

IN THE COURT OF COMMON PLEAS  
DELAWARE COUNTY, OHIO

JOHN DOE 1, et al.,	)	CASE NO: 23-cv-H-02-0089
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	JUDGE: DAVID M. GORMLEY
CITY OF COLUMBUS, et al.,	)	
	)	
Defendants.	)	
	)	

**SUPPLEMENTAL MEMORANDUM TO PLAINTIFFS’ OPPOSITION TO  
DEFENDANTS’ MOTION TO DISMISS OR, IN THE ALTERNATIVE, TO TRANSFER  
VENUE**

**I. Introduction**

On February 21, 2023, Defendants filed their Motion to Dismiss or, in the Alternative, to Transfer Venue (“Defendants’ MTD/Transfer Venue”). On March 7, 2023, Plaintiffs filed their Opposition to Defendants’ MTD/Transfer Venue. Plaintiffs file this Supplemental Brief because on March 10, 2023, Plaintiffs filed their Amended Complaint to, among other things, add a new Plaintiff—John Doe 5. Am. Compl. Plaintiff John Doe 5 is a resident of Columbus, and his home is located in Delaware County. Am. Compl. Ex. G. This is relevant to the Defendants’ arguments relative to their alternate motion to transfer venue.

**II. Delaware County is a proper venue.**

In Defendants’ alternate motion to transfer venue, they make much of the fact that none of the then Plaintiffs live in Delaware County. While Plaintiffs did not and do not believe that merits a transfer of venue to Franklin County, the fact that the new Plaintiff—John Doe 5—lives in Delaware County defeats Defendants’ arguments on this issue.

John Doe 5's residence is in the City of Columbus and in Delaware County. John Doe 5 possesses magazines capable of holding 30 rounds at that house. Am. Cmpl. Ex. H. He intends to possess them there and also when traveling through City of Columbus for lawful purposes. *Id.* John Doe 5 stores his firearms in his residence. *Id.* His storage methods comply with the relevant state laws. *Id.*

For purposes of this supplemental brief, Civ.R. 3(C) states that proper venue lies in

(3) A county in which the defendant conducted activity that gave rise to the claim for relief;

(5) A county in which the property, or any part of the property, is situated if the subject of the action is real property or tangible personal property;

(6) The county in which all or part of the claim for relief arose \* \* \* .”

First, Delaware County is the proper venue for this action under Civ.R. 3(C)(3) because Defendants’ conduct of threatening enforcement of its firearm regulations is “activity giv[ing] rise to the claim for relief.” Plaintiff John Doe 5 possesses his firearms and 30-round magazines in his residence and is subject to enforcement at that location. Thus Defendants’ activities of enforcing the magazine ban and the safe storage provision occur in Delaware County.

Second, Delaware County is the proper venue for this action under Civ.R. 3(C)(5) because part of the tangible personal property is situated in Delaware County, specifically John Doe 5’s 30-round magazines. Further, John Doe 5’s firearms—which are subject to the safe storage provision—are stored in his residence.

Third, Delaware County is the proper venue for this action under Civ.R. 3(C)(6) because part of Plaintiffs’ claims for relief arose in Delaware County. The restrictions on John Doe 5’s

right to possess his 30-round magazines within his residence, and store his firearms as he sees fit, arose in Delaware County.

Accordingly, Delaware County is the proper venue under Civ.R. 3(C)(3), (5), and (6).

### **III. Conclusion**

For the foregoing reasons, and those set forth in Plaintiffs' Opposition to Defendants' Motion to Dismiss or, in the Alternative, to Transfer Venue, Defendants' motion should be denied.

Respectfully submitted,

/s/ David C. Tryon

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### **CERTIFICATE OF SERVICE**

This will certify that a true and accurate copy of the Supplemental Memorandum to Plaintiffs' Opposition to Defendants' Motion to Dismiss or, in the Alternative, to Transfer Venue has been served by operation of this Court's electronic filing system this 17th day of March 2023.

/s/ David C. Tryon

David C. Tryon