

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

**MARY BLEICK**, individually and on behalf  
of all others similarly situated,  
% DannLaw  
15000 Madison Avenue  
Lakewood, OH 44107

Plaintiff(s),

v.

**SHERYL MAXFIELD**, *in her official  
capacity as Director of Commerce*  
Department of Commerce  
77 S. High Street, 22nd Floor  
Columbus, OH 43215-6108

and

**AKIL HARDY**, *in his official capacity as  
Superintendent of the Ohio Division of  
Unclaimed Funds*  
Department of Commerce  
77 S. High Street, 22nd Floor  
Columbus, OH 43215-6108

and

**ROBERT SPRAGUE**, *in his official  
capacity as Treasurer of the State of Ohio*  
30 E. Broad Street, 9th Floor  
Columbus, OH 43215

Defendants.

**CASE NO.**

**JUDGE**

**CLASS ACTION COMPLAINT**

**JURY DEMAND ENDORSED HEREON**

**Serve also pursuant to R.C. 2721.12:**

Ohio Attorney General  
30 E. Broad St., 14th Floor  
Columbus, OH 43215

Plaintiff, Mary Bleick (“Plaintiff”), individually and as a representative of a class of persons with funds held in trust in the State of Ohio’s unclaimed funds hereby brings these claims against Defendants Sheryl Maxfield, in her official capacity as the Director of Commerce, Akil Hardy, in his official capacity as the Superintendent of the Ohio Division of Unclaimed

Funds, and Robert Sprague, in his official capacity as Treasurer of the State of Ohio (“Defendants”) and alleges upon personal knowledge as to his own actions and experiences, and upon information and behalf based on the investigation of counsel and facts that are matters publicly known, on all other matters as follows:

### **INTRODUCTION AND BACKGROUND**

1. This is a class action to prevent the unconstitutional and unlawful misappropriation of private property held by the State of Ohio as a custodian for individual Ohioans.

2. Specifically, the State of Ohio, through the named Defendants, intends to confiscate Ohioans’ “unclaimed funds” and divert them from their intended purpose—to be held and preserved for the benefit of the rightful owners—to finance the construction of a private sports stadium for the Cleveland Browns.

3. Plaintiff, on behalf of himself and on behalf of a putative class of persons affected by the conduct alleged herein, seeks declaratory and injunctive relief under the United States and Ohio Constitutions, as well as Ohio statutory law.

4. Plaintiff and class members are rightful owners of property currently held in trust by the State of Ohio pursuant to Ohio Revised Code Chapter 169.

5. If action is not taken promptly, the State intends to confiscate this private property for the purpose of funding a private development without any public purpose and will deprive the rightful owners of their property.

6. The State intends to do so even though it has been long settled that funds held by the State of Ohio in its “Unclaimed Funds” account are private property; it is not property of the State of Ohio to use as it deems fit and unclaimed funds are certainly not “operating revenue” to be appropriated in the State’s budget bill.

7. As the Ohio Supreme Court stated in 2009, these funds "are not abandoned; they are the property of their owner." See Sogg v. Zurz, 121 Ohio St. 3d 449, 16 (2009) (holding that the state cannot take interest earned on private property).

8. Nevertheless, the State's budget legislation authorizes the confiscation of this private property for private development purposes in violation of, *inter alia*, the Fifth and Fourteenth Amendments of the U.S. Constitution, Article I, Section 19 of the Ohio Constitution, and the statutory fiduciary duty imposed by Ohio Revised Code Chapter 169 to preserve the funds for the actual owners of this private property.

### **FACTUAL BACKGROUND**

9. The "Cleveland Browns" organization is a professional football team which participates in the National Football League.

10. Both the Cleveland Browns and the National Football League are privately held, for-profit businesses.

11. Except for the period between 1996-1998, the Cleveland Browns football team has played its home games on Cleveland's lakefront.

12. Between 1946 and 1995, the Cleveland Browns played their home games in the former Cleveland Municipal Stadium, a publicly owned facility originally constructed in 1931.

13. Between 1996 and 1998, the Cleveland Browns were defunct after the widely despised owner, Art Modell, relocated the team to Baltimore, MD following the 1995 season.

