

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

THE WINGATES, LLC, et al.,
Plaintiffs,

v.

PRAIRIE TOWNSHIP BOARD
OF TRUSTEES, et al.,
Defendants.

Case No. 2:14-CV-00123
JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Mark R. Abel

ORDER

This matter came before the Court on Wednesday, February 19 at 2:00 p.m. for a hearing on Plaintiffs' motion for a temporary restraining order ("TRO"). *See* doc. 2. Plaintiffs base their motion on a procedural due process theory. They specifically claim that the process afforded to them by the Prairie Township Board of Trustees was constitutionally deficient, and that the Ohio Revised Code section controlling property removal by township boards is facially unconstitutional according to the guarantees of procedural due process, *see* Ohio Rev. Code § 505.86. The Court, however, need not reach these constitutional issues. On October 22, 2013, Plaintiffs entered into a contract with the Board; it gave the Board authority to pass a resolution to destroy the structures at issue if Plaintiffs failed to do so themselves by December 17, 2103. This contract—not the constitutionality of any Ohio statute or Board process—controls the nature of the parties' dispute. For these reasons, and for the reasons stated in open Court at the hearing, Plaintiffs' motion for a TRO, doc. 2, is **DENIED**.

IT IS SO ORDERED.

2-19-2014
DATE



EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE