

**IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO
CIVIL DIVISION**

GLENETTA KRAUSE, ET AL.	:	
Plaintiffs,	:	Case No. 25CV007911
v.	:	JUDGE CARL A. AVENI
STATE TEACHERS RETIREMENT BOARD, ET AL.,	:	
Defendants.	:	

**DECISION AND ENTRY GRANTING
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION
FILED SEPTEMBER 17, 2025**

I. Introduction

Although this case presents matters of great importance for the active and retired Ohio teachers whose pensions are in play, and for the public at-large, the legal question actually before this Court is narrow and technical. This Court does not sit in judgment over the wisdom of public policy decisions made by the General Assembly. The Court has neither the power nor desire to function as a super-legislature issuing its own preferred “best practice” decrees over a wholly separate branch of Ohio government. To the contrary, the only question properly before this Court and within its authority to review is whether, when amending R.C. 3307.05 and R.C. 3307.11 as part of the general appropriations provisions of H.B. No. 96, the General Assembly strictly followed the procedures required of them as written into the Ohio Constitution.

For the reasons that follow, the Court concludes that by folding a restructuring of the State Teachers Retirement Board into an otherwise unrelated appropriations bill, the General Assembly violated the One-Subject Rule mandated by Section 15(D), Article II of the Ohio Constitution. Equally, because that impermissible second-subject was grafted onto H.B. 96 the same day the

appropriations bill was passed, that wholly separate second-subject also did not receive the recurring review that each single-subject is required to receive under the Ohio Constitution's Three-Considerations Rule contained in Section 15(C), Article II.

Either one of these interrelated procedural flaws would be a sufficient and mandatory basis for severing and striking the STRB restructuring amendments. For that reason, and applying Ohio's 4-part test for considering injunctive relief, the Court grants the preliminary injunction sought here.

II. Procedural History

On September 16, 2025, Plaintiffs filed this action. Plaintiffs are current and retired Ohio educators who participate in the State Teachers Retirement System ("STRS") and vote in STRS Board elections. Defendants are the State Teachers Retirement Board ("STRB"), certain of its members, and Governor Mike DeWine, each named in their official capacities. Defendants are responsible for administering and implementing the statutory provisions governing STRS, including the amendments enacted in H.B. 96. Plaintiffs seek declaratory and injunctive relief from the amendments to R.C. 3307.05 and R.C. 3307.11, alleging violations of the Ohio Constitution's Single-Subject Rule (Compl., Count I), Three-Considerations Rule (*id.*, Count II), and Equal Protection guarantee (*id.*, Count III).

On September 17, 2025, Plaintiffs filed a Motion for Temporary Restraining Order ("TRO"), Preliminary Injunction, and Other Equitable Relief, requesting that the Court enjoin Defendants from implementing the amendments to R.C. 3307.05 and R.C. 3307.11 and maintain the pre-amendment STRS governance structure while this case is litigated.

Because the undersigned was presiding over an unrelated criminal jury trial at the time, the TRO was referred to the Court's Duty Judge in the ordinary course and pursuant to local rule.

In the resulting hearing, the Duty Judge found that Plaintiffs had established standing to pursue their claims, concluding that the alleged dilution of teachers' and retirees' voting representation on the STRS Board constituted a concrete and particularized injury. (TRO Hr'g Tr. 65:3-9) Applying the factors governing preliminary equitable relief, the Court determined that Plaintiffs demonstrated a substantial likelihood of success on at least one of their constitutional challenges to the amendments enacted in H.B. 96. More specifically, the Court found that Plaintiffs were particularly likely to prevail on their arguments regarding the Single-Subject Rule, as well as, perhaps less robustly, their claims under the Three-Considerations Rule. The Court did not find it likely that Plaintiffs would succeed on their Equal Protection claim. (*Id.* at 65:10-22).

Applying the balance of Ohio's 4-part test for injunctive relief, the Court further found that Plaintiffs faced irreparable harm absent immediate injunctive relief (*Id.* at 65:23-67:11), that no cognizable injury would result to Defendants or third parties from maintaining the status quo (*Id.* at 67:12-15), and that the public interest favored preserving the pre-amendment STRS governance structure while the case proceeded (*Id.* at 67:15-17). Accordingly, the Court granted the Motion for Temporary Restraining Order, enjoining enforcement of the challenged statutory amendments, denying Defendants' oral request for a stay, and waiving the requirement of a bond under Civ.R. 65(C).

On September 18, 2025, Defendants filed a notice of interlocutory appeal to the Tenth District Court of Appeals, docketed as Case No. 25AP-749. The following day, in that appellate case, Defendants filed a motion to stay enforcement of the TRO pending appeal.

On September 29, 2025, this Court extended the TRO pursuant to Civ.R. 65(B) to ensure a more deliberate process and to accommodate the parties' pending appellate proceedings, setting

the preliminary injunction hearing for October 10, 2025. The following day, September 30, 2025, the Tenth District Court of Appeals affirmed the TRO and denied Defendants’ motion to stay.

