

CASE DECISION LIST

Court of Appeals, Eighth Appellate District

Page: 1 of 3

August 21, 2025

113909	DOMESTIC RELATIONS	F	Civil C.P.-Juv, Dom, Probate
---------------	--------------------	---	------------------------------

S.M. v A.P.

Affirmed in part, reversed in part, and remanded.

Part I: Anita Laster Mays, J.; Lisa B. Forbes, P.J., concurs in judgment only; Mary J. Boyle, J., concurs in judgment only; Part II: Mary J. Boyle, J.; Lisa B. Forbes, P.J., concurs; Anita Laster Mays, J., dissents (with separate opinion).

KEY WORDS: *Domestic relations; R.C. 3105.171; marital property; separate property; nonprofit corporation; Schwab account; Social Security benefits; derivative payment; 42 U.S.C. 407(a); spousal support; imputed income; trust account; retirement accounts; attorney fees; financial misconduct; distributive award; equitable division; abuse of discretion.*

The trial court properly classified and divided most marital and separate property, including the marital residence, Schwab account, and retirement accounts. The court erred in classifying a nonprofit corporation organized under R.C. Ch. 1702 as marital property. The denial of spousal support, division of lump-sum Social Security derivative payment, imputation of income, attorney fee rulings, and rejection of financial misconduct claims were upheld. Judgment affirmed in part, reversed in part, and remanded for proceedings consistent with the opinion.

114465	CLEVELAND MUNI.	C	Criminal Muni. & City
---------------	-----------------	---	-----------------------

CITY OF CLEVELAND v THOMAS M. SNYDER

Affirmed.

Anita Laster Mays, J., and Deena R. Calabrese, J., concur; Emanuella D. Groves, P.J., concurs in part and dissents in part (with separate opinion).

KEY WORDS: *Traffic stop; commercial vehicle; uncovered load; rock salt; municipal ordinance; C.C.O. 439.11(A); sufficiency of evidence; manifest weight; police testimony; vehicle enforcement; tarp requirement; misdemeanor; Cleveland Municipal Court; jury verdict; judgment entry; subsection distinction; conviction affirmed; C.C.O. 439.09; seatbelt violation; C.C.O. 437.27(B)(1).*

Appellant was convicted for violations of Cleveland Codified Ordinances 439.11(A), 439.09, and 437.27(B)(1) after police observed him operating a commercial dump truck carrying an uncovered load of rock salt. There was sufficient evidence supporting the jury's finding that the truck was not loaded or covered to prevent material from escaping, as required by C.C.O. 439.11(A). The court declined to review the citation under C.C.O. 439.11(B), because the trial court's journal entry did not reflect a conviction on that subsection.

CASE DECISION LIST

Court of Appeals, Eighth Appellate District

Page: 2 of 3

(Case 114465 continued)

The manifest weight and sufficiency challenge regarding the seat-belt violation also failed.

114491 COMMON PLEAS COURT E Civil C.P.-Not Juv,Dom Or Prob
ESTATE OF MARY LIZZY CLEMONS v MIGUEL ALEJANDRO OCEJO, ET AL.

Dismissed.

Sean C. Gallagher, J.; Michelle J. Sheehan, P.J., concurs; Anita Laster Mays, J., dissents (with separate opinion).

KEY WORDS: *Interpleader; unjust enrichment; quantum meruit; charging lien; Civ.R. 12(B)(6); standing to appeal; nonparty; Civ.R. 24.*

Dismissed. *As a result of the appellant's failure to abide by the procedural requirements of Civ.R. 24, he is not a party to the underlying action, and as a nonparty he lacks standing to perfect an appeal in this case as a matter of law. Because the appellant cannot establish standing to properly invoke the jurisdiction of this court as a matter of law, the appeal is dismissed.*

114531 COMMON PLEAS COURT E Civil C.P.-Not Juv,Dom Or Prob
THE OHIO BELL TELEPHONE COMPANY v CITY OF CLEVELAND

Affirmed.

Anita Laster Mays, J.; Eileen T. Gallagher, P.J., concurs in judgment only; Mary J. Boyle, J., concurs in judgment only.

KEY WORDS: *R.C. 2744.01; political-subdivision immunity; summary judgment; R.C. 2744.03(A)(5).*

The trial court did not err in denying the appellant's motion for summary judgment based on immunity under R.C. Ch. 2744. No defense applied to reinstate immunity under R.C. 2744.03(A)(5).

114556 COMMON PLEAS COURT A Criminal C.P.
STATE OF OHIO v JAUSTIN BROWNING

Affirmed and remanded.

Kathleen Ann Keough, J., Michelle J. Sheehan, P.J., and Lisa B. Forbes, J., concur.

KEY WORDS: *Guilty plea; nunc pro tunc; unlawful restraint; R.C. 2905.03(A); R.C. 2905.03(B).*

CASE DECISION LIST

Court of Appeals, Eighth Appellate District

Page: 3 of 3

(Case 114556 continued)

Appellant's convictions are affirmed, but this matter is remanded for the limited purpose of issuing a nunc pro tunc entry reflecting the offense to which Browning entered a guilty plea, which was R.C. 2905.03(A), which unlike subsection (B), is not a sex offense and does not include the specification that was erroneously included in the journal entry.

114680	COMMON PLEAS COURT	E	Civil C.P.-Not Juv,Dom Or Prob
COSTCO WHOLESALE CORPORATION v			
CUYAHOGA COUNTY COUNTY BOARD OF REVISION, ET AL.			

Affirmed.

Michelle J. Sheehan, P.J., Lisa B. Forbes, J., and Kathleen Ann Keough, J., concur.

KEY WORDS: *Real property valuation; R.C. 5715.05; independent determination of property value; rubber stamp; appraisal evidence; comparable properties reflect current market value.*

Judgment affirmed. *The trial court satisfied its statutory obligation to independently determine property value under R.C. 5715.05 and did not impermissibly rubber stamp the board of revision decision. Further, the trial court did not abuse its discretion in setting the value of the real property at issue. Specifically, the trial court has broad discretion in determining which party's appraisal offers the best evidence of value and questions regarding the credibility and probative value of the parties' appraisals are factual questions within the province of the trial court as the factfinder in this matter.*