

IN RE DISQUALIFICATION OF SANTOLI.

ITSON v. CUYAHOGA COUNTY ET AL.

[Cite as *In re Disqualification of Santoli*, 2026-Ohio-3082.]

Judges—Affidavits of disqualification—R.C. 2701.03—Affiant failed to establish a conflict of interest, bias or prejudice, or an appearance of impropriety—Disqualification denied.

(No. 26-AD-090—Decided June 4, 2026.)

ON AFFIDAVIT OF DISQUALIFICATION in Cuyahoga County Court of Common Pleas, General Division, Case No. CV-24-993349.

KENNEDY, C.J.

{¶ 1} Kali J. Itson, the plaintiff in the underlying civil case, has filed a fourth affidavit of disqualification under R.C. 2701.03 seeking to disqualify Judge Andrew J. Santoli of the Cuyahoga County Court of Common Pleas, General Division. Judge Santoli filed a response to the fourth affidavit of disqualification.

{¶ 2} Itson has filed three prior unsuccessful affidavits of disqualification against Judge Santoli. The original affidavit was dismissed on August 1, 2024, because Itson had presented no averments or evidence based on his personal knowledge. *See* Supreme Court case No. 24-AP-083. Itson’s second affidavit was denied on August 16 because he had failed to establish that disqualification was warranted. *See* Supreme Court case No. 24-AP-124. Itson’s third affidavit was denied on February 4, 2025, because he again had failed to present any evidence based on personal knowledge. *See* Supreme Court case No. 25-AP-013.

{¶ 3} As explained below, Itson has not established that Judge Santoli should be disqualified. Therefore, the fourth affidavit of disqualification is denied. The case shall proceed before Judge Santoli.

Trial-Court Proceedings

{¶ 4} Itson has sued Cuyahoga County and the Cuyahoga County Sheriff’s Office, alleging that the defendants violated his constitutional rights while he was detained in the county jail. The relevant trial-court proceedings from February 2024 until February 2025 were set forth in the entries dismissing or denying Itson’s prior affidavits of disqualification. *See* Supreme Court case Nos. 24-AP-083 and 24-AP-124.

{¶ 5} Since then, Itson has filed numerous motions, several of which are significant for purposes of this fourth affidavit of disqualification. On November 3, 2025, Itson filed a motion for judicial notice. On December 1, he filed a motion for leave to amend the complaint. On December 8, he filed another motion for judicial notice. On December 22, he filed a motion to compel. And on January 8, 2026, he filed a motion seeking various discovery-related relief. The defendants opposed some of those motions, although they initially requested an extension of time to respond to Itson’s December 22 motion to compel.

{¶ 6} On January 9, Judge Santoli denied Itson’s motion for leave to amend the complaint. The judge’s entry set forth the basis for his decision; however, the final sentence incorrectly stated that the court was denying “Defendant’s”—rather than Itson’s—motion for leave to file an amended complaint.

{¶ 7} Also on January 9, Judge Santoli granted the defendants’ motion for an extension of time to respond to Itson’s motion to compel before the deadline for Itson’s response had passed. Although Judge Santoli’s entry extended the defendants’ deadline to file a response to the motion to compel until January 19, the defendants filed their response one day late, on January 20. On February 2, Judge Santoli denied Itson’s motion to compel and his motion seeking various discovery-related relief.

{¶ 8} On April 27, Itson filed this fourth affidavit of disqualification.

Affidavit-of-Disqualification Proceedings

{¶ 9} R.C. 2701.03(A) provides that if a judge of a court of common pleas “allegedly is interested in a proceeding pending before the court, allegedly is related to or has a bias or prejudice for or against a party to a proceeding pending before the court or a party’s counsel, or allegedly otherwise is disqualified to preside in a proceeding pending before the court,” then any party to the proceeding or the party’s counsel may file an affidavit of disqualification with the clerk of this court.

{¶ 10} Prior to addressing Itson’s allegations against Judge Santoli, there is a preliminary matter: whether an affiant may submit pages in excess of the page limit for affidavits of disqualification. The answer to the question is no.

