

The City of Lorain, Ohio

Department of Law

Patrick D. Riley

Law Director



Lorain City Council
Attn: Lorain City Clerk of Council
200 W. Erie Ave.,
Lorain, OH 44052
RE: Knapp et. al. v. City of Lorain, 25CV219080

CIVIL DIVISION

Joseph T. LaVeck
Asst. Law Director &
Police Legal Advisor

Donald M. Zaleski
Asst. Law Director

Kenneth R. Resar
Asst. Law Director

Joseph H. Pritchard
Asst. Law Director &
Contract Admin.

Dear Members of Council,

Several months ago, this body passed an ordinance amending several firearms related ordinances increasing penalties for certain firearm related offenses as part of the City's collective Juvenile Gun Violence Initiative, which the Law Department presented to Council in September 2025.

This ordinance was challenged in the Lorain County Court of Common Pleas in a suit alleging that the increased penalties were unlawful.

Our office filed a Motion to Dismiss the case as the plaintiffs did not have the right to file the suit. With input from the Law Department staff, Assistant Prosecutor Bowles played an integral role in this litigation and this positive outcome for the City and its Juvenile Gun Violence Initiative.

Recently, in a decision rendered by Judge Giovanna Bremke, the City's Motion to Dismiss was granted and the case was dismissed, with court costs assessed to the Plaintiffs. The case is now closed but subject to appeal.

You will find attached a copy of the aforementioned decision. Please contact this office with any questions.

Respectfully,

Patrick Riley

City of Lorain Law Director

CRIMINAL DIVISION

Mallory J. Santiago
Chief Assistant
Prosecutor

Rocky R. Radeff
Asst. Prosecutor

Scott A. Bowles
Asst. Prosecutor



LORAIN COUNTY COURT OF COMMON PLEAS
LORAIN COUNTY, OHIO
Giovanna V. Bremke, Judge

Date 2/18/2026

Case No. 25CV219080

AARON C KNAPP, LSW, BSSW

Plaintiff

ROBERT J GARGASZ

Plaintiff's Attorney

VS

LORAIN (CITY OF), OHIO

Defendant

SCOTT BOWLES

Defendant's Attorney

ENTRY AND RULING ON DEFENDANT CITY OF LORAIN'S MOTION TO DISMISS

This matter comes before the Court upon the Defendant, City of Lorain's ("Defendant") Motion to Dismiss filed December 15, 2025. The Defendant seeks dismissal of all claims against the Defendant pursuant to Civ.R. 12(B)(6). Plaintiffs Aaron Knapp, Bobby Littlejohn Jr., and Garon Petty (collectively referred to as "Plaintiffs"), filed a Complaint for Declaratory and Injunctive Relief on December 3, 2025.

Succeeding Defendant's Motion, a flurry of briefs and motions were filed. On December 18, 2025, Plaintiffs filed a Memorandum in Opposition to Defendant's Motion to Dismiss. On December 23, 2025, Defendant filed a Memorandum in Support of their Motion to Dismiss. Plaintiffs filed a Motion to Strike Defendant's Motion to Dismiss, or in the Alternative, for Leave to File Sur-Reply on December 30, 2025. Defendant filed a Brief in Opposition to Plaintiffs' Motion to Strike City's Memorandum in Support of Motion to Dismiss on January 12, 2026. Plaintiffs filed a Reply in Support of Motion to Strike Defendant's Memorandum, in Support of Motion to Dismiss or in the Alternative, for Leave to File Limited Sur-Reply on January 14, 2026. On that same date, unprompted and in addition to seeking the same relief in Plaintiffs' complaint, Plaintiffs additionally filed a Motion for Injunction and Memorandum in Support of Plaintiffs' Motion for Temporary and Permanent Injunction. Defendant filed an opposition to this Motion on January 27, 2026. Despite Plaintiffs' December 30, 2025 Motion stating, "Ohio motion practice contemplates a clear and orderly sequence consisting of a motion, an opposition, and where permitted a reply," Plaintiffs again, unprompted by this Court, filed a Brief in Support of Standing on February 2, 2026. Defendant opposed that brief on February 9, 2026 and the next day the Plaintiffs replied to that opposition.