14. The resulting public outcry over Art Modell's decision resulted in a series of lawsuits and negotiations ultimately culminating in a settlement involving the City of Cleveland, the Browns' then owner, Art Modell, and the National Football League. See, e.g. Beder v. Cleveland Browns, 129 Ohio App. 3d 188 (8<sup>th</sup> Dist. 1999) (providing background of the

Cleveland Browns' move); City of Cleveland v. Cleveland Browns, Inc., et al. Cuyahoga County Common Pleas Case No. CV-95-297833 (the city's challenge to the move; settled and dismissed 8/16/1996).

15. Pursuant to the parties' agreement, the NFL committed to replace the Cleveland Browns with a new football team beginning in 1999 if the City constructed an entirely new facility for the team in time to start the 1999 season.<sup>1</sup>

16. Among the chief concerns in choosing to rebuild the football stadium on the existing site were the compressed timeline, the ability to leverage the preexisting infrastructure to expedite the completion of the new facility, and the historical significance of this franchise's location on Ohio's "North Coast."

17. The City built the new stadium, originally named "Cleveland Browns Stadium" signifying the team's identity and connection to the City, by utilizing public funding—over \$290 million in taxpayer dollars, including revenue from a "sin tax" approved by Cuyahoga County voters, along with financing provided by the National Football League.

18. Since its completion in 1999, the Cleveland Browns have played their home games at this publicly owned facility.

19. The construction of this new public facility allowed for the continuation of the long legacy of professional football on Cleveland's lakefront that dates back to the 1930's, when the Cleveland Rams—a franchise which later relocated to Los Angeles—played their home games in Cleveland Municipal Stadium.

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<sup>1</sup><https://www.nytimes.com/1996/02/12/sports/pro-football-how-compromise-built-cleveland-a-new-stadium.html> "How Compromise Built Cleveland a New Stadium." (Last visited Jun 13, 2025).

20. Including both the Rams and the Browns, professional football has played home games on the city's historic lakefront site in a publicly owned and operated facility for nearly a century.

21. On or about March 18, 2025, the current owner of the Cleveland Browns franchise announced plans to abandon the Cleveland Browns' long legacy of playing home games in the City and pursue the construction of a new, but privately owned facility outside of Cleveland at a cost projected to exceed \$2 billion.<sup>2</sup>

22. Upon information and belief, the Cleveland Browns organization is controlled by Haslam Sports Group, LLC which is owned and operated by multi-billionaire Jimmy Haslam and his wife Dee Haslam.

23. According to Forbes magazine, Jimmy Haslam is one of the wealthiest individuals in the world and, if his home were in Ohio, he would be the wealthiest person in Ohio.<sup>3</sup>

24. The proposed new stadium is a private venture and, upon information and belief, fully controlled by Haslam and/or the Haslam Sports Group. The public would not have any ownership or other rights in this private venture.

25. Nevertheless, the Haslam Sports Group and Haslam have sought *public* funding for their thoroughly *private* venture to cover approximately half the cost of the facility's construction, and while the Haslam Sports Group claim that monies provided will be returned, at

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<sup>2</sup><https://www.news5cleveland.com/sports/browns/city-of-cleveland-calls-press-conference-for-up-date-on-the-status-of-stadium-negotiations> "Browns leaving Downtown Cleveland for Brook Park." (Last visited June 16, 2025).

<sup>3</sup><https://www.beaconjournal.com/story/news/2025/04/04/2025-forbes-billionaires-list-ohio-native-s-lebron-james-vivek-ramaswamy-haslam/82874307007/> "Akron native LeBron James, Vivek Ramaswamy, more Ohioans make Forbes billionaires list" (last visited June 13, 2025). Since Mr. Haslam's personal residence is in Tennessee, he is not included on the list of wealthiest Ohioans but if he were, he'd surpass Ohio's current No. 1, Les Wexner, the founder of Limited Brands.

least two state agencies have concluded that the economic forecasts provided by the developers are wildly optimistic and the community benefits touted are unlikely to materialize.<sup>4</sup>

26. In fact, beyond speculative economic reasons, there is no public purpose for the proposed project and any claimed economic benefits are a mere pretext used as an attempt to justify public funding for a thoroughly private project. As the nonpartisan Legislative Service Commission, which serves the Ohio General Assembly wrote in a memorandum to state legislators:

*“The academic literature on publicly funded sports stadiums is vast, covering many decades, sports, states and municipalities...The overwhelming conclusion from this body of research is that there are little to no tangible impacts of sports teams and facilities on local economic activity. A second conclusion is that the level of government subsidies given for the construction of facilities far exceeds any observed economic benefits when they do exist.”*

See “Browns Stadium Funding” Memorandum dated April 25, 2025 attached hereto as **Exhibit A**.

