

AGREED TEMPORARY RESTRAINING ORDER

Based on the Complaint and its exhibits, the Application for a Temporary Restraining Order (TRO) and memorandum in support and exhibits, and the discussion at the TRO argument on June 19, 2017, Defendant Ohio Department of Public Safety (ODPS), on behalf of its Ohio Investigative Unit, hereby agrees that no citations will be issued to Plaintiff ComFest during its June 23-25, 2017 festival or thereafter for any violation at that festival of OAC 4301:1-1-52 (Rule 52) as it relates to nudity that involves "the showing of the female breast with less than a fully opaque covering of any part of the nipple and/or areola." Further, Defendant ODPS represents that Defendants Ohio Division of Liquor Control and Ohio Liquor Control Commission have, through their counsel, informed it that they have no authority to enforce Rule 52 unless a citation has been issued, and Plaintiff ComFest has relied on that representation in agreeing to this TRO. Plaintiff retains the right to seek a preliminary injunction. Neither party waives any claim or defense with respect to mootness.

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Michael A. Watson
UNITED STATES DISTRICT JUDGE

Agreed:

[Signature]
Counsel for Plaintiff ComFest

[Signature]
Counsel for Defendant
Ohio Department of Public Safety