

IN THE SUPREME COURT OF OHIO

SHAWNEE RIDGE HUNTING, LLC, et al., :
 : Case No. 2026-0544
 :
 Appellees, : On appeal from the
 : Fourth District Court of Appeals
 v. : Adams County, Ohio
 :
 STATE OF OHIO, et al., : Court of Appeals
 : Case No. 25CA1215
 Appellants. :

**MEMORANDUM IN SUPPORT OF JURISDICTION OF *AMICI CURIAE*
OHIO PORK COUNCIL, OHIO FARM BUREAU FEDERATION, AND
NATIONAL PORK PRODUCERS COUNCIL IN SUPPORT OF THE STATE
OF OHIO APPELLANTS**

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Table of Contents

	<u>Page</u>
Table of Contents	i
INTRODUCTION AND EXPLANATION OF WHY THIS IS A CASE THAT PRESENTS A SUBSTANTIAL CONSTITUTIONAL QUESTION AND IS OF PUBLIC OR GREAT GENERAL INTEREST	1
STATEMENT OF INTEREST OF <i>AMICI CURIAE</i>	4
STATEMENT OF THE CASE AND FACTS	6
ARGUMENT IN SUPPORT OF PROPOSITIONS OF LAW	6
Proposition of Law 1: The sole remedy for an alleged uncompensated taking is a mandamus action to compel appropriation and compensation; a court may not preemptively enjoin a statute for purportedly taking personal property without compensation.	7
Proposition of Law 2: Because people of ordinary intelligence can determine what Ohio’s feral-swine laws prohibit, those laws are not unconstitutionally vague; alleged difficulties in complying with a law do not render those laws unconstitutionally vague.....	8
CONCLUSION.....	9
CERTIFICATE OF SERVICE.....	11

**INTRODUCTION AND EXPLANATION OF WHY THIS IS A CASE THAT
PRESENTS A SUBSTANTIAL CONSTITUTIONAL QUESTION AND IS OF
PUBLIC OR GREAT GENERAL INTEREST**

The statutes at the heart of this case seek to protect Ohio residents, farmers, and businesses against the disease and economic threat posed by feral swine and wild boar roaming or entering the State. The feral-swine laws—in part, enacted by Ohio General Assembly Substitute House Bill 503 that was enjoined in this case—prohibit the importing of feral swine and wild boar into the State, halt the hunting of feral swine and wild boar, and eliminate the practice of feeding swine garbage. Seemingly uncontroversial steps to protect Ohio farmers.

Not so said the Fourth District. Rather than uphold the provisions in the feral-swine laws, the court of appeals affirmed the trial court’s decision enjoining H.B. 503. The lower court affirmed for two primary reasons. First, on the basis that H.B. 503 was unconstitutional under the void-for-vagueness doctrine. Second, because H.B. 503 was an unconstitutional taking. While the trial court had enjoined the feral-swine laws as being overbroad for criminalizing the possession of all pigs, hogs, and swine in the State, the court of appeals found that an amendment to R.C. 1531.01(HHH) mooted that provision.¹

There are a number of reasons that the Court should exercise jurisdiction in this case—some practical, some legal.

¹ The same appellees here have brought a new case in Adams County that seeks to enjoin the *entire* biennial budget bill for its change in the definition of R.C. 1531.01(HHH). See *Shawnee Ridge Hunting Preserve, et al. v. State of Ohio, et al.*, Adams County Case No. CVH20260012. That lawsuit is currently stayed pending the outcome of this appeal.

First, the feral-swine laws are intended to protect Ohio's farmers. While Ohio's 3,400 pork farmers and \$3.5 billion pork industry are at the heart of this case, the potential devastation from wild boar and feral swine extends beyond just pigs. Wild boar and feral swine cause significant physical devastation to crops and have high risk of exposing Ohio farm animals (whether it be pigs, chickens, cows, horses or others) to unnecessary and dangerous disease risks. The feral-swine laws were enacted in order to protect against those risks. And Ohio is not alone in passing laws to limit importing, breeding, and hunting feral swine and wild boar—in fact, H.B. 503 was the 17th bill of its kind enacted across the country aimed at protecting against the risks that these nuisance animals create.