Following those appellate proceedings, on October 10, 2025, this Court convened the evidentiary hearing on Plaintiffs’ Motion for Preliminary Injunction. At the conclusion of the hearing, the Court took the matter under advisement, advising the parties that a written decision would issue prior to the expiration of the extended TRO on October 15, 2025.

III. Statement of Facts

A. The 1:00 A.M. Conference Committee Amendment to H.B. 96

In the early morning hours of June 25, 2025, at approximately 1:00 a.m., the Conference Committee on H.B. 96 (“H.B. 96”) announced and adopted amendments altering the composition of the State Teachers Retirement System (“STRS”) Board (Tr. 54:17–55:11, Oct. 10).¹ The amendments were introduced and approved without prior hearings, public notice, or deliberation (Affidavit of Darold Johnson ¶¶ 32–33). Plaintiffs contend these steps violated the Ohio Constitution’s Three-Considerations Rule and Single-Subject Rule. See Ohio Const. art. II, §§ 15(C), 15(D).

Before the Conference Committee convened, neither the House nor the Senate versions of H.B. 96 had contained any language relating to STRS or the composition of the STRS Board (Johnson Aff. ¶¶ 22–31). Neither the House nor the Senate conducted hearings, took testimony, or debated any proposal to alter STRS governance. The Conference Committee’s amendments, introduced around 1:00 a.m., were the first time such language appeared in the bill (Tr. 50:1-51:13, 56:15-20

¹ Given the expedited schedule under which this matter was decided, the Court relied on a rough hearing transcript to prepare this Decision. If either party identifies transcription variances once the certified transcript is finalized, that party may move for issuance of an amended Order to incorporate corrected transcript page and line citations.

Oct. 10), and the amended bill was approved by both chambers later that same morning (Tr. 57:1-3, Oct. 10.; Johnson Aff. ¶ 40). The Governor signed the bill on June 30, 2025 (*Id.* ¶ 42).

The amendments were added to a biennial appropriations bill that appropriated no funds whatsoever to STRS. Testimony confirmed that although H.B. 96 was an appropriations bill that did not appropriate any money to STRS (Tr. 52:2-4, 59:12-14, 55:10-12, Oct. 10). The State of Ohio does not directly appropriate any money to STRS; the system is entirely self-funded by teacher and employer contributions and investment income (Johnson Aff. ¶ 15). Thus, a measure that had been exclusively concerned with the State's operating budget became, at the eleventh hour, the vehicle for a fundamental restructuring of a self-funded retirement system.

B. The Longstanding Democratic Structure of the STRS Board

The amendments adopted at that time substantially altered the structure of the STRS Board. To place those changes in context, it is necessary to summarize the Board's longstanding composition and governance framework under prior law. For decades, Ohio's teachers and retired teachers have governed their own retirement system through an elected majority on the STRS Board (Johnson Aff. ¶¶5-7). By statute, the Board consisted of eleven members, composed as follows: (1) five contributing members (active teachers participating in STRS) elected by their peers; (2) two retired teacher members (elected by STRS retirees); (3) the Director of Education or designee meeting statutory qualifications; (4) one individual designated by the State Treasurer; and (5) two investment experts, one appointed by the Governor and one jointly appointed by the Speaker of the House and the President of the Senate. See R.C. 3307.05 (effective Oct. 3, 2023); Johnson Aff. ¶ 35.

The STRS Board's Chair and Vice Chair were historically elected by the Board and, under STRS policy, had to be elected members. (Johnson Aff. ¶¶ 8, 48). The Chair set meeting agendas

and appointed subcommittee members, while the Vice Chair assumed the Chair's duties in the Chair's absence. (*Id.* at ¶¶8, 48–49.) The Chair and Vice Chair automatically serve on all Board committees, appoint other members to committees, and determine meeting agendas (*Id.* at ¶8).

As noted above, STRS receives no direct state appropriations. Its operations are funded entirely by active and retired teachers through employee and employer contributions and the investment returns generated from those funds (Tr. 96:19-97:7, 98:13-17, Oct. 10.; Johnson Aff. ¶¶11, 15, 21). This governance model ensured that those responsible for managing STRS's assets were themselves active or retired teachers with a direct interest in the fund's performance.” (Johnson Aff. ¶¶6–7, 46; Tr. 68:14-21, 69:19-70:6, Oct. 10). This democratic structure meant that those managing the system were accountable to their peers, who elected them to the Board. This governance model ensured accountability to the teachers and retirees who funded it, a structure consistent with the four other Ohio public-employee retirement systems (SERS, PERS, OP&F, and HPRS), each of which likewise maintains a majority of elected members representing active and retired participants. See R.C. 3309.05 (SERS), 145.04 (PERS), 742.03 (OP&F), 5505.04 (HPRS); Johnson Aff. ¶ 18.