Page Limit for Affidavits of Disqualification

{¶ 11} “An affidavit of disqualification shall not exceed fifteen numbered pages, exclusive of the certificate of service and any exhibits. Any pages over the limitation will be stricken.” S.Ct.Prac.R. 21.01(E)(4). Excluding the certificate of service, Itson’s fourth affidavit of disqualification consists of 15 pages of averments. However, he also submitted an additional affidavit of disqualification as “Exhibit 2” attached to the fourth affidavit. The additional affidavit of disqualification is not a proper exhibit as contemplated by S.Ct.Prac.R. 21.01(E)(4). Therefore, Exhibit 2 attached to the fourth affidavit of disqualification exceeds the rule’s page limitation, so it is sua sponte stricken and will not be considered.

{¶ 12} This decision now turns to the allegations set forth in the fourth affidavit of disqualification.

Allegations in Support of the Fourth Affidavit of Disqualification

{¶ 13} Itson alleges that Judge Santoli should be disqualified because the judge has a conflict of interest, because the judge is biased and prejudiced against him, and to avoid the appearance of impropriety.

{¶ 14} In support of the allegations, Itson claims that (1) Judge Santoli granted the defendants’ motion for an extension of time to respond to Itson’s

December 22, 2025 motion to compel before the time allowed for Itson to respond to the defendants’ motion had expired, (2) the judge issued entries denying Itson’s discovery-related motions without articulating the reasons for the rulings, (3) the judge failed to strike the defendants’ untimely response to the motion to compel or to otherwise sanction the defendants for filing their response one day late, (4) the judge included a factual inaccuracy in his January 9, 2026 entry denying Itson’s motion for leave to amend the complaint and relied on a rationale that was not advanced in the defendants’ response to the motion for leave, and (5) the judge failed to rule on Itson’s two motions for judicial notice and motion to show cause. These facts, Itson contends, show a pattern of bias or prejudice and would cause an objective observer to question Judge Santoli’s impartiality.

{¶ 15} In response, Judge Santoli denies any bias against or in favor of any party in the underlying case. Regarding Itson’s specific claims, Judge Santoli first states that courts have inherent power to manage their own dockets and that the decision whether to grant a motion for an extension of time lies within a trial judge’s broad discretion; therefore, the judge argues, Itson’s complaint about the judge’s prematurely granting the defendants’ motion for an extension of time is not a basis for disqualification.

{¶ 16} Second, Judge Santoli asserts that Itson’s dissatisfaction with the purported lack of explanation in some of the judge’s rulings does not support a claim of bias, especially considering that the Civil Rules do not require judges to set forth findings of fact in all rulings.

{¶ 17} Third, Judge Santoli notes that Itson never asked him to strike the defendants’ untimely response to the motion to compel and, regardless, whether to accept the response was within the judge’s discretion.

{¶ 18} Fourth, Judge Santoli acknowledges that his January 9 entry denying Itson’s motion for leave to amend his complaint contained a typographical error, mistakenly using “Defendant’s” in place of the word “Plaintiff’s” in the final

sentence. However, the judge asserts, other parts of the entry made it unequivocally clear that it was *Itson's* motion for leave to amend the complaint that the judge was denying. The judge further states that he plans to issue a nunc pro tunc entry to correct the typo. Additionally, the judge notes that Itson's disagreement with the denial of Itson's motion for leave is an issue that may be raised on appeal, not in an affidavit of disqualification.

{¶ 19} Lastly, Judge Santoli states that the fact that he has not yet ruled on some of Itson's other motions is not evidence of bias or partiality.

Disqualification of a Common-Pleas-Court Judge

{¶ 20} As explained above, R.C. 2701.03(A) provides two specific grounds and a catch-all provision for the disqualification of a judge of a court of common pleas. Granting or denying an affidavit of disqualification turns on whether the chief justice determines that the interest, bias or prejudice, or disqualification alleged in the affidavit exists. R.C. 2701.03(E).

{¶ 21} The burden falls on the affiant to submit "specific allegations on which the claim of interest, bias, prejudice, or disqualification is based and the facts to support each of those allegations." R.C. 2701.03(B)(1). Therefore, "[a]n affidavit must describe with specificity and particularity those facts alleged to support the claim." *In re Disqualification of Mitrovich*, 2003-Ohio-7358, ¶ 4.

{¶ 22} As noted above, Itson alleges that Judge Santoli should be disqualified because the judge has a conflict of interest, because the judge is biased and prejudiced against him, and to avoid the appearance of impropriety.

