

**IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO  
GENERAL DIVISION**

JOHN REID, et al.,	:	CASE NO.: 25CV-10760
Plaintiffs,	:	DUTY JUDGE BILL SPERLAZZA
vs.	:	
SHERYL MAXFIELD, et al.,	:	
Defendants.	:	

**TEMPORARY RESTRAINING ORDER**

**I. Plaintiff's Motion for Temporary Restraining Order**

This case is before the Court as a duty matter on Plaintiffs' Emergency Motion for Temporary Restraining Order and/or Preliminary Injunction filed on December 18, 2025.<sup>1</sup> A hearing was held on December 23, 2025. Attorneys Marc Dann, Jeffrey Crossman, and Brian Flick were present on behalf of the Plaintiffs John Reid and Steven Ling.<sup>2</sup> Defendants Sheryl Maxfield, Joy Bledsoe, Robert Sprague, and Akil Hardy, all in their official capacity were represented by Attorneys Aneca Lasley, Andrea Howell, and Joshua Klarfeld.<sup>3</sup>

By way of background, Revised Code Ch. 169 governs unclaimed funds held in trust by the State of Ohio's Department of Commerce, Division of Unclaimed Funds.

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<sup>1</sup> The issues presented in this case have had other avenues of litigation, including a federal case in the Southern District of Ohio before the Honorable Judge Edmund Sargus, Jr. On December 21, 2025, Defendants' filed a notice of filing of stipulations of fact, which included Exhibits from the December 8, 2025 Motion for Temporary Restraining Order hearing heard before Judge Sargus. The transcript of that hearing was filed by the Plaintiffs on December 19, 2025. Both items were filed within the record of this case upon agreement between the parties.

<sup>2</sup> Plaintiffs are two individuals, claimants, who have unclaimed funds in possession of the Division.

<sup>3</sup> Sheryl Maxfield is the Director of the Ohio Department of Commerce, Joy Bledsoe is the Executive Director of the Ohio Facilities Construction Commission, Robert Sprague is the Ohio State Treasurer, and Akil Hardy is the Superintendent of the Division of Unclaimed Funds.

Several subsections were amended by House Bill 96—most relevant to this case, R.C.

169.08(I)(1) which states:

Unclaimed funds and interest earned thereon that are first reported to the director under section 169.03 of the Revised Code on or before January 1, 2016, are deemed abandoned and escheat to the state on January 1, 2026, if no valid claim is filed by the owner or another person claiming a right to payment on or before that date.

The Division will then transfer those funds to the Ohio Department of Office and Budget Management (“OBM”) pursuant to R.C. 123.282, for the funds to be used for the Ohio Cultural and Sports Facility Performance Grant Fund. The transfer that is set to occur on January 1, 2026 is estimated to be between \$1.7-1.9 billion dollars.

For purposes of this Motion, Plaintiffs challenge R.C. 169.08(I)(1) on the ground that it violates the Takings Clause of the Ohio Constitution. Ohio Const., art. I, § 19. In opposition, Defendants argue that the Takings Clause of the Ohio Constitution is not violated by this statute. But even if it were, because claimants with a pre-2016 claim may file to recover escheated funds with the Division until January 1, 2036, there is an adequate remedy at law and injunctive relief is not proper. *See Defendants’ Memorandum Contra* at 6.

Plaintiffs have brought several claims against the Defendants including its challenge of the amendment under the Takings Clause under the Ohio Constitution. The only issue before this Court is Plaintiffs’ Motion for temporary restraining order, requesting this Court to “enjoin[] the Defendants from certifying, transferring, diverting, reclassifying, liquidating, or otherwise expending funds held in the Ohio Unclaimed Funds Trust Account pursuant to O.R.C. Chapter 169, as amended by HB 96.” *See Plaintiffs’ 12/18/25 Motion for Temporary Restraining Order* at 1.

### ***A. Standard***

A temporary restraining order is a form of relief intended to prevent the applicant from suffering immediate and irreparable harm, injury or damage. Civ.R. 65(A). A court must examine and balance the following four factors to determine if injunctive relief should be granted:

(1) whether the evidence presents a substantial likelihood that plaintiff will prevail on the merits, (2) whether denying the injunction will cause plaintiff to suffer irreparable injury, (3) whether granting the injunction will cause third parties to suffer unjustifiable harm, and (4) whether the injunction will serve the public interest.

*Garb-Ko, Inc. v. Benderson*, 2013-Ohio-1249, ¶ 32 (10th Dist.), *quoting Cuyahoga Re-Entry Agency v. Ohio Dept. of Rehab. & Corr.*, 2012-Ohio-2034, ¶ 31 (10th Dist.). The party seeking the temporary restraining order must demonstrate by clear and convincing evidence that they are entitled to such. *Id.* “The issue of whether to grant or deny an injunction is a matter within the discretion of the trial court[.]” *Id.*

Having considered the arguments of counsel, all stipulations and exhibits, and the briefing before the Court and upon balancing the factors, the undersigned finds Plaintiffs have demonstrated by clear and convincing evidence that a temporary restraining order is appropriate at this time.

