

**IN THE FOURTH DISTRICT COURT OF APPEALS
ATHENS COUNTY, OHIO**

**STATE OF OHIO, ex rel. Jonathan R.
Flowers, *et al.*,**

Relators,

v.

City of Nelsonville, Ohio, *et al.*,

Respondents.

Case No. 26CA0003

Panel Not Yet Assigned

**RESPONSE OF NELSONVILLE RESPONDENTS IN OPPOSITION TO RELATORS'
MOTION FOR ANCILLARY INJUNCTIVE RELIEF**

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APPENDIX

Exhibit A (Affidavit of Gregory J. Clement)

Exhibit B (Affidavit of Nic Joseph Saul)

Exhibit C (Affidavit of Danette I. Miller)

Exhibit D (Affidavit of Devon Tolliver)

Exhibit E (Affidavit of Rick L. Dostal)

Exhibit F (Supplemental Affidavit of Danette I. Miller)

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Relators’ Motion for Ancillary Injunctive Relief to Maintain Status Quo Pending Resolution of Quo Warranto Action (filed Feb. 5, 2026) (“Relators’ Motion”) lacks basis in law and is unsupported by even Relators’ own allegations, let alone the actual facts.¹ The Motion should be denied. Accordingly, Respondents City of Nelsonville, Ohio, Cameron Austin Peck, Gregory J. Clement, Nancy Sonick, Amy Lynn Hollenbaugh, Charlotte Beach, Nicole A. Joseph Saul, McCray Anthony Powell, Nick Smith, Devon Tolliver, and Danette Miller (collectively, the “Nelsonville Respondents”), respectfully request this Court deny Relators’ Motion.

¹ For purposes of this response, the Nelsonville Respondents treat the Memorandum of Law in Support of Quo Warranto (also filed Feb. 5, 2025) (“Relators’ Memorandum”) as part of Relators’ memorandum in support of their motion for ancillary relief. Because Respondents aren’t clear on whether this is procedurally proper, Respondents ultimately defer to the Court on the question of whether Relators’ Memorandum should be included in the record for purposes of Relators’ Motion and the Nelsonville Respondents’ response thereto. Out of abundance of caution, the Nelsonville Respondents treat Relators’ Memorandum as part of the relevant record.

I. INTRODUCTION

Relators' Motion seeks not to maintain the status quo *ante* but to *upend* it in favor of the status quo *post*. Relators asked the Court to order both sides of the "v." to refrain from taking "any official actions" but then rushed to take purported official actions of their own, hoping this Court wouldn't notice and order this contrived state of affairs frozen in place. Such gamesmanship alone is grounds for this Court to deny Relators the equitable relief they seek.

But this Court needn't wade into the various shenanigans Relators are attempting to pull off. Simply put, Relators' Motion can't meet the stringent requirements for an ancillary injunction. And Relators' Motion seeks to *upend* the status quo, not to preserve it. The relief Relators seek via their Motion is relief this Court lacks authority to grant. Relators' Motion isn't based in law, nor do the authorities cited in Relators' Motion support their claim for injunctive relief (in fact, their cited authorities demonstrate the Motion lacks merit). Thus, Relators' Motion is contrary to the facts and contract to law. It lacks merit. It should be denied.

II. LEGAL STANDARD

A court of appeals has original jurisdiction to hear a quo warranto action. *Newell v. City of Jackson*, 2007-Ohio-4729, ¶ 8 (4th Dist.) (citing Ohio Const. art. IV, § 3). But a court of appeals generally lacks original jurisdiction to grant injunctive relief, even when hearing a quo warranto action. *See, e.g., State ex rel. Barr v. Wesson*, 173 Ohio St.3d 94, 2023-Ohio-3028, ¶ 16 (noting the general limitation on the jurisdiction of the Supreme Court and courts of appeals respecting injunctive relief). The Supreme Court has instructed that courts are to take "particular caution in granting injunctions, particularly in cases where they are asked to interfere with the action of

another department of government.” *City of Columbus v. State*, 2023-Ohio-2858, ¶ 22 (10th Dist.) (cleaned up).

Rather, an ancillary injunction issued in a quo warranto proceeding may only be used to “maintain existing conditions” during pendency of the case. *Beasley v. City of E. Cleveland*, 20 Ohio App.3d 370, 373, 486 N.E.2d 859 (8th Dist.1984) (citing *Reemelin v. Mosby*, 47 Ohio St. 570, 572 (1890)); *see also* 79 Ohio Jur.3d Quo Warranto § 65 (noting a court of appeals in a quo warranto case “can order ancillary injunctive relief to maintain existing conditions while it resolves such action” but “should grant such relief only when refusal would result in serious and irreparable injury to the party seeking such relief”); *id.* (noting strict procedural requirements and factual predicates for an ancillary injunction in a quo warranto action).