Second, there was a recent outbreak of pseudorabies that the feral-swine laws were intended to protect against. The United States Department of Agriculture recently confirmed pseudorabies that began with five boars from an outdoor facility in Texas that were then transferred to a small pig farm in Iowa that led to additional exposure to pigs on that farm. *See* United States Department of Agriculture, *USDA Confirms Pseudorabies in Swine Herds in Iowa and Texas*, available at <https://perma.cc/S9GP-N3BN>. This outbreak led to a partial halt of trade between the United States and our largest pork trade partner (Mexico). *See* Reuters, *Mexico suspends imports of some US pork products over virus*, available at <https://perma.cc/RE69-GQ66>. Without the feral-swine laws in place, Ohio farmers and producers are at risk of being exposed to pseudorabies and other diseases that could further impact and halt pork exports from Ohio.

Third, the trial court issued an order enjoining H.B. 503 statewide and the court of appeals upheld the statewide injunction. This runs afoul of the State’s interest in enforcing duly enacted laws by the General Assembly. *See, e.g., Doe v. Columbus*, 2026-Ohio-1095, ¶ 23-24 (collecting cases nationwide regarding injunctions harming a state from enforcing its laws). In *Doe*, this Court reaffirmed that courts cause irreparable injury to the separation of powers when they enjoin the enforcement of duly enacted laws. *Id.* at ¶ 2; *see also Toledo v. State*, 2018-Ohio-2358, ¶ 2. The lower court’s decision also creates a conflict amongst the courts of appeals regarding whether an entire legislative enactment can be enjoined or only the actual statutes that became law can be enjoined. *Compare Shawnee Ridge Hunting, LLC v. LaRose*, 2026-Ohio-995 (4th Dist.) (enjoining “H.B. 503” because it is unconstitutional) *with Preterm-Cleveland v. Yost*, 2026-Ohio-23 (1st Dist.) (refusing to enjoin constitutional provisions of an unconstitutional legislative enactment).

Fourth, the feral-swine laws are constitutional. The Fourth District enjoined H.B. 503 for two reasons. First, on the basis that it was an uncompensated taking of appellees’ property. But that is not grounds to declare a legislative enactment unconstitutional; instead, the appropriate process is for appellees to file a mandamus action that compels the State to institute appropriation proceedings. *State ex rel. Coles v. Granville*, 2007-Ohio-6057, ¶ 32, citing *State ex rel. Preschool Dev., Ltd. v. Springboro*, 2003-Ohio-3999, ¶ 12. The lower court also found H.B. 503 to be unconstitutional for being vague in that it failed to specify a standard of permissible conduct. But the feral-swine laws outlined what activity was legal and what activity

was illegal—and appellees’ activity is illegal under the feral-swine laws. Outlawing activity is not failing to specify a standard of permissible conduct. And disagreeing with outlawing certain activity (or activity that was previously permissible) is not enough to void the feral-swine laws altogether.

The Pork and Farm Association amici curiae urge the Court to exercise jurisdiction over this case and, ultimately, reverse the lower court’s decision. The feral-swine laws are critically important to protect and preserve the Ohio pork industry (which is 7th in the country in total hog inventory and production). But they are also constitutional. The policy preferences of a party (or a court, for that matter) ought not impact sound legal analysis. That is what occurred here.

