

## CASE DECISION LIST

Court of Appeals, Eighth Appellate District

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**September 4, 2025**

**114446** COMMON PLEAS COURT E Civil C.P.-Not Juv,Dom Or Prob  
AKRAM BOUTROS, M.D. v THE METROHEALTH SYSTEM BOARD OF TRUSTEES, ET AL.

Affirmed.

Michael John Ryan, J., Lisa B. Forbes, P.J., and William A. Klatt, J.,\* concur.  
(\*Sitting by assignment: William A. Klatt, J., retired, of the Tenth District Court of Appeals.)

**KEY WORDS:** *Open Meetings Act; R.C. 121.22; App.R. 16; App.R. 12; public meeting; executive session; summary judgment; presumption of regularity; executive session.*

*The trial court did not err in granting summary judgment to the appellees. The appellant did not show a genuine issue of material fact that the appellees violated Ohio's Open Meetings Act. Appellant could not overcome the presumption of regularity that the appellees properly performed their duties.*

*Appellant failed to present evidence that the Board discussed any improper subjects in executive session, failed to keep adequate meeting minutes, or failed to follow the proper procedure to enter executive session.*

*Appellant did not show that the appellees improperly retained counsel, and there was no evidence that appellees ever formed a special committee to investigate him.*

**114501** COMMON PLEAS COURT E Civil C.P.-Not Juv,Dom Or Prob  
STATE OF OHIO v J. B.

Vacated and remanded.

Michelle J. Sheehan, P.J., and Kathleen Ann Keough, J., concur; Sean C. Gallagher, J., dissents (with separate opinion attached).

**KEY WORDS:** *Expungement; drug test; trial court's authority; R.C. 2953.32; statutory construction; de novo review*

*The defendant applied to the trial court to have his criminal convictions expunged. At the hearing on the defendant's application, the trial court ordered the defendant to submit to a drug test. The trial court ultimately denied the defendant's application because of the results of the test. The expungement and sealing statutes do not authorize a trial court to order a person applying to have their records of convictions expunged to submit to drug test. As such, the trial court's order denying the application for expungement was vacated and the case remanded.*

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<b>114548</b>	COMMON PLEAS COURT STATE OF OHIO v DAMAINE BRINGHT	A	Criminal C.P.
<b>114879</b>	COMMON PLEAS COURT STATE OF OHIO v DAMAINE BRINGHT	A	Criminal C.P.

Affirmed.

Deena R. Calabrese, J., Anita Laster Mays, P.J., and Kathleen Ann Keough, J., concur.

**KEY WORDS:** *Crim.R. 11; complete admission of guilt; plea colloquy; R.C. 2953.08(G)(2); R.C. 2929.144(B)(2); indefinite sentences.*

**Affirmed.** *The trial court did not err when it failed to inform appellant that his guilty plea was a complete admission of guilt. The trial court appropriately calculated appellant's indefinite prison terms in separate cases.*

<b>114618</b>	COMMON PLEAS COURT QAIS ALLAN v TALLAN, LLC, ET AL.	E	Civil C.P.-Not Juv,Dom Or Prob
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Affirmed.

Deena R. Calabrese, J., Lisa B. Forbes, P.J., and Mary J. Boyle, J., concur.

**KEY WORDS:** *Sanctions; frivolous conduct; R.C. 2323.51; objective standard; Civ.R. 11; subjective bad faith; res judicata; promissory note; lack of consideration; successor liability; bench trial; affirmative defenses; Civ.R. 8(C); motion to amend answer.*

**Judgment affirmed.** *The trial court did not abuse its discretion in denying defendant-appellant Raida Allan's motion for sanctions against plaintiff-appellee Qais Allan without a hearing. Although Raida argued that Qais's lawsuit to enforce a promissory note was frivolous, the record supported the trial court's denial of the motion for sanctions because the suit, while unsuccessful, was not wholly unwarranted under existing law. The bench trial involved complex factual and legal issues, including whether Raida had assumed the liabilities of Tallan, LLC or fraudulently transferred its sole asset, whether consideration supported the note given that payment was made by entities Qais controlled, which were guarantors of a separate, purportedly related loan, and whether the suit was barred by res judicata. In addition, the trial court permitted amendment of the answer at trial to assert the affirmative defenses of lack of consideration and fraud and based its decision, in part, on those defenses, further complicating the sanctions issue. Prevailing on the merits does not establish frivolous conduct, and the trial court had sufficient familiarity with the parties and issues to rule without a hearing.*

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**114638** COMMON PLEAS COURT E Civil C.P.-Not Juv,Dom Or Prob  
JACQUELINE M. JOHNSTON, EXECUTOR, ET AL. v DEBORAH MUNGER

Affirmed.

Michael John Ryan, P.J., Anita Laster Mays, J., and Kathleen Ann Keough, J., concur.

**KEY WORDS:** *Motion to enforce settlement agreement; jurisdiction; Civ.R. 60(B) motion.*

**Judgment affirmed.** *The trial court's language in its dismissal entry - "pursuant to the stipulation filed by the parties" - was sufficient to reserve the court's jurisdiction to enforce the settlement agreement because the stipulation expressly provided for that reservation. Filing a Civ.R. 60(B) motion was not the only means by which the court could vacate its dismissal entry.*

**114676** COMMON PLEAS COURT E Civil C.P.-Not Juv,Dom Or Prob  
JOHN BERMAN v MINNESOTA LAWYERS MUTUAL INSURANCE COMPANY

Affirmed.

Michael John Ryan, P.J., Anita Laster Mays, J., and Kathleen Ann Keough, J., concur.

