

CASE DECISION LIST

Court of Appeals, Eighth Appellate District

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January 2, 2025

113564 PARMA MUNI. C Criminal Muni. & City
CITY OF PARMA HEIGHTS v DENNIS A. BRETT

Affirmed.

Eileen T. Gallagher, P.J., and Emanuella D. Groves, J., concur; Mary J. Boyle, J., concurs in judgment only.

KEY WORDS: *R.C. 2903.11; menacing by stalking; knowingly; manifest weight; sufficiency; mental distress; pattern of conduct.*

Appellant's conviction of menacing by stalking is affirmed. The record contains evidence indicating that appellant acted knowingly and engaged in a pattern of conduct that caused the victim to experience mental distress. Particularly, numerous witnesses testified that they saw appellant's vehicle driving past the victim's home on numerous occasions, including two neighbors who did not know the victim or appellant. This activity occurred after the victim expressly conveyed to appellant that she wanted to be left alone. Therefore, appellant's sole conviction of menacing by stalking is not against the manifest weight of the evidence nor based on insufficient evidence.

113659 COMMON PLEAS COURT E Civil C.P.-Not Juv,Dom Or Prob
RYAN CHAMBERS v FARMERS INSURANCE OF COLUMBUS, INC.

Affirmed in part, reversed in part, and remanded.

Emanuella D. Groves, J., Michelle J. Sheehan, P.J., and Anita Laster Mays, J., concur.

KEY WORDS: *Class action; certification; abuse of discretion; Civ.R. 23; class definition; adequacy; typicality; commonality; numerosity; predominance; superiority.*

Judgment affirmed. The trial court did not abuse its discretion in granting appellee's motion for class certification. The class definition was not overly broad or unascertainable and the Civ.R. 23(A) prerequisites of adequacy, typicality, commonality, and numerosity were established. Moreover, common issues predominate the lawsuit and class action is the superior method of resolution.

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113705 COMMON PLEAS COURT E Civil C.P.-Not Juv,Dom Or Prob
OLIVE OIL, LLC v THE CLEVELAND ELECTRIC ILLUMINATING COMPANY, ET AL.

Affirmed.

Anita Laster Mays, J., Michelle J. Sheehan, P.J., and Emanuella D. Groves, J., concur.

KEY WORDS: *Motion for partial summary judgment; punitive damages; actual damages; attorney fees; motion for leave; nominal damages; App.R. 16(7).*

The trial court did not err in granting the appellee's motion for partial summary judgment regarding punitive damages and attorney fees because it was previously held by this court that the appellant was not entitled to punitive damages or attorney fees. The trial court did not err in denying any motions regarding actual damages because the appellant did not demonstrate a showing of actual damages. The appellant did not comply with App.R. 16(7) regarding its argument pertaining to nominal damages.

113740 DOMESTIC RELATIONS F Civil C.P.-Juv, Dom, Probate
IVAN E. GADSON v KIMBERLY R. SCOTT

Affirmed.

Michelle J. Sheehan, P.J., Emanuella D. Groves, J., and William A. Klatt, J.,* concur.

(*Sitting by assignment: William A. Klatt, J., retired of the Tenth District Court of Appeals.)

KEY WORDS: *R.C. 3105.171; Cuyahoga C.P., Dom.Rel.Div., Loc.R. 14; financial disclosure statement; motion for new trial; new evidence; abuse of discretion; notice of appeal; determination of marital property.*

Husband, pro se, filed a complaint for divorce. Wife, pro se, filed an answer and counterclaim. Pursuant to Cuyahoga C.P., Dom.Rel.Div., Loc.R. 14, the court issued an order requiring financial disclosure statements to be filed. Wife filed statement; husband did not. Parties appeared for trial and proceeded pro se. After trial and divorce decree issued, counsel for wife appeared and issued subpoenas. Counsel then filed a motion for new trial. After the court denied the motion for new trial, counsel filed a notice of appeal from the divorce decree and the denial of the motion. Counsel also filed a motion for relief from judgment. Counsel sought and was granted a remand from appellate court for the court to rule upon the motion for relief from judgment. After the court denied the motion, no notice of appeal of the denial was filed. The domestic relations court did not commit an error of law by proceeding to trial where husband had not filed a financial disclosure statement. Neither R.C. 3105.71 nor Cuyahoga C.P., Dom.Rel.Div., Loc.R. 14 prohibits trial where disclosures are not made. Further, wife did not seek discovery prior to trial. The

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domestic relations court did not abuse its discretion by denying wife's motion for new trial where that motion was based on evidence that could have been reasonably obtained before trial. The appellate court did not have jurisdiction to review the court's denial of the motion for relief from judgment where no notice of appeal was taken of that judgment. The court's resolution of the evidence at trial to determine whether a condominium was marital property was not unreasonable, arbitrary, or capricious where the wife's testimony regarding the purchase of the condominium was inconsistent.