{¶ 23} The term "interest" is not defined in R.C. 2701.03. However, the Code of Judicial Conduct requires a judge to disqualify himself or herself in any proceeding in which the judge "[h]as more than a de minimis interest that could be substantially affected by the proceeding," Jud.Cond.R. 2.11(A)(2)(c), or "[t]he judge knows that he or she . . . has an economic interest in the subject matter in controversy or in a party to the proceeding," Jud.Cond.R. 2.11(A)(3). "A 'conflict

of interest’ means ‘[a] real or seeming incompatibility between one’s private interests and one’s public or fiduciary duties.’” *In re Disqualification of Bloom*, 2023-Ohio-3384, ¶ 38, quoting *Black’s Law Dictionary* (11th Ed. 2019).

{¶ 24} R.C. 2701.03(A) “speaks in terms of *actual* bias and prejudice.” (Emphasis in original.) *In re Disqualification of Berhalter*, 2023-Ohio-4881, ¶ 29. The General Assembly has not defined the term “bias or prejudice.” However, as explained in prior disqualification cases, “[t]he term ‘bias or prejudice’ ‘implies a hostile feeling or spirit of ill-will or undue friendship or favoritism toward one of the litigants or his attorney, with the formation of a fixed anticipatory judgment on the part of the judge, as contradistinguished from an open state of mind which will be governed by the law and the facts.’” *In re Disqualification of O’Neill*, 2002-Ohio-7479, ¶ 14, quoting *State ex rel. Pratt v. Weygandt*, 164 Ohio St. 463, 469 (1956). “‘Bias or prejudice on the part of a judge will not be presumed. In fact, the law presumes that a judge is unbiased and unprejudiced in the matters over which he presides, and bias or prejudice must be strong enough to overcome the presumption of his integrity.’” *Id.* at ¶ 16, quoting 48A C.J.S., Judges, § 108, at 731 (1981). “A determination of whether a judge is biased or prejudiced is based on the judge’s words and/or actions and whether those words and/or actions convey that the judge is predisposed to an outcome of a case.” *Berhalter* at ¶ 28.

{¶ 25} “A judge’s subjective bias, however, is not easy to discern. The United States Supreme Court has recognized that ‘to establish an enforceable and workable framework, the Court’s precedents [also] apply an objective standard that, in the usual case, avoids having to determine whether actual bias is present.’” (Bracketed text in original.) *In re Disqualification of Clark*, 2023-Ohio-4774, ¶ 47, quoting *Williams v. Pennsylvania*, 579 U.S. 1, 8 (2016). Under an objective standard, “the question is ‘whether the judge’s impartiality might reasonably be questioned by the average person on the street who knows all the relevant facts of a case.’” *In re Disqualification of Reed*, 2024-Ohio-6175, ¶ 22, quoting *In re*

Kansas Pub. Emps. Retirement Sys., 85 F.3d 1353, 1358 (8th Cir. 1996). “[T]hese outside observers are less inclined to credit judges’ impartiality and mental discipline than the judiciary itself will be.” *Id.*, quoting *In re Mason*, 916 F.2d 384, 386 (7th Cir. 1990).

{¶ 26} A judge “otherwise is disqualified” under R.C. 2701.03(A) when none of the express bases for disqualification—interest, relation to a party, bias, or prejudice—apply but other grounds for disqualification exist. *In re Disqualification of Navarre*, 2024-Ohio-3336, ¶ 21. “[E]ven in cases in which no evidence of actual bias or prejudice is apparent, a judge’s disqualification may be appropriate to avoid an appearance of impropriety or when the public’s confidence in the integrity of the judicial system is at issue.” *In re Disqualification of Crawford*, 2017-Ohio-9428, ¶ 6. In addition, an ex parte communication between a judge and a party may be a basis for disqualification when the communication “either was initiated by the judge or addressed substantive matters in the pending case.” *In re Disqualification of Calabrese*, 2002-Ohio-7475, ¶ 2. Jud.Cond.R. 2.11 sets forth additional circumstances in which a judge must be disqualified, including when the matter in controversy involves an economic interest of a family member of the judge, Jud.Cond.R. 2.11(A)(3), and when the judge likely will be a material witness in the proceeding, Jud.Cond.R. 2.11(A)(2)(d).

