

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

OHIOANS FOR CONCEALED CARRY, INC. :
c/o Its Statutory Agent, Daniel White
P.O. Box 247 :
Avon, Ohio 44011 :

PLAINTIFF,

v.

Case No. 10-CV 1487

CITY OF CAMPBELL, OHIO
c/o William J. VanSuch, President
of Council and George Krinos, Mayor
351 Tenney Avenue
Campbell, OH 44405

Judge: Dapolito

DEFENDANT.

COMPLAINT

Plaintiff, Ohioans for Concealed Carry, Inc. (hereinafter "Plaintiff") for its Complaint against Defendant, City of Campbell, Ohio ("Defendant"), states and alleges as follows:

FACTS COMMON TO ALL COUNTS

1. Plaintiff is an Ohio not-for-profit corporation in good standing with its principal place of business in Cleveland, Ohio.
2. On behalf of its members and all Ohioans, Plaintiff advocates for and protects the right of the people to keep and bear arms as guaranteed by the Constitutions of Ohio and the United States of America.
3. Defendant is an Ohio municipal corporation organized and existing pursuant to Ohio law, including Ohio Revised Code §703.01 and §703.011, with its city offices located at 351 Tenney Avenue, Campbell, Ohio 44405.

4. On January 6, 2010, Defendant enacted City of Campbell Ordinance 2001-0840, which amended §549.11 of the Campbell Municipal Code to prohibit the sale of firearms and firearm components within the city limits. (Exhibit A).

5. Jurisdiction and venue are proper because Defendant's conduct, giving rise to Plaintiff's claims for relief, occurred in Mahoning County, Ohio.

REQUEST FOR DECLARATORY JUDGMENT

6. Plaintiff herein incorporates the allegations of paragraphs 1 through 5 as if fully restated herein.

7. Ohio Revised Code §9.68 provides, in material part,

[e]xcept as specifically provided by the United States Constitution, state law, or federal law, a person, without further license, permission, restriction, delay, or process, may own, possess, purchase, sell, transfer, transport, store, or keep any firearm, part of a firearm, its components, and its ammunition.

8. On January 6, 2010, Defendant did submit, pass and approve Campbell City Ordinance 2010-0840, amending §549.11 of the Campbell municipal code to prohibit the sale of firearms and any firearm components, which remains the law in the City of Campbell as of this filing, in violation of Ohio Revised Code §9.68.

9. In an effort to resolve this issue, Plaintiff submitted correspondence to Defendant explaining the import of Ohio Revised Code §9.68, and requesting that the City repeal the offending ordinance. City Council met and discussed the issue, but failed and refused to take action to resolve the noncompliance with Ohio Revised Code §9.68.

10. Defendant has failed to comply with Ohio Revised Code §9.68 as of this filing.

11. Plaintiff is entitled to declaratory judgment invalidating the Campbell ordinance, and recovery of its costs and reasonable attorney fees.

12. Plaintiff requests this Court declare Campbell Ordinance 2010-0840 (§549.11 of the municipal code) to be unlawful and to further grant a permanent injunction against the enforcement of said ordinance and any further action that would be in violation of Ohio Revised Code §9.68.

13. Plaintiff further requests that this Court award costs and reasonable attorney fees to it in accordance with Ohio Revised Code §9.68.

WHEREFORE, Plaintiff respectfully requests a declaratory judgment against Defendant as discussed above, together with all attorney fees, interest, court costs, and for such other relief that the Court deems just and equitable.

Respectfully submitted,

DEREK A. DeBROSSE (0084183)(Trial Attorney)
The Law Office of Derek A. DeBrosse, LLC
1161 Bethel Road, Suite 101
Columbus, OH 43220
(614) 316-7850; (866) 641-5706 (facsimile)
derek@debrosselaw.com

DAVID S. KESSLER (0041982)
Blaugrund, Herbert & Martin Incorporated
300 W. Wilson Bridge Road, Suite 100
Worthington, OH 43085
(614) 764-0681; (614) 764-0774 facsimile
dsk2@bhmlaw.com

Attorneys for Plaintiff