27. Given the absence of any legitimate public purpose for this private venture, it is fair to ask why the state legislature would authorize the liquidation of private property belonging to individual Ohioans to fund a privately owned stadium—particularly in a manner that infringes upon the constitutional rights of Ohioans. The answer appears rooted not in sound public policy or constitutional principle, but in political expediency and the influence of wealthy political donors.

28. Public records and reporting indicate that Jimmy and Dee Haslam were among the largest contributors to the campaign opposing “Issue 1” in November 2024. These donations, made concurrent with the Haslam Sports Group’s pursuit of public funding for their stadium

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<sup>4</sup><https://www.news5cleveland.com/sports/browns/state-agencies-flag-browns-stadium-plans-browns-say-analysis-contains-misinformation#:~:text=In%20the%20memo%2C%20the%20researchers,broadcast%2C%20rewritten%2C%20or%20redistributed.> “State agencies flag Browns' stadium plans.” (Last visited June 16, 2025).

project, raise legitimate concerns about the potential influence of such contributions on legislative decision-making and the support sought to help pay for the Haslams' \$2 billion boondoggle.<sup>5</sup>

29. The Haslams' support was crucial to the failure of Issue 1, which represented a win for the Ohio House Speaker who opposed Issue 1 because, if it had passed, it would have dealt a blow to the Speaker's ability to gerrymander legislative districts and threatened his party's ability to retain supermajority in the statehouse. It appears that the Speaker's support for public funding for the Haslams' private project is the reward for the Haslams' direct support on defeating Issue 1.

30. What makes the State's stadium funding proposal particularly disturbing is not just its abandonment of a historic public asset, the severing of the team's long-standing connection to the City, or the unmistakable appearance of "pay to play" political favoritism that taints its origins—but the deeply inappropriate decision to finance a private development project by raiding a trust fund meant to safeguard the private property of unsuspecting Ohioans.

31. State officials have decided to confiscate and liquidate Ohio's "Unclaimed Funds"—property that legally belongs to individual Ohio residents—to finance this new, privately owned stadium project at the expense of those who have funds waiting to be claimed and which are supposed to be held in trust.

32. The state's plan involves taking private property for the purpose of benefiting a private business and, in particular, one person (Jimmy Haslam) who is more than financially

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<sup>5</sup><https://www.wkyc.com/article/news/politics/elections/cleveland-browns-owners-jimmy-dee-haslam-largest-donors-campaign-defeat-ohio-redistricting-amendment/95-d6bb895d-fde6-42f5-9435-b02aa4e25338> "Jimmy and Dee Haslam among largest donors in campaign to defeat Ohio redistricting amendment" (last visited June 13, 2025).

capable of funding the construction of his own privately operated football stadium, as other multi-billionaire franchise owners have done (albeit a minority).<sup>6</sup>

33. The state's confiscation plan is an unconstitutional taking which violates Ohio's longstanding acknowledgment that "Ohio has always considered the right of property to be a fundamental right." See City of Norwood v. Horney, 110 Ohio St.3d 353, ¶38 (2006).

34. Plaintiff is a resident of the State of Ohio and has verified he has unclaimed funds held in trust which are depicted on the Ohio Division of Unclaimed Funds' website.

35. Defendant, Sheryl Maxfield is the State of Ohio's Director of Commerce, which oversees the Division of Unclaimed Funds, the governmental office responsible for reuniting Ohioans with their property.

36. According to the state's funding plan, the "director of commerce" must certify \$600,000,000 from the unclaimed funds and redirect these funds to the State Treasurer to ensure that they are available for the construction of the private venture.