C. The June 25 Amendments Fundamentally Alter STRS Governance

The conference committee's 1:00 a.m. amendments on June 25, 2025, reduced elected members from seven to three and increased appointed members from four to eight (Tr. 55:21-25, Oct. 10.; Johnson Aff. ¶¶33–34, 36). Elected members would no longer constitute a majority of the Board (Tr. 56:1-4, Oct. 10; Johnson Aff. ¶¶34 and 46). The amendments also provided that elected members could no longer serve as Chair or Vice Chair of the STRS Board (Tr.56:11-14, Oct. 10.; Johnson Aff. ¶¶34 and 37).

In their place, the amendments add eight political appointees, to be selected as follows: (1) the Director of Education or designee; (2) the Chancellor of Higher Education or designee; (3) two appointees of the State Treasurer; (4) one appointee of the Governor; (5) one appointee jointly designated by the Speaker of the House and President of the Senate; (6) one appointee of the Senate President; and (7) one appointee of the Speaker of the House (Johnson Aff. ¶ 36). These changes expand the STRS Board to fifteen members “as soon as practicable after the effective date,” to be reduced to eleven members by September 1, 2028, as existing elected terms expire and seats are abolished (*Id.*). Therefore, from the moment the amendments take effect, elected teachers and retirees will no longer constitute a majority of the Board.

This restriction removes elected representatives from the positions that determine agendas, appoint committees, and shape the Board’s decision-making process.

D. Evidence Regarding the Effect of the Amendments on STRS Representation

Plaintiffs assert that, as a result of the June 25, 2025 amendments to H.B. 96, they will be deprived of their current statutory right to elect a majority of the STRS Board’s members and to have those elected representatives remain eligible to serve in the leadership roles of Chair and Vice Chair.

Former STRS Board Chair Rob McFee testified that a majority of elected members with classroom experience influenced decisions that benefitted teachers, including adjustments to the cost-of-living allowance (“COLA”) and changes to retirement eligibility (Tr. 68:18–24, 76:1–24, Oct. 10). He further testified that, had the Board not been majority-elected at that time, those member-beneficial decisions likely would not have occurred (*Id.* at 76:1–24).

Plaintiff Glenetta Krause, a current public-school teacher, testified that maintaining teachers and former teachers on the STRS Board is essential to ensure that decisions reflect real classroom

experience and an understanding of members’ needs. She stated that without teacher voices, the Board’s decisions “will not take into account what teachers need and want,” emphasizing that “until you actually do the job of a teacher, you don’t know what teaching is,” and warning that “somebody who hasn’t done the work could be making decisions for us.” (Tr. 28:5–9, 16–25, Oct. 10).

As described above, the amendments effective September 30, 2025, change the composition and leadership of the STRS Board by reducing the number of elected members, increasing appointed members, and barring elected teachers and retirees from serving as Chair or Vice Chair. Upon implementation, appointed members would comprise a majority of the Board.

IV. Standing

Before addressing the merits of Plaintiffs’ Motion, the Court first considers the threshold issue of standing, which Defendants challenged again at the October 10 hearing. Defendants argued that standing must be established separately at each stage of proceedings, contending that the Court must independently determine standing for purposes of the preliminary injunction. Defendants cited no authority for this proposition.

The Court disagrees. Standing is a jurisdictional requirement that must exist at the time a complaint is filed, and it is not a moving target that must be re-established at each procedural phase. The Supreme Court of Ohio has made clear that “standing is to be determined as of the commencement of the suit” *Fed. Home Loan Mtge. Corp. v. Schwartzwald*, 134 Ohio St.3d 13, 2012-Ohio-5017, ¶¶ 3, 24; see also *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 570-571, 112 S.Ct. 2130, 119 L.Ed.2d 351, fn. 5 (1992) (likewise finding that “standing is to be determined as of the commencement of suit”).

While the proof supporting standing may develop as litigation proceeds, “the standing inquiry remains focused on whether the party invoking jurisdiction had the requisite stake in the outcome when the suit was filed.” *Ohioans for Concealed Carry, Inc v. City of Columbus*, 164 Ohio St.3d 291, 2020-Ohio-6724, ¶ 35, fn. 3.

Here, Defendants do not present new factual material bearing on standing; rather, they advance a legal argument that Plaintiffs lack standing as a matter of law. The Court notes that Defendants’ standing arguments at the TRO hearing and in opposition to the preliminary injunction are substantively identical, and further track the same claims they advanced and lost in the Tenth District Court of Appeals. In each instance, Defendants contended that Plaintiffs’ alleged injuries were speculative and generalized, that Plaintiffs had no legally protected interest in electing members to the STRS Board, and that all board members, whether elected or appointed, owe fiduciary duties to the STRS fund as a whole rather than to individual teachers. No qualitatively new factual information bearing on the issue of standing was presented.

In any event, that threshold legal and jurisdictional question has already been conclusively resolved. To begin with, when granting the TRO on September 17, 2025, the Court expressly found that Plaintiffs possessed standing, stating:

“With respect to standing, the Court finds the plaintiffs do have standing. I would argue the Court’s position is that their dilution of their voice on the board constitutes a direct harm sufficient to establish standing.” (TRO Hr’g Tr. 65:3–9.)

