

IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO

AEP Ohio, et al.,

Plaintiffs,

v.

State of Ohio

Defendants.

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Case Number 09CVH 09144

Judge Sheeran

FILED  
COMMON PLEAS COURT  
FRANKLIN CO. OHIO  
2009 SEP 28 PM 3:50  
CLERK OF COURTS

**TEMPORARY RESTRAINING ORDER**

Upon consideration of Plaintiffs' Verified Complaint, Motion for Temporary Restraining Order, and Memorandum in Support, the Court finds as follows:

1. The constitutional rights of Plaintiffs are being and will continue to be violated by the Environmental Review Appeals Commission ("ERAC");
  2. Plaintiffs will suffer irreparable harm if ERAC is permitted to continue with the one-hour appeals described in the Verified Complaint and Motion for Temporary Restraining Order;
  3. Plaintiffs allege that they have no adequate remedy at law;
  4. Greater injury will be inflicted on Plaintiffs by the denial of a temporary restraining order than would be inflicted upon Defendants by the issuance of such relief;
- and
5. The granting of injunctive relief will not disserve the public interest.

Accordingly, it is therefore ORDERED, ADJUDGED, and DECREED that:


1. A temporary restraining order is issued immediately. Plaintiffs shall not be required to post security.

2. ERAC is temporarily enjoined and restrained, directly or indirectly, from proceeding with the one-hour hearings in Plaintiffs' appeals described in Exhibit 1 to the Verified Complaint.

3. ERAC is ordered to vacate the one-hour appeals described above until further notice.

IT IS SO ORDERED.

Dated: 9/28/09

  
Patrick E. Sheeran, Judge