37. R.C. 169.01(K) also authorizes Defendant Akil Hardy, as the "superintendent of unclaimed funds" to redirect these unclaimed funds to the State Treasury.

38. Defendant, Robert Sprague, acting in his capacity as Treasurer for the State of Ohio, is charged with the responsibility of maintaining, supervising, securing, and accounting of funds held by the State of Ohio, including Ohio's unclaimed funds.

39. The State's plan to confiscate Ohioans' private property includes a directive that Defendant Sprague confiscate the unclaimed funds certified by the "director of commerce" and divert them into a separate fund to be utilized to finance the construction of a private sports facility.

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<sup>6</sup> [https://theweek.com/sports/taxpayer-subsidized-stadiums?utm\\_source=chatgpt.com](https://theweek.com/sports/taxpayer-subsidized-stadiums?utm_source=chatgpt.com) "The economics of taxpayer-subsidized stadiums" (last visited June 16, 2025).



40. Defendants are acting under the color of law to exercise this taking in violation of the 5<sup>th</sup> and 14<sup>th</sup> Amendments to the United States Constitution and Article I, Section 19 of the Ohio Constitution.

### **CLASS ACTION ALLEGATIONS**

41. Plaintiff brings this action individually and on behalf of all others similarly situated pursuant to Civ.R. 23(A) and Civ. R. 23(B)(2).

42. The proposed class is defined as:

**"All individuals and entities whose funds are being held in the Ohio Unclaimed Funds Trust Fund as of June 30, 2025."**

43. Excluded from the Class are the following individuals and/or entities: Defendants and Defendants' parents, subsidiaries, affiliates, officers and directors, and any entity in which Defendants have a controlling interest; all individuals who make a timely election to be excluded from this proceeding using the correct protocol for opting out; any and all federal, state or local governments, including but not limited to its departments, agencies, divisions, bureaus, boards, sections, groups, counsels and/or subdivisions; and all judges assigned to hear any aspect of this litigation, as well as its immediate family members.

44. Plaintiff reserves the right to amend the above definitions or to propose subclasses in subsequent pleadings and motions for class certification.

45. Numerosity: The class is so numerous that joinder of all members is impracticable. Upon information and belief, the class includes tens or hundreds of thousands of individuals with unclaimed funds in the custody of the State of Ohio.

46. Commonality: There are questions of law and fact common to the class, including but not limited to:

- a. Whether the State of Ohio and its officers have a fiduciary duty to preserve unclaimed private property for the rightful owners;
- b. Whether confiscating an individual's property without a public purpose constitutes an unconstitutional taking;
- c. Whether confiscating private property to fund a private stadium project constitutes an unconstitutional taking;
- d. Whether confiscating private property in the absence of a state emergency without compensating the owner first violates Article I, section 19 of Ohio's Constitution;
- e. Whether the proposed confiscation of private property violates due process rights;
- f. Whether such confiscation violates the purpose of ORC Chapter 169.

47. Typicality: Plaintiff's claims are typical of the claims of the class. Plaintiff and class members all have a current or potential claim to unclaimed funds held in trust, and all are subject to the same risk of diversion of their property without notice or compensation.

48. Adequacy of Representation: Plaintiff will fairly and adequately protect the interests of the class. Plaintiff has no interests antagonistic to the class and is represented by competent counsel experienced in complex litigation, constitutional claims, and class actions.

49. Plaintiff is not subject to any individual defenses unique from those conceivably applicable to other Class Members or the class in its entirety. Plaintiff anticipates no management difficulties in this litigation.

50. Superiority of Class Action: Since the damages suffered by individual Class Members, while not inconsequential, may be relatively small, the expense and burden of

individual litigation by each member make or may make it impractical for members of the Class to seek redress individually for the wrongful conduct alleged herein. Should separate actions be brought or be required to be brought by each individual member of the Class, the resulting multiplicity of lawsuits would cause undue hardship and expense for the Court and the litigants.

51. The prosecution of separate actions would also create a risk of inconsistent rulings, which might be dispositive of the interests of the Class Members who are not parties to the adjudications and/or may substantially impede their ability to protect their interests adequately.