More fundamentally, however, Defendants appealed that ruling on an interlocutory basis, directly arguing to the Tenth District Court of Appeals that Plaintiffs lacked standing. The appellate court affirmed the TRO decision in full, rejecting Defendants’ standing challenge.

Under the law-of-the-case doctrine, that decision is binding on this Court for the remainder of these proceedings. As the Tenth District has long held, “the decision of a reviewing court in a

case remains the law of that case on the legal questions involved for all subsequent proceedings.” *U.S. Bank Nat’l Ass’n v. Perry*, 2013-Ohio-3814, ¶ 10 (10th Dist.). Therefore, “[a]n inferior court [such as this Court] has no discretion to disregard the mandate of a superior court in a prior appeal in the same case.” *Id.*, (citing *Nolan v. Nolan*, 11 Ohio St.3d 1 (1984), syllabus). “Thus, the court is bound to adhere to the appellate court’s determination of the applicable law.” *Id.* (citing *Nolan* at 3).

No change in fact or law has occurred since the Tenth District’s decision that would permit this Court to revisit the issue. The plaintiffs remain the same, the challenged statutory amendments to R.C. 3307.05 and R.C. 3307.11 remain the same, and there has been no intervening precedent altering the standard for standing. Accordingly, the Tenth District’s decision conclusively establishes that Plaintiffs have standing to pursue their claims, and this Court has no ability to somehow reverse the appellate court in their separate determination of that threshold jurisdictional question.

Indeed, even if it were otherwise, and the Court was not duty-bound to follow the Tenth District’s determination, the result would be the same. Standing is a threshold determination requiring only that Plaintiffs allege facts sufficient to establish that they suffered (1) an injury that is (2) fairly traceable to the defendant’s allegedly unlawful conduct, and (3) is likely to be redressed by the requested relief. *Moore v. City of Middletown*, 133 Ohio St.3d 55, ¶ 22 (citing *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-561 (1992)).

Here, the Plaintiffs are all active or retired teachers with substantial retirement savings directed by STRB. A majority of the Board are currently comprised of active or retired teachers that STRS members elect from their ranks. They consider it important that the Board, when overseeing allocation decisions, disability decisions and the like have practical familiarity with the

pressures and demands that teachers face when preparing for retirement, facing disability struggles on the job, or when living on a teacher's pension at the end of their career. They consider it important that the Chair and Vice-Chair, responsible for setting the Board's entire agenda, are drawn from their own ranks, representing their shared experience. As Plaintiff Glenetta Krause explained at the preliminary hearing:

Q: Are you concerned if the Board is no longer made up mostly of teachers and is instead mostly political appointees?

A: Definitely.

Q: And what worries you about a board led by political appointees?

A: I think a lot of people think that they know what teachers need because they've been to high school, they've been in a classroom. But until you actually do the job of a teacher, you don't know what teaching is. And, you know, you don't know what it takes to be a teacher. You don't know how long you can do this work, how—what it means to be fit for this kind of work. And it worries me greatly that somebody who hasn't done the work could be making decisions for us.

Q: Are you concerned about elected STRS board representatives not being able to serve as chair or vice chair of the board?

A: That worries me a lot because—its my understanding that the chair and vice-chair would make up the agenda; and if teachers can't make up the agenda, then our issues would be at risk of never being heard.

(Tr. 28:10-29:8, Oct. 10.)

If the active and retired teachers who pay into the retirement system lack standing to challenge the process by which the General Assembly enacts changes to that system, it is hard to imagine who else could ever exercise standing over those same questions instead. Effectively, the legislature would be wholly beyond Constitutional review and free to act with impunity, unfettered by any checks and balances whatsoever. And while the legislative authority here is certainly

entitled to deference, possessing primary Constitutional responsibility for implementing rational policy within ascribed procedural safeguards, they are not wholly beyond judicial review in matters brought by the parties actually most affected—meaning the teachers who pay into the system and have to live with consequences of Board’s decisions.

For the teachers themselves, that also necessarily includes the right to challenge any procedural irregularities in how the Board’s composition gets statutorily amended. As Plaintiff Kevin Kane explained at the injunction hearing:

Q: The bill that’s in question here is House Bill 96, and it was first amended to change the board on June 25. And it would pass both houses that same day. How did you feel about not getting the opportunity to talk to your legislators before the bill was amended and passed?

A: Yeah. When I learned that this language was in the bill, I was frustrated by it...I was just concerned that I wasn’t given the opportunity to reach out to my representatives and share my opinion about it. This is representative government... I feel I should have the right to reach out to them and share my opinion about the...legislation.