**KEY WORDS:** *Motion to dismiss; Civ.R. 12; Civ.R. 41; Civ.R. 15.*

**The trial court did not err in granting appellee's motion to dismiss.** *Appellant did not file an amended complaint; therefore, the court did not err in failing to consider a pleading that was never filed. Appellee moved to dismiss pursuant to Civ.R. 12(B)(2) and (B)(6). There is no evidence the court dismissed the case pursuant to Civ.R. 41(B)(1); therefore, the notice requirement was not triggered.*

**The court was not required to state its reasons when it granted the motion to dismiss.**

**114695** COMMON PLEAS COURT A Criminal C.P.  
STATE OF OHIO v CHRISTOPHER HUGHES-DAVIS

Affirmed.

Kathleen Ann Keough, J., Michelle J. Sheehan, P.J., and Sean C. Gallagher, J., concur.

**KEY WORDS:** *Children; rape; gross sexual imposition; letter; hearsay; bench trial; harmless error; manifest weight of the evidence; credibility; delayed disclosure.*

**Child-victim's letter to written mother was improperly admitted into**

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evidence, but because the letter contained similar information that the child-victim testified about, it was harmless error. Convictions for rape and gross sexual imposition upheld because the trial judge, as the trier of fact, considered the testimony of the victims and the evidence presented. The fact this was a delayed disclosure with no physical evidence does not render the conviction against the manifest weight of the evidence.

<b>114712</b>	COMMON PLEAS COURT	A	Criminal C.P.
STATE OF OHIO v JADEN HUGHEY			

Affirmed.

Michael John Ryan, P.J., Kathleen Ann Keough, J., and Jill Flagg Lanzinger, J.,\* concur.  
(\*Sitting by assignment: Jill Flagg Lanzinger, J., of the Ninth District Court of Appeals.)

**KEY WORDS:** *Denial of presentence motion to withdraw plea; abuse of discretion; package plea deal; actual innocence claim; coercion.*

*Judgment affirmed. The trial court did not abuse its discretion by denying the appellant's presentence motion to withdraw his plea. The record reflects that the appellant was (1) represented by highly competent counsel at the time of his plea; (2) afforded a full Crim.R. 11 hearing where it was determined that he understood the nature of the charges and possible penalties before entering his plea; (3) given a complete and impartial hearing on his motion to withdraw his plea; and (4) given full and fair consideration of his plea-withdrawal request.*

*The record further indicates that, although the appellant timely made his request to withdraw his plea, the State would have been prejudiced by a withdrawal of the plea.*

*The appellant's new actual innocence claim was contradicted by his prior statements and admission of guilt and was insufficient to vacate his knowingly, voluntarily, and intelligently entered plea.*

*The appellant was not denied due process because his plea was a package deal with his codefendant; he was represented by competent counsel and was capable of intelligently and voluntarily entering his plea.*

<b>114723</b>	COMMON PLEAS COURT	A	Criminal C.P.
STATE OF OHIO v GLEN RASHED			

Affirmed.

Kathleen Ann Keough, J., Anita Laster Mays, P.J., and Deena R. Calabrese, J., concur.

**KEY WORDS:** *Restitution; hearing on restitution; dispute;*

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(Case 114723 continued)

**ineffective assistance of counsel; R.C. 2929.18(A)(1).**

**Judgment affirmed. Appellant has not demonstrated that there was a dispute as to the amount of restitution, thus triggering the trial court to hold a mandatory hearing pursuant to R.C. 2929.18(A)(1). Appellant also has not demonstrated how he was prejudiced by his counsel's alleged deficient conduct relating to requesting a hearing.**

<b>114745</b>	JUVENILE COURT DIVISION	F	Civil C.P.-Juv, Dom, Probate
IN RE: D.T., JR.			

<b>114747</b>	JUVENILE COURT DIVISION	F	Civil C.P.-Juv, Dom, Probate
IN RE: I.D.T.			

Reversed and remanded.

Michael John Ryan, J.; Anita Laster Mays, J., concurs and concurs with the separate opinion;  
Eileen A. Gallagher, A.J., concurs (with separate opinion).

**KEY WORDS: Juv.R. 40; independent review; timely objections to magistrate's decision, and request for transcript.**

**Judgment reversed and case remanded. The juvenile court abused its discretion by rendering its judgment overruling the appellant's objections to the magistrate's decision without review of the subject transcript because the appellant timely filed the objections and request for the transcript. The record demonstrates that the juvenile court did not conduct an independent review of the matter as required under Juv.R. 40.**

<b>114804</b>	COURT OF CLAIMS	I	Court of Claims
LAVAR MARTIN v ACCEL SCHOOLS OHIO			

Reversed.

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

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

**KEY WORDS: Civ.R. 12(B)(1); subject-matter jurisdiction; R.C. 2743.03; R.C. 2743.75.**

**Trial court erred when it denied appellant's motion for dismissal for lack of subject-matter jurisdiction. The legislature's grant of jurisdiction to the Court of Claims to hear public-records-access cases expanded the court's already limited jurisdiction to political subdivisions. The plain language of the statute does not establish an intent to expand the Court of Claims' jurisdiction to private entities.**

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<b>115003</b>	COMMON PLEAS COURT	E	Civil C.P.-Not Juv,Dom Or Prob
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US BANK NATIONAL ASSOCIATION v FLOYD J. BUTTS, ET AL.

Affirmed.

Jill Flagg Lanzinger, J.,\* Michael John Ryan, P.J., and Kathleen Ann Keough, J., concur.

(\*Sitting by assignment: Jill Flagg Lanzinger, J., of the Ninth District Court of Appeals.)

**KEY WORDS:** *Magistrate's decision, summary judgment, Civ.R. 53(D)(3)(b)(iv).*

**The trial court did not err in adopting the magistrate's decision granting summary judgment in foreclosure where appellant failed to timely object to the magistrate's decision.**