

CASE DECISION LIST

Court of Appeals, Eighth Appellate District

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May 13, 2021

109715 COMMON PLEAS COURT E CIVIL C.P.-NOT JUV,DOM OR PRO
TETYANA BODNAR v REGIONAL INCOME TAX AGENCY

Affirmed.

Eileen A. Gallagher, J., Sean C. Gallagher, P.J., and Larry A. Jones, Sr., J., concur.

KEY WORDS: *Civ.R. 12(B)(6); motion to dismiss; declaratory judgment; justiciability; abuse of discretion.*

A trial court does not abuse its discretion by dismissing a declaratory judgment claim that does not present a justiciable controversy. A taxpayer who consents to a tax administrator estimating municipal income taxes for the current year and then challenges the estimate does not create a justiciable controversy.

109786 COMMON PLEAS COURT A CRIMINAL C.P.
STATE OF OHIO v TERRANCE SIMMONS

Affirmed.

Eileen A. Gallagher, P.J., Mary Eileen Kilbane, J., and Eileen T. Gallagher, J., concur.

KEY WORDS: *Crim.R. 32.1; postsentence motion to withdraw guilty pleas; abuse of discretion; evidentiary hearing; jurisdiction.*

Trial court did not abuse its discretion in denying defendant's postsentence motion to withdraw his guilty pleas without a hearing because trial court had no jurisdiction to consider motion to withdraw guilty pleas filed after appellate court affirmed defendant's convictions.

109789 COMMON PLEAS COURT E CIVIL C.P.-NOT JUV,DOM OR PRO
KHALIA RA v SWAGELOK MANUFACTURING CO., LLC, ET AL.

Affirmed.

Anita Laster Mays, P.J., Kathleen Ann Keough, J., and Mary Eileen Kilbane, J., concur.

KEY WORDS: *Summary judgment; prima facie case; sexual harassment; gender discrimination; retaliation.*

The trial court did not err in granting the appellees' motion for summary judgment because the appellant did not establish a prima facie case for sexual harassment, gender discrimination, or retaliation.

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109819 COMMON PLEAS COURT E CIVIL C.P.-NOT JUV,DOM OR PRO
ERIC COVARRUBIAS v LOWE'S HOME IMPROVEMENT, LLC, ET AL.

Reversed and remanded.

Mary Eileen Kilbane, J., Michelle J. Sheehan, P.J., and Emanuella D. Groves, J., concur.

KEY WORDS: *Motion for judgment on the pleadings; Civ.R. 12(C); judgment as a matter of law; de novo review; statute of limitations defense; jurisdiction; e-filing; timestamp; correct docket; cases should be decided on their merits.*

Appellant's complaint should have been deemed filed on the day his counsel completed all of the tasks necessary for the complaint to be accepted by the clerk's office for e-filing. The complaint was therefore timely filed, and it was error to grant judgment on the pleadings in favor of appellees based upon the statute of limitations.

109925 COMMON PLEAS COURT E CIVIL C.P.-NOT JUV,DOM OR PRO
CHARLES T. BROWN v NANTEEKA GLOVES, LLC

Affirmed.

Emanuella D. Groves, J., Michelle J. Sheehan, P.J., and Mary Eileen Kilbane, J., concur.

KEY WORDS: *Motion to vacate; arbitration award; application to confirm arbitration award; motion to vacate arbitration award; R.C. 2711.13; order confirming award.*

Pursuant to R.C. 2711.13, if a party is not satisfied with the arbitration award, they may file a motion to modify, vacate, or correct the award within three months after they receive the award. The motion must be based on one of the circumstances outlined in R.C. 2711.10. Once the party fails to file the appropriate motion within the three-month period, the trial court is precluded from modifying or vacating the award.

Because appellant did not file a motion to vacate, the trial court properly found that it failed to comply with the statutory mandate for challenging an arbitration award. Based on appellant's failure to properly file a motion to vacate the arbitration award, the trial lacked jurisdiction to vacate, modify, or correct the award.

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109998	COMMON PLEAS COURT	A	CRIMINAL C.P.
STATE OF OHIO v JOHNNY L. JACKSON			

Reversed and remanded.

Mary J. Boyle, A.J., Anita Laster Mays, J., and Eileen T. Gallagher, J., concur.

KEY WORDS: *Interstate Agreement on Detainers; R.C. 2963.30; request for final disposition; written notice; certificate; substantial compliance; motion to dismiss.*

Appellant substantially complied with the provisions of the Interstate Agreement on Detainers and was required to be brought to trial within 180 days of the date his request for final disposition was filed with the clerk's office. Because his trial was not commenced within this time period, the trial court erred in denying his motion to dismiss.