(Tr. 41:11-42:5, Oct. 10.) In sum, the Plaintiffs here have amply established their prima facie claim that (1) as teacher participants in STRS, they are injured by abrupt changes in Board composition that lessen their elected representatives’ voice in how their retirement and disability decisions are made; (2) these changes are fairly traceable to the General Assembly’s alleged wrongful conduct in amending the Board composition outside the Ohio Constitution’s procedural restraints, and (3) the requested relief enjoining those changes would redress their harm. Standing requires nothing more.

Having its jurisdiction thus properly invoked, the Court proceeds to the merits of Plaintiffs’ Motion for Preliminary Injunction.

V. Standard of Review

When ruling on a motion for preliminary equitable relief, the Court should consider whether: 1) the movant has shown a substantial likelihood of success on the merits; 2) the movant will suffer an irreparable injury; 3) the preliminary order could harm third parties; and 4) the interest of the public will be served by granting a preliminary order. *Vanguard Transp. Sys., Inc. v. Edwards Transfer & Storage Co.*, 109 Ohio App.3d 786, 790, 673 N.E.2d 182 (10th Dist.1996), citing *Valco Cincinnati, Inc. v. N & D Machining Serv., Inc.*, 24 Ohio St.3d 41, 24 Ohio B. 83, 492 N.E.2d 814 (1986). A party seeking a preliminary injunction has the burden of establishing a right to the preliminary injunction by demonstrating clear and convincing evidence of each of these factors. *Hydrofarm, Inc., v. Orendorff*, 180 Ohio App. 3d 339, 2008-Ohio-6819, 18, 905 N.E.2d 658 (10th Dist.), citing *Vanguard Transp. Sys., Inc.* at 790.

Moreover, in determining whether to grant injunctive relief, no one of the four preliminary injunction factors is dispositive; rather, a balancing should be applied. *Escape Enters., Ltd., v. Gosh Enters., Inc.*, 10th Dist. No. 04AP-834, 2005-Ohio-2637, ¶ 48, quoting *Cleveland v. Cleveland Elec. Illum. Co.*, 115 Ohio App.3d 1, 14, 684 N.E.2d 343 (8th Dist.1996). Thus, “if there is a strong likelihood of success on the merits, an injunction may be granted even though there is little evidence of irreparable harm and vice versa.” *AK Steel Corp. v. ArcelorMittal USA, LLC*, 2016-Ohio-3285, ¶ 10 (12th Dist.).

VI. Discussion

A. Plaintiffs Have Shown A Likelihood Of Success On Their Single-Subject and Three-Considerations Claims, But Not On Their Equal-Protection Claim.

1. The General Assembly Violated the One-Subject Rule When Amending the STRS Board Statutes.

Section 15(D), Article II of the Ohio Constitution directs that “no bill shall contain more

than one subject, which shall be clearly expressed in its title.” This provision was added in 1851, to prevent a legislative practice known colloquially as “logrolling.”² As the Supreme Court of Ohio has explained:

[s]pecial charters or bills of incorporation were often assured passage through a system of logrolling, i.e., the practice of combining and thereby obtaining passage for several distinct legislative proposals that would probably have failed to gain majority support if presented and voted on separately.

In re Nowak, 104 Ohio St.3d 466, 472 (2004). By “limiting each bill to a single subject, the one-subject rule strikes at the heart of logrolling by essentially vitiating its product.” *Id.*

Thus, the One-Subject Rule bars the General Assembly from binding disparate, unrelated subjects into a single common bill. As the Supreme Court of Ohio has directed, “[w]hen there is an absence of common purpose or relationship between specific topics in an act and when there are no discernible practical, rational, or legitimate reasons for combining the provisions in one act, there is a strong suggestion that the provisions were combined for tactical reasons, i.e., logrolling. Inasmuch as this was the very evil the one-subject rule was designed to prevent, an act which contains such unrelated provisions must necessarily be held invalid in order to effectuate the purposes of the rule.” *Simmons-Harris v. Goff*, 86 Ohio St.3d 1, 14 (1999) (citing *State ex rel. Dix v. Celeste*, 11 Ohio St.3d 141, 145 (1984))(emphasis added).

That said, “[t]he mere fact that a bill embraces more than one topic is not fatal, as long as a common purpose or relationship exists between the topics. However, where there is a blatant disunity between topics and no rational reason for their combination can be discerned, it may be inferred that the bill is the result of logrolling.” *Id.*, at 16-17 (citing *Hoover v. Franklin Cty. Bd. of Commrs.*, 19 Ohio St. 3d 1, 6 (1985)) (emphasis added). *Accord In re Holzer Cons. Health*

² See generally Kulewicz, J.J. “The History of the One-Subject Rule of the Ohio Constitution”, *Cleve.St.L.Rev.* 591 (1997).

Care Sys. v. Ohio Dept. of Health, 2004-Ohio-5533, ¶ 33 (10th Dist.) (“the one-subject provision is not directed at plurality but at disunity in subject matter.”) (citing *Hinkle v. Franklin Cty. Bd. of Elections*, 62 Ohio St.3d 145, 148 (1991)) (emphasis added).