STATEMENT OF INTEREST OF *AMICI CURIAE*

The Ohio Pork Council² was established in 1968 to serve and benefit all Ohio pork farmers. As part of its overarching mission, the organization aims to protect farmers’ freedom to operate under good governance and respect of the law. With over 3,400 pork farmers in Ohio, creating more than 10,000 jobs, and having an economic impact of nearly \$3.5 billion each year, the organization’s members are active residents of their communities and government to ensure their rights are upheld for

² The Ohio Pork Council and two of its members—different hog farms in the State—intervened at the trial court in this case to protect the interests of Ohio pork farmers. The trial court made clear that it believed the law defining “feral swine” and “wild boar” needed amended by the General Assembly. So that is what the Ohio Pork Council sought to do with amendments to R.C. 1531.01(HHH) in the State’s biennial budget bill. Once the law was changed, the Ohio Pork Council no longer pursued its appeal in the Fourth District and is not a party to this appeal by the State Defendants. The Ohio Pork Council, however, still desires to protect Ohio’s pork farmers.

generations to come. What's more, Ohio Pork Council members pride themselves not only as active community members, but educated voters willing to work with interest parties in order to find common-sense solutions to complex problems. The Ohio Pork Council supported passage of the feral-swine laws.

The Ohio Farm Bureau Federation is Ohio's largest general farm organization. Its purpose is working together to advance agriculture and strengthen communities. The Farm Bureau is a federation of member-county farm bureaus representing all of Ohio's 88 counties. Members of the Farm Bureau serve on boards and committees that work on legislation, regulations, and issues that affect agriculture, rural areas, and Ohio's citizens. Many of the Farm Bureau's members are involved in farm and agribusiness activities, including crop and livestock production, food processing, commodity processing, conditioning and handling, biofuel production, and greenhouse operations. The Farm Bureau supported passage of the feral-swine laws.

The National Pork Producers Council is an association of 43 state pork producer organizations, based in Des Moines, Iowa with a public policy office in Washington, D.C. that proudly represents the interests of the 67,000 pork producers in the United States. The National Pork Producers Council advocates for the social, environmental, and economic sustainability of U.S. pork producers and their partners by fighting for reasonable public policy, defending pork producers' freedom to operate, and expanding access to global markets to ensure that the United States pork industry, and the hard-working family farmers that comprise it, can continue for generations to come. The National Pork Producers Council has championed the

growth of the pork industry and helped to advance the industry's critical contributions to the U.S. economy and local rule communities across the nation.

This brief will refer to the Ohio Pork Council, the Ohio Farm Bureau Federation, and the National Pork Producers Council as the Pork and Farm Association amici curiae. The Pork and Farm Association amici curiae are filing this brief because the lower court's reasoning threatens agricultural regulation throughout the State.

STATEMENT OF THE CASE AND FACTS

The Pork and Farm Association amici curiae adopt the Statement set forth in the memorandum in support of jurisdiction of the State of Ohio Defendants.

ARGUMENT IN SUPPORT OF PROPOSITIONS OF LAW

This case presents a number of important questions. The practical impact of the feral-swine laws cannot be ignored. Ohio was just another state that enacted statutory prohibitions on feral swine and wild boar—it was the 17th state to do so. The feral-swine laws protect the Ohio pork industry (and entire agriculture industry) from potentially devastating disease. Unfortunately, two states have recently been the victim of a pseudorabies outbreak that the feral-swine laws are intended to protect against. That outbreak led to the United States' largest pork trade partner partially halting pork-related trade and disruption of operations to the farmers in the impacted areas. Because of the lower court's injunction against a *bill* (H.B. 503), Ohio and its 3,400 pork farms (and the 70,000 *other* farms) are at risk.

Proposition of Law 1: The sole remedy for an alleged uncompensated taking is a mandamus action to compel appropriation and compensation; a court may not preemptively enjoin a statute for purportedly taking personal property without compensation.

The Fourth District found the feral-swine laws to be unconstitutional because it determined that they do not provide a process for just compensation to appellees (or, presumably, other wild-boar hunting preserves). *See Shawnee Ridge Hunting, LLC v. LaRose*, 2026-Ohio-995 (4th Dist.), ¶ 104-108 (the “Fourth District Opinion”). The lower court compared the feral-swine laws to a similar provision in Michigan where the court determined that a taking occurred but found that the law provided a system for compensation. *Id.* at ¶ 106-107. Because H.B. 503 constituted a taking but allegedly does not provide a system for compensation, the Fourth District declared H.B. 503 unconstitutional. *Id.* at ¶ 107-108.