A preliminary injunction’s purpose is to “preserve the status quo between the parties” while the underlying action remains pending. *City of Columbus*, 2023-Ohio-2858, ¶ 17 (citations omitted). Thus, it’s inappropriate to seek to use a preliminary injunction in a quo warranto proceeding to “upend the status quo and interfere with the ongoing governance.” *State ex rel. Nguyen, et al. v. Clement, et al.*, Entry in Case No. 24CA0011 (4th Dist. Athens Cnty, Jul. 10, 2025) at 5.

A court must consider four factors when deciding a motion for preliminary injunction, including whether: “(1) the movant has shown a strong or substantial likelihood or probability of success on the merits; (2) the movant has shown irreparable injury; (3) the preliminary injunction could harm third parties; and (4) the public interest would be served by issuing the preliminary injunction.” *Johnson v. Morris*, 108 Ohio App.3d 343, 352 (4th Dist.); *accord., e.g., MetroHealth Sys. v. Khandelwal*, 2022-Ohio-77, ¶ 9 (8th Dist.). Relators must prove these factors by the stringent standard of clear and convincing evidence. *Athens Metro. Hous. Auth. v. Pierson*, 2002-

Ohio-2164, ¶ 59 (4th Dist.). No one factor is dispositive, but denial of an injunction is appropriate if Relators are unlikely to succeed on the merits. *See, e.g., Aids Taskforce of Greater Cleveland v. Ohio Dept. of Health*, 2018-Ohio-2727, ¶ 23 (8th Dist.).

III. RELATORS' MOTION LACKS MERIT

A. This Court Lacks Jurisdiction to Order the Relief Relators Seek

This Court lacks authority to order the specific relief Relators are seeking. Relators seek a judicial order prohibiting both Relators and Respondents from “enacting any ordinances [and] passing any resolutions” while this action remains pending. Mot. at 6. But no court has authority to issue such an order. *City of Toledo v. State*, 154 Ohio St.3d 41, 2018-Ohio-2358, ¶ 2 (“If a court were to clearly, definitely, and unambiguously order the legislature not to enact specific legislation, that order could not be enforced, because the separation-of-powers doctrine precludes courts from enjoining the General Assembly from exercising its legislative power to enact laws.”) (citing *State ex rel. Grendell v. Davidson*, 86 Ohio St.3d 629, 633, 1999-Ohio-130, 716 N.E.2d 704 (1999) for the proposition that “the legislature has exclusive control over duties that are purely legislative in character.”). Granting an injunction against Respondents would effectively decide this quo warranto action, but injunctive relief cannot “circumvent” the specialized remedy of quo warranto. *Beasley*, 20 Ohio App.3d 370, 373, 486 N.E.2d 859 (citations omitted); *see also* 79 Ohio Jur.3d Quo Warranto § 18 (“Quo warranto may be brought to test the validity of a statute under which an incumbent’s office was created where it raises a question testing the right of an officer to do certain acts.”) (citation omitted).

Relators cite to no authority to the contrary. Nor can they. Nor do they cite any authority in support of their requested alternative that this Court supervise the times, manners, and uses of

Council Chambers in Nelsonville City Hall while this case remains pending. That’s because Relators cannot point to a statutory provision in the Revised Code permitting dueling city councils for an Ohio municipality, or a provision in Nelsonville City Charter permitting the same (or requiring one council to provide council chambers to a competing council). The Relief Relators seek is far removed from the relief courts can grant. *See State ex rel. Musser v. City of Massillon*, 12 Ohio St.3d 42 (1984) (granting a writ of mandamus for accommodations for officers of a municipal court based on an express statutory provision). Relators can’t plausibly assert a constitutional rights violation (which explains why they don’t try). Ordering the relief requested by Relators is beyond the authority of this Court and lacks a basis in law. Relators’ Motion lacks merit and should be denied.