52. Defendants have acted or refused to act on grounds generally applicable to the class, thereby making final injunctive and declaratory relief appropriate with respect to the class as a whole under Rule 23(B)(2). Class certification is appropriate to ensure uniform and equitable adjudication of the legal and constitutional rights of all unclaimed fund beneficiaries.

53. Defendant Robert Sprague is the Treasurer of the State of Ohio and is responsible for custody and management of the Unclaimed Funds Trust Fund.

54. Defendant Akil Hardy is the Superintendent of the Division of Unclaimed Funds within the Ohio Department of Commerce and oversees administration and payment of claims.

55. Defendants are sued in their official capacities only for prospective equitable relief.

### **JURISDICTION AND VENUE**

56. This Court has jurisdiction under R.C. 2721.01 et seq. (Declaratory Judgment Act), R.C. 2305.01 (common pleas jurisdiction), and Article I, Section 16 of the Ohio Constitution.

57. Jurisdiction is also proper in this Court pursuant to §2743.03(A)(2) which permits parties to seek declaratory relief against the State and its actors in Common Pleas Court. See

Cirino v. Ohio Bureau of Workers' Comp., 153 Ohio St. 3d 333, ¶¶19-20 (2018)(discussing claims that may be brought in Common Pleas versus claims that must be brought in the Court of Claims).

58. Venue is proper in Franklin County pursuant to Civ.R. 3(B) because Defendants perform their official duties in Franklin County and Civ.R. 3(C)(5) as the Unclaimed Funds Trust Fund is administered by the Defendants in Franklin County.

59. The State of Ohio currently holds billions of dollars in unclaimed funds, property of Ohioans, pursuant to R.C. 169.01, *et seq.* These funds are held in a fiduciary capacity for the exclusive benefit of the rightful owners.

60. Plaintiff is listed as an owner of property currently held in the custody of the Division of Unclaimed Funds.

61. The Ohio Senate has proposed using \$600 million from the Unclaimed Funds Trust Fund to finance construction of a new stadium for the Cleveland Browns.

62. Indeed, the enrolled legislation mandates the certification of \$600,000,000 from the Unclaimed Funds Trust Fund and directs its reallocation to a separate grant fund for the construction of a new professional sports facility “on January 1, 2026, or as soon as possible thereafter.”

63. This use was not previously authorized by the Ohio Revised Code and diverts funds held in trust to a private corporate interest.

64. The funds are not surplus and must remain available to pay verified claims by owners, including Plaintiff.

65. Unless enjoined, Defendants will immediately begin taking steps to effectuate this planned confiscation pursuant to newly imposed statutory obligations. These steps include

certification of fund balances, movement of funds, and preparation for disbursement, thereby endangering the solvency of the trust and placing Ohioans' property at immediate risk of dissipation.

**COUNT I:  
TAKINGS CLAUSE  
(U.S. CONST. amend. V, XIV; 42 U.S.C. § 1983)  
(On behalf of Plaintiff and the Class)**

66. Plaintiff hereby incorporates all of the foregoing paragraphs, as if fully rewritten herein.

67. Plaintiff has a vested property interest in unclaimed funds held by the State.

68. Defendants intend to reallocate those funds for private use without just compensation.

69. This constitutes a violation of the Takings Clause set forth in the United States Constitution, as amended by Article V of the U.S. Bill of Rights.

70. The Fifth Amendment says in pertinent part that: "No person shall be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

71. Defendants intend to take actions against Ohioans without due process and without just compensation prior to the taking, thereby violating the United States Constitution.

72. As a result, Plaintiff is entitled to declaratory and injunctive relief and attorneys' fees under 42 U.S.C. § 1988.

**COUNT II:  
DUE PROCESS CLAUSE  
(U.S. CONST. amend. XIV; 42 U.S.C. § 1983)  
(On behalf of Plaintiff and the Class)**

73. Plaintiff hereby incorporates all of the foregoing paragraphs, as if fully rewritten herein.

74. Plaintiff was never given any direct notice or opportunity to object to the confiscation of his property in the custodial care of the State of Ohio.