This ignores the basic concept that there is a system for just compensation: the Fifth Amendment to the United States Constitution and Article I, Section 19 of the Ohio Constitution. These constitutional provisions require the government to provide just compensation when private property is taken. *See First English Evangelical Lutheran Church v. Cnty. of Los Angeles*, 482 U.S. 304, 314 (1987); *State ex rel. Bruestle v. Rich*, 159 Ohio St. 13, 25-26 (1953). This Court has long acknowledged that “we have consistently held that mandamus is the appropriate action to compel public authorities to commence appropriation proceedings for an involuntary taking of private property.” *State ex rel. Coles v. Granville*, 2007-Ohio-6057, ¶ 32, citing *State ex rel. Preschool Dev., Ltd. v. Springboro*, 2003-Ohio-3999, ¶ 12.

That is, even if H.B. 503 constitutes a taking of appellees' property, there *is* a system for compensation that appellees could have (and should have) pursued: a mandamus action against the State. Instead, the lower court improperly enjoined an entire bill because, it said, a system for compensation did not exist. But that is wrong. Appellees simply decided not to avail themselves of that system.

If allowed to stand, this Court's mandamus jurisprudence collapses and takings remedies are fundamentally altered. Trial courts across the State will be encouraged to enjoin statutes (or, like here, entire legislative enactments) wholesale so long as a plaintiff alleges that no compensation mechanism exists (even if it does).

Proposition of Law 2: Because people of ordinary intelligence can determine what Ohio's feral-swine laws prohibit, those laws are not unconstitutionally vague; alleged difficulties in complying with a law do not render those laws unconstitutionally vague.

The feral-swine laws were also declared unconstitutional for being vague. The lower court found that the feral-swine laws did not give a person of ordinary intelligence "fair notice that their contemplated conduct is forbidden." Fourth District Opinion, at ¶ 97. Although the feral-swine laws entirely outlawed possessing, hunting, and feeding feral swine and wild boar, the Fourth District found that this did not give ordinary citizens fair warning to be able to change their behavior to be in line with law—saying that they cannot intelligently choose what is lawful or not. *Id.* at ¶ 99.

A statute is only unconstitutionally vague when it fails to define criminal conduct so that ordinary people can understand what conduct is prohibited and in a manner that encourages arbitrary and discriminatory enforcement. *State v. Hacker*,

2023-Ohio-2535, ¶ 30. The Fourth District acknowledged that appellees’ conduct that enabled hunting wild boar was lawful and then, after the feral-swine laws were enacted, became criminal. Fourth District Opinion, at ¶ 99. This means that the feral-swine laws were at least clear enough to the lower court regarding what conduct was outlawed—presumably satisfying the ordinary-person standard. What the Fourth District seems to actually take issue with is that appellees could no longer run their wild-boar-hunting operation. *Id.* But that is not the standard courts must apply in determining whether a statute is unconstitutionally vague.

If the Fourth District’s opinion is allowed to stand, Ohio courts are given license to declare a statute unconstitutionally vague if the conduct that once was legal is subsequently declared illegal. That goes against what this Court has previously said in void-for-vagueness cases. *See, e.g., Huron v. Kisil*, 2025-Ohio-2921, ¶ 10-15.

CONCLUSION

Amici curiae the Ohio Pork Council, the Ohio Farm Bureau Federation, and the National Pork Producers Council respectfully request that the Court exercise jurisdiction in this case and reverse the judgment of the Fourth District Court of Appeals. This case is extremely important to the Ohio pork and farming industry. The feral-swine laws protect Ohio residents, farmers, and businesses against the disease and economic threat posed by feral swine and wild boar roaming or entering the State.

Respectfully submitted,

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CERTIFICATE OF SERVICE

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