B. Relators Seek To Upend—Not Preserve—The Status Quo

In substance, the relief Relators seek wouldn’t preserve the status quo; it would upend it. “[S]ubstance over form” is of paramount concern when a court hears a quo warranto action. *Newell v. City of Jackson*, 2007-Ohio-4729, ¶ 13 (4th Dist.) (warning, if form is elevated over substance, a clever pleader could avoid proper consideration of a proper quo warranto remedy); *accord. Beasley*, 20 Ohio App.3d at 373, 486 N.E.2d at 863 (same). A preliminary injunction is to preserve the status quo. *City of Columbus*, 2023-Ohio-2858, ¶ 17. But when requested preliminary relief would “upend the status quo,” an injunction is improper. *State ex rel. Nguyen, et al. v. Clement, et al.*, Entry in Case No. 24CA0011 (4th Dist. Athens Cnty, Jul. 10, 2025) at 5.

The status quo, particularly the status quo as of the filing of Relators’ Petition in Quo Warranto on February 5, was that the charter council, acting under Nelsonville City Charter, exercised the powers of government for the City of Nelsonville. *See Exhibit C (Aff. D. Miller)*,

¶¶ 3–8; Exhibit D (Aff. D. Tolliver), ¶ 12, Attach. 1–2 (attaching judicial rulings acknowledging the status quo). Relators Motion seeks either a judicial order grinding the status quo state of affairs to a halt or, alternatively, order both competing governments installed by judicial order into City Hall.² Mot. at 6. Thus, Relators’ Motion functionally seeks to upend or change the status quo.

But ensconcing the two competing governments in Nelsonville’s seat of government while this action remains pending would likely *increase* the chaos that’s already occurring. *See* Exhibit C (Aff. D. Miller), ¶¶ 33,47 (describing how actions taken by Relators since filing have “disrupted the status quo,” made governance “more difficult,” and “caused confusion”). More importantly, such an arrangement would be unlawful. *See State ex rel. Jenkins v. Houchin*, 77 Ohio App. 295, 297 (holding “the business of the corporation must be conducted by one particular group of officers” and the “business . . . should not be thrown into a state of confusion by two sets of officers attempting to conduct its affairs”).

Also, Relators have come to the court with unclean hands. Shortly after filing their Motion asking this Court to enjoin both councils from “enacting any ordinances [and] passing any resolutions,” Relators convened in a series of meetings to pass *multiple* purported pieces of legislation. Exhibit B (Aff. N. Joseph Saul), ¶28 (Relators’ series of meetings to consider and pass multiple purported ordinances was announced *1 week after Relators filed their Motion*). And Relators continued. Relators Exhibit E (Aff. R. Dostal), ¶ 7, Attachment 2 (a purported ordinance enacted by Relators purporting to repeal a pre-2026 ordinance and change one of the City of

² City Hall is the universally recognized “true and lawful seat of government” for the City of Nelsonville. Exhibit C (Aff. D. Miller), ¶59.

Nelsonville's contractual arrangements).³ Relators have even gone farther and have apparently contacted the State of Ohio to have Nelsonville's building department and inspection protocol (currently administered by the Southeast Ohio Building Department) decertified. Exhibit F (Supp. Aff. D. Miller). Thus, Relators motion is really seeking to freeze in place not the status quo *ante* but an arbitrary status quo *post*, a contrived state of affairs Relators have specifically manipulated *after* filing their Motion. Relators continue to manipulate the state of affairs. Exhibit F (Supp. Aff. D. Miller). It's not right, it's not just, and it's not lawful to reward Relators for such shenanigans. Apparently, Relators are so insecure in their own legal position (perhaps because they know they won't prevail on the merits), that they resort to such gamesmanship. This Court shouldn't permit it.

Relators' Motion seeks to upend rather than preserve the status quo, so it should be denied.

C. The Authorities Cited By Relators Demonstrate Their Motion Lacks Merit

Even the legal authorities Relators cite in their Motion demonstrate their Motion lacks merit. For example, Relators assert ancillary relief is needed in this case to protect their "rights during the pendency of the action." Mot. at 3 (citing *State ex rel. Jenkins v. Houchin*, 77 Ohio App. 295 (10th Dist.1946)). *Houchin*, however, **denied** injunctive relief in a quo warranto action,

³ The purported ordinance Relators are holding out as a valid Nelsonville ordinance isn't valid even under Relators own theory. The purported ordinance isn't signed by a statutory mayor. See Exhibit E (Aff. R. Dostal), ¶7, Attachment 2. Thus, it isn't legal effective, even if the statutory form of government is the legitimate form of government (which it isn't). See R.C. 731.29 ("No ordinance or other measure shall go into effect until thirty days after it is filed with the mayor of a city[.]"). The lack of even a signature line for a mayor indicates the purported ordinance wasn't presented to the appropriate mayoral official. Curiously, the purported ordinance is in the form dictated not by the Revised Code but instead by Nelsonville City Charter. See Charter § 4.10 ("Final passage of all ordinances and resolutions shall be certified by the Mayor or Vice-Mayor and the Clerk of Council.").