75. The XIV Amendment to the United States Constitution, first ratified by the State of Ohio in 1867, prohibits any deprivation of property rights without due process.<sup>7</sup>

76. Specifically, Section 1, of the 14<sup>th</sup> Amendment states: No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

77. By confiscating the funds of Plaintiff and others in the putative class, Defendants are acting in their capacity as representatives of the State of Ohio to violate this Amendment to the U.S. Constitution.

78. As a result, Plaintiff is entitled to declaratory and injunctive relief and attorneys' fees under 42 U.S.C. § 1988.

**COUNT III:  
VIOLATION OF ARTICLE I, SECTION 19, OHIO CONSTITUTION  
(On behalf of Plaintiff and the Class)**

79. Plaintiff hereby incorporates all of the foregoing paragraphs, as if fully rewritten herein.

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<sup>7</sup> While Ohio first ratified the 14<sup>th</sup> Amendment on January 14, 1867, it later rescinded its ratification on January 15, 1868. Ohio corrected this reversal in 2003. See Gabriel J. Chin, Gabriel J. Chin, *Ratifying the Fourteenth Amendment in Ohio*, 31 W. New Eng. L. Rev. 147 (2009). Available online: <https://digitalcommons.law.wne.edu/cgi/viewcontent.cgi?article=1097&context=lawreview> (last visited June 16, 2025).

80. Similar to the United States Constitution, Ohio's Constitution similarly protects private property from being taken for private use or without just compensation.

81. In fact, Ohio's Constitutional protections appear stronger than the Federal Constitution.

82. Article I, Section 19 of the Ohio Constitution states as follows:

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.

83. This constitutional provision states that private property shall be "inviolat," signifying that the protection and preservation of private property is a fundamental principle of Ohio's constitutional order.

84. This provision also mandates that compensation be paid to the private property owner in one of two situations: (a) when there is a "public emergency" such as a war or a natural disaster, the Constitutional provision permits a taking but requires compensation at some point, presumably after the emergency ends, (b) in non-emergency situations, the State of Ohio must pay the private property owner *before* the taking occurs.

85. Defendants intend to seize and divert the private property of Plaintiff and members of the class without first compensating the Ohioans to whom this property belongs and without notice to the affected property owners.

86. Moreover, the taking itself appears to violate Ohio's constitution as interpreted by the Ohio Supreme Court in City of Norwood v. Horney, 110 Ohio St. 3d 353 (2006), which stands for the proposition that an individual's property cannot be taken for a non-public purpose.

87. In the City of Norwood case, “although economic factors may be considered in determining whether private property may be appropriated, the fact that the appropriation would provide an economic benefit to the government and community, standing alone, does not satisfy the public-use requirement of Section 19, Article I of the Ohio Constitution.” Id. at 9.

88. Given the complete absence of a public purpose or any public benefit whatsoever, the proposed taking violates Ohio’s Constitution.

89. The State’s directive to Defendants to seize private property and to redirect this property violates the Ohio Constitution and entitles Plaintiff and the class members to immediate relief.

**COUNT IV:  
BREACH OF FIDUCIARY DUTY UNDER R.C. 169.01, *et seq.*  
(On behalf of Plaintiff and the Class)**

90. Plaintiff hereby incorporates all of the foregoing paragraphs, as if fully rewritten herein.

91. The State holds unclaimed funds as a custodian and has no right in this private property.

92. Until this current General Assembly, R.C. 169.05 did not authorize or permit the use of this unclaimed funds trust for speculative development.

93. The confiscation of these private funds constitutes a breach of the State’s fiduciary duty to each Ohioan who has private property being held in trust.

**COUNT V:  
VIOLATION OF THE OHIO CONSTITUTION – SINGLE SUBJECT RULE  
(Ohio Const., Art. II, § 15(D))  
(On behalf of Plaintiff and the Class)**

94. Plaintiff hereby incorporates all of the foregoing paragraphs, as if fully rewritten herein.



95. Article II, Section 15(D) of the Ohio Constitution provides that: “No bill shall contain more than one subject, which shall be clearly expressed in its title.”

96. The purpose of this provision in the State Constitution is to place “concrete limits on the power of the General Assembly to proceed however it saw fit in the enactment of legislation.” State ex rel. Ohio Acad. of Trial Lawyers v. Sheward 86 Ohio St. 3d 451, 495 (1999).

