

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

STATE OF OHIO, EX REL.,	:	
AHMED L. RADWAN	:	
	:	
Relator,	:	No. 108462
	:	
v.	:	
	:	
JUDGE TONYA R. JONES, ET AL.,	:	
	:	
Respondents.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: COMPLAINT DISMISSED

DATED: August 28, 2019

Writ of Prohibition
Motion No. 529447
Order No. 530914

Appearances:

Coyne, Stahl, Jansen, L.L.C., Richard J. Stahl, and Edward R. Jansen, *for relator*.

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and Nora E. Poore, Assistant Prosecuting Attorney, *for respondents* Judge Tonya R. Jones and Cuyahoga County Court of Common Pleas Domestic Relations Division.

Stafford Law Co., L.P.A., Joseph G. Stafford, and Nicole A. Cruz, *for respondent* Amina Radwan.

MICHELLE J. SHEEHAN, J.:

{¶ 1} On April 18, 2019, the relator, Ahmed Radwan, commenced this prohibition action against the respondents, Judge Tonya R. Jones and the Domestic Relations Division of the Cuyahoga County Common Pleas Court, to prohibit them from exercising jurisdiction over the underlying case, *Radwan v. Radwan*, Cuyahoga C.P. No. DR-17-368933. On June 17, 2019, the respondents moved to dismiss on the grounds of mootness. For the following reasons, this court grants the respondents' dispositive motion and dismisses the application for a writ of prohibition.

{¶ 2} As discerned from the pleadings and their attachments, Ahmed and Amina were married in Egypt in 1974; their children are now emancipated. The couple spent most of their married life in Ohio. At least six months before February 2015, Mr. Radwan moved to Texas, and in February 2015, filed for divorce, *Radwan v. Radwan*, Texas District Court, 426th Judicial District Case No. 275,695-E. In granting the divorce on November 17, 2015, the Texas court ruled that Mrs. Radwan had made a special appearance and that it lacked in personam jurisdiction over her and therefore made no orders regarding the marital estate of the parties.

{¶ 3} Mrs. Radwan filed for divorce in Ohio on August 6, 2015, *Radwan v. Radwan*, Cuyahoga C.P. No. DR-15-358277. The docket of that case shows that after litigating the case for more than two years, the parties jointly and voluntarily dismissed the case on October 2, 2017.

{¶ 4} Mrs. Radwan commenced the underlying case on September 25, 2017. The respondent judge set the matter for trial beginning April 24, 2019. Mr. Radwan then commenced this prohibition action, arguing that the Texas divorce case deprived the respondents of jurisdiction over the underlying case. Mr. Radwan also filed a motion to dismiss in the underlying case on April 19, 2019. When this court clarified that the mere filing of a prohibition action does not act as a stay, the respondent judge granted Mr. Radwan's motion to dismiss because the Texas divorce case deprived it of subject matter jurisdiction. Mrs. Radwan filed a notice of appeal the next day, *Radwan v. Radwan*, 8th Dist. Cuyahoga No. 108649.

{¶ 5} Therefore, this prohibition action is moot.¹ The respondents will not be exercising further judicial power over the case, and the issue of subject matter jurisdiction will be decided through the adequate remedy of appeal.

{¶ 6} Accordingly, the court grants the respondents' motion to dismiss and dismisses the application for a writ of prohibition. Relator to pay costs. This court directs the clerk of courts to serve all parties notice of this judgment and its date of entry upon the journal as required by Civ.R. 58(B).

¹ The principles governing prohibition are well established. Its requisites are (1) the respondent against whom it is sought is about to exercise judicial power, (2) the exercise of such power is unauthorized by law, and (3) there is no adequate remedy at law. *State ex rel. Largent v. Fisher*, 43 Ohio St.3d 160, 540 N.E.2d 239 (1989).

{¶ 7} Complaint dismissed.

MICHELLE J. SHEEHAN, JUDGE

**MARY EILEEN KILBANE, A.J., and
EILEEN A. GALLAGHER, J., CONCUR**