Indeed, this irrational disunity in subject matter raises particular concern in appropriation bills, like the one instantly at issue. As the Supreme Court of Ohio has noted, “[a]ppropriation bills, of necessity, encompass many items, all bound by the thread of appropriations.” *Simmons-Harris v. Goff*, 86 Ohio St.3d, at 16 (emphasis added). This raises heightened concerns that disparate subjects, not bound by that same thread will be folded into appropriations bills as impermissible riders. As the Court continued:

Riders are provisions that are included in a bill that is ‘so certain of adoption that the rider will secure adoption not on its own merits, but on the merits of the measure to which it is attached’ The danger of riders is particularly evident when a bill as important and likely of passage as an appropriations bill is at issue.

Id. “Indeed, because of the inherent temptation to tack riders onto large appropriations bills, some have argued appropriations bills warrant more scrutiny for non-appropriations riders than other bills.” *Plain Local Sc. Dist. Bd. of Educ. v. DeWine*, 486 F. Supp. 1173, 1197 (S.D. Ohio 2020) (citing *City of Dublin v. State*, 2002-Ohio-2431, ¶ 20) (emphasis in original). Accordingly, Ohio courts have repeatedly stricken riders wrongly attached to appropriations bills in violation of the One-Subject Rule. *See, e.g., Simmons-Harris*, 86 Ohio St.3d at 17; *State ex rel. Ohio Civ. Serv. Emps. Ass’n. v. State Emp. Relations Bd.*, 104 Ohio St.3d 122, 131 (2004); *Rumpke Sanitary Landfill Inc., v. State*, 184 Ohio App.3d 135, 2009-Ohio 4888; *In re Holzer Cons. Health Care Sys. v. Ohio Dept. of Health*, 2004-Ohio-5533, ¶ 33; *City of Dublin v. State*, 2002-Ohio 2431, ¶ 20.

Applying those standards here, it is clear that the General Assembly violated the One-

Subject Rule of Section 15(D), Article II of the Ohio Constitution by grafting the amendments of R.C. 3307.05 and R.C. 3307.11 onto the general appropriations provisions of H.B. No. 96. The 10 pages of amendments to the STRB's composition have no logical nexus to the roughly 3,000 surrounding pages of the appropriations bill. The STRB receives no budget appropriations from the General Assembly—whether through H.B. 96 or otherwise. The varying structural distinctions within the composition of the STRB Board, elected or appointed, draw no meaning from the surrounding budget bill to which it is utterly foreign. And vice versa. No other part the appropriations bill of H.B. 96 derives any further meaning or purpose from the incidental fact that there is a set of statutory changes to the STRB dropped into its midst.

Simply put, the STRB amendments are a mere second-subject, non-appropriations rider wrongly grafted onto the otherwise wholly separate single-subject appropriations bill. For that reason, and on that basis alone, Plaintiffs are likely to prevail upon the merits in their Constitutional challenge, warranting the preliminary injunctive relief at issue.

2. The General Assembly Violated The Three-Considerations Rule When Amending the STRS Board Statutes.

Nor is that the only ground by which Plaintiffs are likely to prevail on the merits. Section 15(C), Article II of the Ohio Constitution requires that “[e]very bill shall be considered by each house on three different days, unless two-thirds of the members elected to the house in which it is pending suspend this requirement, and every consideration of a bill or action suspending the requirement shall be recorded in the journal of the respective house.”

This provision is violated if the legislative journal fails to record entries demonstrating each of the three separate considerations of the bill, or, alternately, the affirmative two-third votes in each house waiving the Three-Consideration requirements. *Hoover v. Bd. of County Cmmrs.*,

19 Ohio St.3d 1, 5 (1985). Finally, the Three-Consideration Rule applies whenever an amendment “vitally alter[s] the substance of a bill.” *Id.* In this context, a “vitally altered bill [is] one departing entirely from a consistent theme” in which “a court’s key consideration should be whether the bill maintained a common purpose both before and after its amendment.” *Youngstown City School Dist. v. State*, 16 Ohio St.3d 24, 27-28 (2020).

Defendants argue that the appropriations of H.B. 96 received exhaustive review over a span of months, with each house reviewing its budgetary considerations well in excess of the required three hearings. *See generally*, Memo Contra, at 11-13. And insofar as the original “consistent theme” of H.B. 96 prior to June 25 was the single subject of appropriations within the Ohio budget, that text passes Constitutional muster. But at 1:00 a.m. on June 25, the General Assembly added a second, entirely inconsistent theme, that vitally altered the scope of H.B. 96. After that amendment, the bill was now about TWO things: appropriations AND the structure of the State Teachers Retirement Board. It would be impossible to argue that this second, freestanding subject received the requisite three considerations on three separate days by each house. To the contrary, the bill now containing TWO inconsistent themes received no further deliberation in either house after 1:00 a.m., other than the votes putatively enacting it some 12 hours later. *See, e.g.* Tr. 54:14-59:22 (Oct. 10).