### ***B. Substantial Likelihood of Success on the Merits***

Article I, Section 19 of the Ohio Constitution States:

Private property shall ever be held inviolate, but subservient to the public welfare. When taken in time of war or other public exigency, imperatively requiring its immediate seizure or for the purpose of making or repairing roads, which shall be open to the public, without charge, a compensation shall be made to the owner, in money, and in all other cases, where private property shall be taken for public use, a compensation therefor shall first be made in money, or first secured by a deposit of money; and such compensation shall be assessed by a jury, without deduction for benefits to any property of the owner.

“[U]nclaimed funds never become the property of the holder or the state of Ohio.” *See Soggs v. Zurz*, 2009-Ohio-1526, ¶ 2. Unclaimed funds are not abandoned. *Id.* at ¶ 16. In *Soggs*, the claimant challenged the amendment of R.C. 169.08(D) which enabled the state to appropriate the interest accrued on unclaimed funds. The Ohio Supreme Court held that it could not. *Id.* So too here. The recent amendments to the revised code purport to deem unclaimed funds “abandoned” and permit the State to appropriate unclaimed funds.

Thus, Plaintiffs have demonstrated a substantial likelihood of success on the merit on their Takings’ Claim.

***C. Irreparable Harm if the Requested Relief is not Granted***

The irreparable harm that will occur should the funds be transferred on January 1, 2026 is significant. Amy Schellhammer, Finance Manager for the Division of Unclaimed Funds testified before Judge Sargus in the Southern District of Ohio that once the funds are transferred, they cannot be returned. *See* 12/8/25 Transcript of Oral Argument at 15.

While there is an avenue for claimants with pre-2016 funds to seek recovery, that process also poses other issues. *See* R.C. 169.08(I)(3)(b). “No man ought to be deprived of his property by forfeiture without having a legal investigation.” *Cotter v. Doty*, 5 Ohio 394, 398 (1832). Upon transfer of the pre-2016 “abandoned” funds, the claimant is deprived his property without having a legal investigation since the “abandoned” funds will automatically be deemed such and escheat to the State.

Additionally, this procedure for pre-2016 claimants can pose a significant risk of liability to the State. Upon the transfer of nearly \$1.9 billion dollars, any claim for those unclaimed funds will be paid out from the unclaimed trust fund held by the Division,

without reimbursement from the Ohio Cultural and Sports Facility Performance Grant Fund. *See* R.C. 169.08(I)(3)(b). This creates a situation where at some point, the amount of funds in the trust with the Division, may not be sufficient enough to compensate all pre-2016 claims for recoupment of unclaimed funds—leaving the State of Ohio responsible to compensate individuals for those claims.

Moreover, Plaintiffs have demonstrated that they will suffer irreparable harm.

***D. Substantial Harm to Others and Public Interest***

Briefly halting the funds from being certified, transferred, diverted, reclassified, liquidating or otherwise expending funds held by the Division will not cause third parties to suffer unjustifiable harm. The third parties that seek to benefit from these funds include a \$600 million dollar grant for the construction of a new multi-use sports complex where the Cleveland Browns will play their home games. Additionally, interest held by the public outweighs any potential unjustifiable harm. These unclaimed funds are the ownership of the claimants, not the Division.

It is for these reasons that Plaintiffs’ Motion for Temporary Restraining Order and/or Preliminary Injunction is **GRANTED IN PART**. This matter will be referred to Magistrate Hunt for a Preliminary Injunction Hearing to resolve the remainder of the Motion.

**II. Conclusion**

**The Defendants are temporarily enjoined from certifying, transferring, diverting, reclassifying, liquidating, or otherwise expending funds held in the Ohio Unclaimed Funds Trust Account.**

This Temporary Restraining Order shall remain in effect until January 8, 2026 at 5:00p.m. The Court could not find that no bond is required. Plaintiffs shall post a nominal bond in the amount of \$50 no later than December 29, 2025 at 5:00p.m.

Pursuant to *Ankrom v. Hageman*, 2007-Ohio-5092, ¶ 12, this is not a final appealable order.

**IT IS SO ORDERED.**

Franklin County Court of Common Pleas

**Date:** 12-23-2025  
**Case Title:** JOHN REID ET AL -VS- SHERYL MAXFIELD ET AL  
**Case Number:** 25CV010760  
**Type:** T R O (TEMPORARY RESTRAINING ORDER) ON

It Is So Ordered

The image shows a handwritten signature in black ink that reads "Bill Sperlazza". The signature is written over a circular official seal. The seal is light blue and contains the text "FRANKLIN COUNTY COURT OF COMMON PLEAS" around the top and "JAN 4 2019" at the bottom. The signature is written in a cursive, flowing style.

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/s/ Judge Bill Sperlazza