97. The State’s budget bill is an appropriation of the State’s general revenue funds.

98. The Unclaimed Funds Trust Fund is established under R.C. Chapter 169 and is unrelated in subject matter or legal purpose to capital expenditures or private stadium development.

99. The inclusion of stadium financing language in a general operating or biennial budget bill violates the single subject rule because:

- a. It introduces an unrelated and highly controversial appropriation within a broader piece of budget legislation;
- b. It attempts to use the budget process to shield an unconstitutional taking of private property from scrutiny and public accountability;
- c. The subject of using custodial trust funds for private development is not clearly expressed in the bill’s title, depriving legislators and the public of fair notice.
- d. The inclusion of the stadium funding provision in the budget bill directly endangers the solvency of the fund in which the Plaintiff and members of the putative class hold a property interest.

**COUNT VI:  
INJUNCTIVE RELIEF UNDER OHIO LAW (R.C. 2727.01 et seq.)  
(On behalf of Plaintiff and the Class)**

100. Plaintiff hereby incorporates all of the foregoing paragraphs, as if fully rewritten herein.

101. At all relevant times, there was also in effect a declaratory judgment statute in the Ohio Revised Code, R.C. 2727.01, *et seq.*

102. A current and ongoing controversy exists between Plaintiff and the Class and Defendants as Plaintiff and the Class will suffer irreparable harm if the proposed reallocation of unclaimed funds is not enjoined.

103. Plaintiff and the Class have clear legal rights to have their funds held in trust and available for return.

104. Defendants have a clear legal duty to preserve such funds solely for their intended custodial purpose.

105. No adequate remedy at law exists.

106. Plaintiff and the Class seek an order from this Court enjoining the Defendants from reallocating the unclaimed funds in the Unclaimed Funds Trust Account.

**COUNT VII:  
DECLARATORY RELIEF UNDER R.C. 2721.01 et seq.  
(On behalf of Plaintiff and the Class)**

107. Plaintiff hereby incorporates all of the foregoing paragraphs, as if fully rewritten herein.

108. At all relevant times, there was also in effect a declaratory judgment statute in the Ohio Revised Code, R.C. 2727.01, *et seq.*

109. An actual controversy exists regarding the legality and constitutionality of the proposed use of unclaimed funds.

110. Plaintiff is entitled to a declaration of rights, status, and legal relations.

WHEREFORE, Plaintiff, individually and on behalf of each member of the proposed Class respectfully requests the Court enter judgment in their favor and for the following specific relief against Defendants as follows:

A. That the Court declare, adjudge, and decree that this action is a proper class action and certify the proposed class and/or any other appropriate subclasses under Civ.R. 23(b)(1), (b)(2), and/or (b)(3), appoint Plaintiff as a Class Representative and appoint Plaintiff's Counsel as Class Counsel

B. Enter a declaratory judgment that the proposed confiscation and/or diversion of unclaimed funds violates the U.S. and Ohio Constitutions and R.C. 169.01, *et seq.*

C. Issue temporary, preliminary, and permanent injunctive relief prohibiting Defendants from reallocating or approving the use of unclaimed funds for private stadium construction and mandating notice to every person who may have property confiscated;

D. Award Plaintiff and the Class reasonable attorneys' fees and costs under 42 U.S.C. § 1988; and

E. Grant any other relief the Court deems just and proper.

#### **JURY DEMAND**

Plaintiff hereby demands a trial by jury on all issues and claims so triable under Ohio law, including any legal claims that may arise or be asserted in the course of this action. Plaintiff acknowledges that the primary relief sought is declaratory and injunctive in nature, but preserves the right to jury trial on any claims for monetary or other legal relief if warranted by subsequent proceedings or amendments.

Respectfully submitted,

/s/ Jeffrey A. Crossman

Jeffrey A. Crossman (0073461)

Marc E. Dann (0039425)

Brian D. Flick (0081605)

DannLaw

15000 Madison Avenue

Lakewood, OH 44107

(216) 373-0539

(216) 373-0536 e-fax

notices@dannlaw.com

*Attorneys for Plaintiff and the Putative Class*