on the basis that such relief should only be granted “sparingly and cautiously” and no “serious and irreparable injury” could be demonstrated by the movants. *Houchin*, 77 Ohio App. at 297. Here, as in *Houchin*, Relators provide merely conclusory and speculative statements as to the supposed harm which will occur absent an injunction. *See, e.g.*, Mot. at 5. As also in *Houchin*, the relators sought a temporary injunction to prevent the respondents from acting in an official capacity and from “dissipate[ing] and wast[ing] the assets of said corporation.” *Houchin*, 77 Ohio App. at 297. But *Houchin* recognized the need for the corporation to continue its business under the status quo even while the action remained pending. *Id.* Thus, Relators’ Motion should be denied.

As another example, Relators cite the *Beasley* case in support of their Motion. Mot. at 4. But *Beasley* reaffirms the long-standing principle that quo warranto relief cannot be circumvented via preliminary injunctive relief. *Beasley*, 20 Ohio App.3d at 373, 486 N.E.2d at 863. Thus, the authorities cited by Relators demonstrate their Motion lacks merits. Thus, it should be denied.

D. Relators’ Motion Can’t Satisfy the Requirements for an Injunction

Relators’ Motion can’t satisfy the stringent requirement for a temporary injunction in this case. Relators’ Motion doesn’t even try to satisfy those stringent requirements. *See, e.g.*, Mot. at 4 (citing to Civil Rule 65 but failing to even set forth the four factors for a temporary injunction, let alone explain how they are met in this case); *id.* at 5 (conclusory language that the relief Relators seek is “narrowly tailored,” without explanation or evidence). Relators don’t try because their Motion can’t satisfy the stringent requirements for a temporary injunction by the requisite clear and convincing evidence.

1. Relators Can't Establish a Likelihood of Success on the Merits

Relators aren't entitled to a preliminary ancillary injunction because they will likely fail on the merits. Ordinance 54-25 (repealing Issue 23) was a lawful exercise of legislative authority by Nelsonville City Council. The applicable governing law—as set forth in the Ohio Constitution, Nelsonville City Charter, and binding Supreme Court precedents—make this clear.

Relators effectively argue Issue 23 (the ballot measure to abolish Nelsonville City Charter) rests upon Article II, Section 1f of the Ohio Constitution. *See, e.g.*, Relators' Memorandum of Law (filed Feb. 5, 2026) at 9, 12 (also acknowledging the exercise of Article II, Section 1f powers “must be exercised in the manner provided by law, including constitutional law”); *but see id.* at 12 (contradicting Relators position on Article X of Nelsonville City Charter by stating “Article XVIII, Section 8 of the Ohio Constitution specifically addresses the process for returning to a statutory government”). To the extent Article II, Section 1f applies to Issue 23, then under the Supreme Court's binding precedent, Council has full power to repeal Issue 23. *See generally State ex rel. Singer v. Cartledge*, 129 Ohio St. 279 (1935). The late Dean Steven H. Steinglass, perhaps the preeminent authority on the Ohio Constitution, agrees. *See Steinglass & Scarselli, The Ohio State Constitution* 211 (2d ed., Oxford Univ. Press 2022) (commenting that a voter measure adopted by an Article II, Section 1f initiative “may be repealed or revised by action of the city council (unless the charter provides to the contrary)” but that a charter amendment pursuant to Article XVIII, Section 9 cannot be); *see also* Jefferson B. Fordham & J. Russell Leach, *The Initiative and Referendum in Ohio*, 11 Ohio St. L.J. 495, 523 (1950) (observing only by a specific charter provision prohibiting future repeal could a municipality “assure the voters the last word on a particular measure”).