Nearly all of the arguments in all of these subsequent filings surround the Plaintiffs' standing to bring this action.

I. Applicable Standard

In reviewing a motion to dismiss for failure to state a claim upon which relief can be granted, the Court must accept all factual allegations in the complaint as true. See Lunsford v. Sterilite of Ohio L.L.C., 2020-Ohio-4193, ¶ 22. (internal citations omitted). Dismissal is only proper when "[...] it appears 'beyond doubt from the complaint that the plaintiff can prove no set of facts entitling him to recovery.'" Id. (internal citation omitted).

II. Analysis

"A matter is justiciable only if the complaining party has standing to sue." Ohioans for Concealed Carry v. City of Columbus, 10th Dist. Franklin No. 18AP-605, 2019-Ohio-3105, ¶ 11.

Before considering the merits of this claim this Court must consider whether the Plaintiffs have standing to proceed on this claim, which is a constitutional challenge to a newly established ordinance passed by the City of Lorain concerning penalties for firearm use and/or possession. "A party must establish standing to sue before a court can consider the merits of the claim." State ex rel. Ohio Stands Up! Inc. v. DeWine, 167 Ohio St. 3d 248, 249. "[T]he person or entity seeking relief must establish standing to sue." Ohio Pyro, Inc. v. Ohio Dept. of Commerce, Div. of State Fire Marshal, 115 Ohio St.3d 375, 2007-Ohio-5024, 875 N.E.2d 550, ¶ 27. Standing does address the merits of the plaintiffs' claims, but rather addresses "whether the plaintiffs have alleged such a personal stake in the outcome of the controversy that they are entitled to have a court hear their case." ProgressOhio.org, Inc. v. JobsOhio, 139 Ohio St.3d 520, 2014-Ohio-2382, 13 N.E.3d 1101, ¶ 7. "An action brought by a party that lacks standing will be dismissed." State ex rel. Ohio Stands Up! Inc. v. DeWine, 167 Ohio St. 3d 248, 249. "Merely stating a cause of action upon which relief can be granted does not automatically confer standing upon a plaintiff to bring its suit." Williams v. Ohio State A.G., 10th Dist. Franklin No. 97APE08-980, 1998 WL 212852 (Apr. 30, 1998).

In order to establish standing a plaintiff must show: (1) an injury (2) that is fairly traceable to the defendant's allegedly unlawful conduct and (3) is likely to be redressed by the requested relief. Moore v. Middletown, 133 Ohio St.3d 55, 2012-Ohio-3897, 975 N.E.2d 977, ¶ 22; Ohioans for Concealed Carry, Inc. v. City of Columbus, 2020-Ohio-6724, ¶ 12.

STANDING UNDER R.C. 9.68

Standing may also be conferred by statute. Middletown v. Ferguson, 25 Ohio St.3d 71, 75, 495 N.E.2d 380 (1986). Plaintiffs seek to establish standing under the



statutory authority R.C. 9.68. R.C. 9.68(A) establishes the right to keep and bear arms as a “fundamental individual right” that is a “constitutionally protected right in every part of Ohio.” R.C. 9.68(A) acknowledges the “need to provide uniform laws throughout the state” regulating the ownership and possession of firearms. R.C. 9.68(B) states, in relevant part as follows:

“A person, group, or entity adversely affected by any manner of ordinance, rule, regulation, resolution, practice, or other action enacted or enforced by a political subdivision in conflict with division (A) of this section may bring a civil action against the political subdivision seeking damages from the political subdivision, declaratory relief, injunctive relief, or a combination of those remedies.” R.C. 9.68(B).

