction would likely cause severe hardship on anyone currently relying on the church for warmth in winter weather, with temperatures in the teens. A stay to maintain the status quo so that the defendants can seek appellate review of this Court’s determinations serves the practical interest of preventing enforcement that could leave vulnerable individuals with no place to stay.

Second, the defendant church has important state constitutional claims that deserve careful review. While this Court’s preliminary injunction order relies heavily on the preliminary judgments of the federal courts regarding federal religious liberty claims, no court has so far evaluated any of the church’s claims under the Ohio Constitution. “The Ohio Constitution is a document of independent force.” *Arnold v. Cleveland*, 67 Ohio St. 3d 35, syl.1 (1993). Even when it shares core concepts with the federal Constitution, the Ohio Constitution maintains its own boundaries to protect the rights of Ohioans. Here, Dad’s Place could advance a strong claim that the Ohio Constitution’s enduring protections of religious freedom require the Bryan Fire Department’s policies to pass strict scrutiny. Specifically, the Ohio Constitution makes clear:

All men have a natural and infeasible right to worship Almighty God according to the dictates of their own conscience. No person shall be compelled to attend, erect, or support any place of worship, or maintain any form of worship, against his consent; and no preference shall be given, by law, to any religious society; nor shall any interference with the rights of conscience be permitted. No religious test shall be required, as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality, and knowledge,

however, being essential to good government, it shall be the duty of the general assembly to pass suitable laws, to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction.

Ohio Const. art. I, §7.

This language addresses religious liberty topics not explicitly addressed by the federal Constitution. For example, it specifically protects Ohioans from compelled contributions to places of worship. It prevents religious tests for witnesses in court. And most relevant to this case, it prevents “interference with the rights of conscience.” *Id.* This conscience rights provision, more than any other, paved the way for Ohio’s robust protection of religious exercise. Because it focuses on individuals’ rights rather than the government’s actions, Ohio’s conscience provision can only be understood to regulate even incidental burdens on religion. That is, “even those tangential effects” on religious practice are “potentially unconstitutional.” *Humphrey v. Lane*, 89 Ohio St. 3d 62, 67, 2000-Ohio-435.

Thus, under the Ohio Constitution, a litigant states a “prima facie free exercise claim” when he shows “that his religious beliefs are truly held and that the governmental enactment has a coercive affect against him in the practice of his religion.” *Humphrey*, 89 Ohio St. 3d at 68. Second, “the burden shifts to the state to prove that the regulation furthers a compelling state interest.” *Id.* at 69. Finally, “the state must prove that its regulation is the least restrictive means available of furthering that state interest.” *Id.*

Thus, to both prevent imminent harm to Ohio citizens who are relying tonight on the warmth of the first floor of Dad’s Place to escape the cold, and to appropriately litigate the Ohio constitutional rights potentially implicated by the City of Bryan’s enforcement of its regulations, a stay should issue.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Brief of Amicus Curiae was sent by e-mail this 5th day of December, 2024, upon the following counsel:

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