Indeed, the Nelsonville citizens litigated at length throughout 2024 to assure that Issue 23 was placed on the ballot, and governed, under Article X of the Charter. *See State ex rel. Smith v. Clement*, 2024-Ohio-5520, ¶ 31. And that’s exactly what occurred: Issue 23 was placed on the November 2024 ballot under court order as an “initiative to abolish the city charter of Nelsonville which “is governed by Article X of its charter.” *Id.*

Once the voters adopted Issue 23, it continued to be governed by Article X of the Charter—as ordered by the Fourth District. *See Nelsonville City Charter* § 10.06(A). Specifically, the Charter provides that such initiatives enacted by the voters, it “shall be treated in all respects in the same manner as ordinance or resolutions of the same kind adopted by Council.” *Id.* And simply put, an ordinance adopted under Article X of the Charter can be repealed by an act of City Council. *See Nelsonville City Charter*, Article IV. Thus, under the *Singer* rule, the repeal of Issue 23 by Ordinance 54-25 was a valid exercise of legislative authority by Nelsonville City Council. *See State ex rel. Singer v. Cartledge*, 129 Ohio St. 279, 282 (1935).

Because Relators aren’t likely to succeed on the merits, Relators aren’t entitled to injunctive relief and their Motion should be denied.

2. Relators Haven’t Established an Irreparable Injury

Relators haven’t established an irreparable injury. Although their actions contradict their motions and briefing in this case, Relators’ Motion boils down to an argument that they should be granted preliminary injunctive relief to use City Hall because they believe they will prevail on the merits. *See generally* Mot. But Relators’ argument fails.

First, Relators own conduct contradicts their argument. Relators have to prove the Nelsonville Respondents unlawfully exercise governmental authority when Relators should

exercise that same authority (which is why they argue for ouster). But Relators have been holding themselves out to third parties as actually exercising governmental authority *now*. See Exhibit C (Aff. Danette Miller), ¶¶ 39–57 (providing specific evidences); Exhibit E (Aff. R. Dostal), ¶¶ 7–11 (providing additional supporting specific evidence). Simply put, it’s inconsistent for Relators to assert a claim for ouster while *simultaneously* purporting to actually exercise the very authority they claim they’re excluded from.

Second, even putting aside that Relators’ conduct contradicts their arguments, their Motion still fails. The law is clear: an ancillary injunction will not lie here to upend the status quo while this quo warranto action remains pending. As relators to this action, Relators can’t effectively circumvent quo warranto via a preliminary ancillary injunction. Rather, the injury Relators alleged can be adequately redressed by those remedies permitted in a quo warranto. But Relators aren’t entitled to an order of ouster here. See Sect. III.D.1, *supra*. So they can’t establish an irreparable injury. Thus, Relators aren’t entitled to injunctive relief. Their Motion should be denied.

3. Nelsonville Will Be Unjustifiably Harmed by an Injunction

The citizens of Nelsonville will be unjustifiably harmed by any preliminary ancillary injunction. Even while this action remains pending, the people of Nelsonville deserve to have their critical government services provided to them. These critical government services include emergency services, road maintenance, water and sewer services, to name just a few. How can these critical government services be provided to the people in an orderly manner when two competing councils have been ensconced in City Hall? That’s a recipe for even more confusion. How will the City address change orders to its ongoing water project? Which council do City

employees answer to in case of conflicting directives? Who decides what constitutes an essential government function outside the scope of official action as requested by Relators?

Relators have no answers to these questions. Thus, the better course of action is to allow the status quo to remain while this action remains pending because the current City administration, headed by the City Manager, is committed to continuing to provide “essential government services . . . in an orderly, timely, efficient, and lawful manner.” Exhibit C (Aff. D. Miller), ¶ 12. Thus, the current administrative remains fully committed to adhering to the rule of law while this action is pending. *Id.*, ¶¶ 8–9; Exhibit D (Aff. D. Tolliver), ¶ 4. Disruption of the current orderly provision of essential government services, as would be done by granting Relators’ Motion, would harm the people of Nelsonville. Rewarding Relators for creating even more chaos in an already uncertain situation would cause harm to the city by causing further disruptions. *See* Exhibit C (Aff. D. Miller), ¶ 47 (describing “significant disruption in City operations” already caused by Relators).

The citizens of Nelsonville will be unjustifiably harmed by the preliminary ancillary relief Relators seek. Relators aren’t entitled to any preliminary ancillary relief. Thus, Relators’ Motion should be denied.

4. The Public Interest Counsels Against a Preliminary Injunction

The public interest counsels against issuing the preliminary ancillary injunction Relators seek. If granted, Relators’ Motion would usher in *more* chaos into Nelsonville, not less. If Relators’ Motion is granted, Nelsonville will have two competing councils operating simultaneously out of City Hall, the one universally agreed-upon location of Nelsonville’s local government. *See* Exhibit C (Aff. D. Miller), ¶ 59. The good people of Nelsonville would find

themselves in the even more bewildering situation of choosing which council's directive and legislation to obey and which set of officials have the ability and authority to address the immediate needs of the people. *See id.*, ¶¶ 33,47.