Simply put, when the General Assembly changes a bill that is formerly about one thing (appropriations), to now be about two things (appropriations AND the composition of the State Teachers Retirement Board), the resulting bill has been vitally altered. It no longer bears a single consistent theme. It now has two. One of which was not debated and considered thereafter at all before passage. For that reason too, the Plaintiffs are likely to prevail on the merits of their procedural challenge to R.C. 3307.05 and R.C. 3307.11 as part of the general appropriations

provisions of H.B. No. 96.

3. Plaintiffs Are Unlikely To Prevail On The Merits Of Their Equal Protection Challenge.

Having established that at least one—and in light of the foregoing, two—of Plaintiff’s Constitutional challenges are likely to succeed on the merits, the Court need not reach their third Constitutional challenge, sounding in equal protection. Nevertheless, the Court views this third basis skeptically, and with the expectation that it remains unlikely to succeed at trial.

“As a general matter, [Ohio’s equal-protection guarantee] requires that the government treat all similarly situated persons alike.” *Sherman v. Ohio Pub. Emps. Retirement Sys.*, 163 Ohio St.3d 258, 2020-Ohio-4960, ¶ 14. When neither a suspect class nor a fundamental right is implicated, however, the classification is reviewed for rational basis and will be upheld if it bears any rational relationship to any legitimate governmental interest. *State v. Williams*, 126 Ohio St.3d 65, 2010-Ohio-2453, ¶ 39, citing *Eppley v. Tri-Valley Local School Dist. Bd. of Edn.*, 122 Ohio St.3d 56, 2009-Ohio-1970, ¶ 15; *Adamsky v. Buckeye Local School Dist.*, 73 Ohio St.3d 360, 362 (1995). Under this deferential test, courts must uphold a statute against equal protection challenge if any conceivable set of facts provides a rational basis for the line drawn; the State need not produce evidence, and the fit need not be perfect. *Arbino v. Johnson & Johnson*, 116 Ohio St.3d 468, 2007-Ohio-6948, ¶ 58; *Ferguson v. State*, 151 Ohio St.3d 265, 2017-Ohio-7844, ¶ 31.

At the preliminary injunction hearing in this matter, the State and the Plaintiffs both offered exhibits and testimony differentiating STRB from the other four public retirement funds. *See, e.g.*, Ex. R, Ex. S, Ex. T, Ex. SP (collectively demonstrating that the 5 public pension programs have different numbers of plan participants, different changes in participation rates over time, different plan contribution percentages by employers, different contribution rates by employee, different scales of operating budgets, different rates of return, different unfunded accrued liabilities,

different funding ratios, and different amortization periods). Simply put, each public pension fund faces its own unique challenges and possesses different attributes and objectives. Moreover, the State presented evidence suggesting the General Assembly was concerned about tumult and turnover in STRB executive staff; as well as Attorney General investigations in Administrative leadership and a still ongoing lawsuit to remove Board members both elected and appointed. While the actual truth, merit, or weight of those concerns may yet be up for debate, the issues unquestionably support a rational basis why the General Assembly might have prospectively considered treating STRB differently and revisit its composition—provided any resulting changes were promulgated in accordance with the procedural requirements of the Ohio Constitution.

Given the extremely deferential standard that the Court must afford the General Assembly under the rational relationship test in an Equal Protection challenge, the Court cannot say with confidence at this still-early juncture that Plaintiffs are likely to succeed on the merits of this third and final independent substantive basis for enjoining the State.

Inasmuch as the Court remains satisfied that a preliminary injunction is warranted per the One-Subject Rule and Three-Considerations Rule, however, the Court grants the preliminary injunction on the grounds set forth herein.

B. The Balance Of Ohio's 4-Part Test For Injunctive Relief Warrant A Preliminary Injunction Here.

Having found that Plaintiffs are likely to succeed in challenging the constitutionality of the amendments to R.C. 3307.05 and R.C. 3307.11 as part of the general appropriations provisions of H.B. No. 96, the Court need not unduly belabor the balance of Ohio's 4-part test. As to the second prong, requiring a showing of irreparable harm to the Plaintiffs if the injunction is not granted, "harm from the denial of a preliminary injunction is irreparable if it is not fully compensable by monetary damages." *Overstreet v. Lexington-Fayette Urban Ct. Gov't.*, 305 F.3d 566, 578 (6th

Cir. 2002). Moreover “a finding that a constitutional right has been threatened or impaired mandates a finding of irreparable injury as well.” *Magda v. Ohio Elections Comm.*, 2016-Ohio-5043, ¶ 38 (10th Dist.). On both of these bases, the Court is satisfied that this prong is established. If Plaintiffs lose their right to collectively elect the majority of the Board from their ranks, no amount of compensatory damages could adequately reflect the loss of control over the direction of their pensions, and the prospective agenda of the Board. Equally, as the manner in which these changes were implemented violated the Ohio Constitution to Plaintiffs’ detriment, the harm is irreparably presumed.