While R.C. 9.68 establishes a right to a civil action, Plaintiffs’ argument fails because the Ohio Supreme Court has already addressed this exact issue. “Thus, even if we read the language in former R.C. 9.68(B) to imply the availability of a cause of action to challenge an ordinance, **that would not abrogate the need for a ‘person, group, or entity’ to establish standing for purposes of pursuing a civil action under that statute.**” Ohioans for Concealed Carry, Inc. v. City of Columbus, 2020-Ohio-6724, ¶ 17.

STANDING UNDER R.C 2721.03 (Pre-enforcement Challenge)

Plaintiffs additionally allege standing under R.C. 2721.03. The Plaintiffs in this case seek to assert a constitutional challenge to the City of Lorain’s ordinance. A party has standing to assert a constitutional challenge to a statute where the litigant shows “that he or she has suffered or is threatened with direct and concrete injury in a manner or degree different from that suffered by the public in general, that the law in question has caused the injury, and that the relief requested will redress the injury.” Kuhar v. Medina Cty. Bd. of Elections, 9th Dist. Medina No. 06CA0076-M, 2006-Ohio-5427, ¶ 9, citing State ex rel. Ohio Academy of Trial Lawyers v. Sheward, 86 Ohio St.3d 451, 469-470, 1999-Ohio-123.

Plaintiffs have brought a pre-enforcement challenge as the complaint does not allege that any of the three plaintiffs have been cited under the new ordinance. To the contrary, the complaint states that the Plaintiffs are law-abiding citizens. “Although a declaratory-judgment action generally contemplates that the action is brought before an injury-in-fact has occurred, a plaintiff must nonetheless demonstrate ‘actual present harm or a significant possibility of future harm to justify pre-enforcement relief.’” Ohioans for Concealed Carry, Inc. v. City of Columbus, 2020-Ohio-6724, ¶ 32 citing Peoples Rights Org., Inc. v. Columbus, 152 F.3d 522, 527 (6th Cir.1998). “Certain impending injury is sufficient to obtain preventative relief; a plaintiff need not wait for an injury to actually occur.” Id.



The amended ordinances that the Plaintiffs seek to declare unconstitutional appear (although not specifically articulated in the complaint) to be 549.02, 549.04, 549.05, 549.06, 549.07, 549.09, 549.10, and 549.16. Each of these ordinances corresponds to or mirrors sections of R.C. 2923. The difference is that the Lorain amendments increase the penalties from lower degree misdemeanors to first degree misdemeanors.

Plaintiff Knapp, in his complaint, does not allege to regularly carry a firearm, but is merely a firearm owner. The other two Plaintiffs, Littlejohn and Petty, allege to regularly carry for self-defense but do not allege to conceal carry. None of the Plaintiffs allege that they have ever been charged under the local ordinance. Plaintiffs do not allege how increasing penalties from lower misdemeanors to first degree misdemeanors creates an actual present harm to them. In fact, the behavior that they say is being “chilled” is already illegal, just with lesser penalty. Nothing in the complaint establishes that increasing penalties on already illegal behavior adversely affects law-abiding people. Ultimately, Plaintiffs’ alleged impending injury consists of facing steeper penalties if they engage in criminal behavior, a scenario which is not unique vis-à-vis the public in general. Thus, Plaintiffs have not established standing.

III. Conclusion

“An action brought by a party that lacks standing will be dismissed.” State ex rel. Ohio Stands Up! Inc. v. DeWine, 167 Ohio St, 3d 248, 249. Accordingly, the Defendant’s Motion to Dismiss is granted. Case closed. Costs to Plaintiffs.

IT IS SO ORDERED.

Judge Giovanna V. Bremke

TO THE CLERK: THIS IS A FINAL APPEALABLE ORDER. PLEASE SERVE UPON ALL PARTIES NOT IN DEFAULT FOR FAILURE TO APPEAR, NOTICE OF THE JUDGMENT AND ITS DATE OF ENTRY UPON THE JOURNAL IN ACCORDANCE WITH OHIO CIV.R. 58(B).