There's no mechanism by which the two competing councils could be ordered to cooperate in managing the City's affairs. And given Nelsonville's past history, it's almost certain such an arrangement would rapidly devolve even further into more chaos and dysfunction, even to a collapse of functional or operational government.⁴ But that's a state of anarchy, which is against the public interest.⁵ *See, e.g. Dundon v. Kirchmeier*, D.N.D. No. 1:16-cv-406, 2017 U.S. Dist. LEXIS 222696, at *65 (Feb. 7, 2017) (finding because anarchy yields "an end to the rule of law in civilized society," it's against the public interest, so no preliminary injunction); *see also* Samuel Wiles, "The Dangers of Our National Prosperity; and the Way to Avoid Them" *in* E. Sandoz (ed.) 1 Political Sermons of the Founding Era, 1730–1805 (2d ed. 1998) 852 ("Tyranny and despotism are undoubtedly very great evils, but greater still are the dangers of anarchy.").

The public interest counsels against the preliminary relief Relators seek. Their Motion should be denied.

⁴ Take but one example from recent Nelsonville history, when a former Member of City Council (who was backed by Mr. Greg Smith and was a political ally of at least several Relators) "threw the operation of Nelsonville's government into confusion in February and March 2024." *State ex rel. Nguyen v. Lawson*, 178 Ohio St.3d 260, 2025-Ohio-507, ¶ 24.

⁵ Yet, anarchy is exactly what one of the Relators has argued for in a different case involving the City of Nelsonville. *E.g.*, Inter. Resp. Merit Br. of Andrea Thompson Hashman at 3 (filed Sept. 5, 2025), *State ex rel. City of Nelsonville, vs. Athens Cnty Bd. Elect.*, Ohio Sup. Ct. Case No. 2025-1061 ("The people have the constitutional right to choose whatever government, or no government, as they please without hindrance."); *cf.* Answer of Inter. Resp. at ¶ 17 (filed Aug. 18, 2025) (same case) (expressly denying Nelsonville City Council is currently lawfully constituted). No government, of course, is anarchy. It's perhaps more than a little ironic that someone who claims to be the lawful title holder of a government office would expressly argue in court for anarchy as a reason why the office she is seeking hasn't been lawfully abolished.

E. Relators Have Failed to Request Adequate Bond Be Set

Under Rule 65(C), security is “mandatory” for preliminary relief to be effective. *See Kyrkos v. Superior Bev. Group, Ltd.*, 2013-Ohio-4597, ¶ 30 (8th Dist.); *see also Union-Scioto Local School Dist. Bd. of Edn. v. Unioto Support Assn.*, 76 Ohio App. 3d 792, 795, 603 N.E.2d 375 (4th Dist.1992). Thus, unless and until 1) bond is set at an amount to cover the Nelsonville Respondents’ damages and 2) Relators posts such bond, any preliminary injunction issued in Relators’ favor won’t be legally operative. *See, e.g., Community First Bank & Trust v. Dafoe*, 108 Ohio St.3d 472, 2006-Ohio-1503, ¶ 30 (noting a preliminary injunction is inoperative until security is posted); *see also* Daniel J. Donnellon, *Injunctions and Restraining Orders in Ohio* (2020 ed.) 70–71 (analyzing *Summers v. Moore*, Case No. 80X19 (Washington Cnty App. July 30, 1981), and noting “Ohio courts are, in fact, very strict in finding that injunctive relief does not become operative, and the opposing party is in no way restricted, unless and until security is posted”).

Given the various attempts Relators have made—and continue to make—to undermine Nelsonville’s contractual relationships (even some that pre-date 2026 and are long-standing), the possible damages to Nelsonville Respondents resulting from an improvidently-granted ancillary injunction are likely very high. Thus, an extensive hearing on bond would be required, but Relators haven’t asked for a hearing. Thus, Relators’ Motion should be denied.

IV. CONCLUSION

For at least these reasons, Relators’ Motion for Ancillary Injunctive Relief to Maintain Status Quo Pending Resolution of Quo Warranto Action should be denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing **Response of Nelsonville Respondents in Opposition to Relators' Motion for Ancillary Injunctive Relief** was served upon the following counsel of record via e-mail on March 13, 2026 as follows:

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