As to the third prong—balancing any harm to Defendants—it cannot be seriously argued that Defendants have any protectible interest in forcibly maintaining unconstitutional amendments to the Revised Code. The Court having determined the amendments were improper and unconstitutional, the resulting correction striking those Amendments should be applied as quickly as possible freeing the Defendants and the General Assembly alike to get underway with implementing whatever Constitutionally-acceptable procedural changes they see fit in accordance with Ohio law.

And finally, the public interest under the fourth and final prong insistently militates for that same result. The public is disserved by allowing unconstitutional laws to linger unresolved, leaving open the question of how teacher retirements will be planned and administered across Ohio.

C. The Court Finds That No Bond Is Required Under the Circumstances of This Case.

Having determined that the preliminary injunction is thus warranted, the Court further finds that no public interest would be served by requiring Plaintiffs to post a bond on these facts.

The purpose of the Civ.R. 65(C) bond, to protect a defendant from monetary losses if an injunction

is later deemed wrongful, does not apply here, because preserving the pre-amendment status quo imposes no compensable financial harm on Defendants and merely maintains existing STRS governance pending adjudication on the merits. See *Obara v. Obara*, 2d Dist. Montgomery No. 26668, 2016-Ohio-5651, ¶ 16 (explaining that the Civ.R. 65(C) bond’s purpose is to assure relief only for monetary losses if the injunction is later deemed wrongful, and upholding a zero bond where the enjoined party did not allege any adverse financial consequences). Plaintiffs also seek to vindicate constitutional guarantees and the public interest, not to obtain a private economic advantage; courts routinely waive bond in such circumstances. *Lamar Advantage GP Co., LLC v. City of Cincinnati*, 114 N.E.3d 805, 831 (Ohio C.P.2018), citing, *Complete Angler, LLC v. City of Clearwater*, 607 F.Supp.2d 1326, 1335 (M.D.Fla.2009).

In any event, under Civ.R. 65(C), whether to require a bond as a condition of granting a preliminary injunction lies within the sound discretion of the trial court. Because the rule grants the court discretion to “fix the amount” of the bond, that discretion necessarily includes the authority to set the bond at a nominal amount or to require no bond at all. *Vanguard Transp. Sys., Inc. v. Edwards Transfer & Storage Co., Gen. Commodities Div.*, 109 Ohio App. 3d 786, 793, 673 N.E.2d 182 (10th Dist. 1996). Accordingly, the Court finds that no bond is warranted under Civ.R. 65(C).

D. Decision and Issuance of Preliminary Injunction

For the reasons set forth above, Plaintiffs’ Motion for Preliminary Injunction is **GRANTED**. Accordingly, a preliminary injunction is hereby **ISSUED**, and it is **ORDERED** as follows that:

Defendants (and those acting in concert with them) are preliminarily enjoined to:

- (1) Halt any implementation, enforcement, or any other action taken pursuant to, or in furtherance of, the amendments to R.C. §§

3307.05 and 3307.11 contained in H.B. No. 96; and

- (2) Specific to those Defendants who serve on the STRS Board, (a) disregard the amendments to R.C. §§ 3307.05 and 3307.11 contained in H.B. No. 96 when carrying out their official duties as members of the Board; (b) cast votes for Board Chair and Vice Chair on September 18, 2025 without concern for whether those nominees would be deemed eligible to serve in those position under the proposed changes to R.C. § 3307.11 found in H.B. 96; and (c) disregard votes purportedly cast by new, non-elected members appointed to the STRS Board pursuant to H.B. No. 96 who would not have been eligible to serve on the Board prior to these amendments.

For the reasons discussed above, the Court has determined there is no need for payment of a bond in this matter.

IT IS SO ORDERED.

Copies to all counsel via electronic filing system.

Franklin County Court of Common Pleas

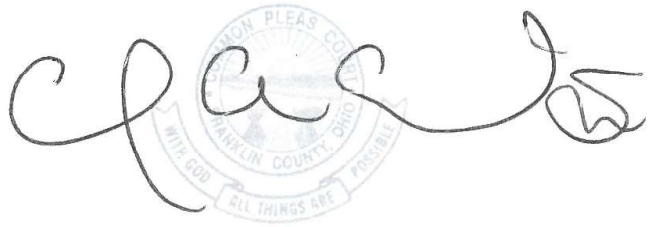
Date: 10-15-2025

Case Title: GLENETTA KRAUSE ET AL -VS- STATE TEACHERS
RETIREMENT BOARD ET AL

Case Number: 25CV007911

Type: PRELIMINARY INJUNCTION

It Is So Ordered.

A handwritten signature in black ink, appearing to read 'Carl A. Aveni II', is written over a faint, circular blue seal of the Franklin County Court of Common Pleas. The seal contains the text 'COMMON PLEAS COURT', 'FRANKLIN COUNTY, OHIO', and 'ALL THINGS ARE POSSIBLE'.

/s/ Judge Carl A. Aveni II