{¶ 27} These examples are not exhaustive, but they illustrate that a judge may still be disqualified even when the express statutory grounds for disqualification are not applicable. *Navarre* at ¶ 22.

{¶ 28} As noted above, a judge may be disqualified to avoid an appearance of impropriety. An appearance of impropriety exists when “the [judge’s] conduct would create in reasonable minds a perception that the judge’s ability to carry out judicial responsibilities with integrity, impartiality and competence is impaired.” *Caperton v. A.T. Massey Coal Co., Inc.*, 556 U.S. 868, 888 (2009), quoting American Bar Association, Annotated Model Code of Judicial Conduct, Canon 2A,

Commentary (2004); *see also id.* at 890 (noting that the codes of judicial conduct provide more protection than due process requires). The perspective of the ordinary, reasonable person is considered, and that person ““is presumed to be fully informed of all the relevant facts in the record—not isolated facts divorced from their larger context.”” *In re Disqualification of Kuhn*, 2023-Ohio-4882, ¶ 16, quoting *In re Disqualification of Gall*, 2013-Ohio-1319, ¶ 6.

Analysis

{¶ 29} Because Itson bases the allegations on the same evidence, they are analyzed together. For the reasons explained below, Itson has not established that Judge Santoli’s disqualification is warranted.

Premature Ruling

{¶ 30} Itson first contends that because Judge Santoli granted the defendants’ motion for an extension of time to respond to Itson’s motion to compel only four days after the defendants filed their motion for an extension, the defendants “obtain[ed] discretionary procedural relief before [Itson’s] opposition could be considered as part of an adversarial record,” creating an inference of bias in the defendants’ favor. Itson is wrong. Although a judge’s ruling on a motion before a party’s response time has expired *might*—under certain circumstances—warrant disqualification, Judge Santoli’s ruling on the defendants’ motion for an extension would not cause any objective or reasonable person to question the judge’s impartiality.

{¶ 31} Civ.R. 6(C)(1) sets out the time frame for responding to a written motion and provides that “[r]esponses to a written motion, other than motions for summary judgment, may be served within fourteen days after service of the motion.” When the rule applies, judges should strive to afford all parties an opportunity to respond to pending motions. Indeed, a judge’s ruling on certain motions or filings before a party’s response time has expired has been a factor in prior disqualification decisions.

{¶ 32} For example, in *Clark*, 2023-Ohio-4774, a probate-court judge granted a defendant’s attorney-fee petition four days after it was filed and without waiting for the plaintiffs to submit a response. The judge thereby essentially violated Civ.R. 37(A)(5)(a), which requires a court that has granted a motion to compel to provide the nonmoving party an opportunity to be heard before ordering the nonmoving party to pay the movant’s reasonable expenses, including attorney fees, incurred in making the motion. *Id.* at ¶ 57. The judge also ruled on two other motions without allowing the plaintiffs to be heard, granting a motion to quash a subpoena the day after it was filed and granting a motion for a protective order the same day it was filed. The chief justice determined that the judge’s premature rulings—combined with the judge’s other conduct in that matter—had created an appearance of bias warranting the judge’s disqualification. *Id.* at ¶ 52-61.

{¶ 33} Similarly, in *In re Disqualification of Brannon*, 2025-Ohio-5908, a probate-court judge granted the defendants’ motion to enforce a memorandum of understanding within 42 minutes after the plaintiffs were served with the motion. The judge also signed a proposed order that awarded attorney fees and court costs associated with the motion. The plaintiffs’ counsel thereafter filed an affidavit of disqualification alleging that the defendants’ motion to enforce was effectively dispositive of all of the plaintiffs’ claims and that under the civil and local rules, the plaintiffs were entitled to respond to the motion before the judge ruled on it. In response to the affidavit of disqualification, the judge failed to explain or clarify why it was urgent to rule on the motion to enforce without giving the plaintiffs an opportunity to be heard. Based on that record, the chief justice determined that the judge’s conduct had created an appearance of bias warranting disqualification. *Id.* at ¶ 32-34.

{¶ 34} Lastly, in *In re Disqualification of Tone*, Supreme Court case No. 25-AP-209, a judge granted a defendant’s untimely motion for leave to plead before the plaintiff was served with the motion and had an opportunity to respond,

effectively precluding the plaintiff from being able to obtain a default judgment. The plaintiff thereafter filed an affidavit of disqualification alleging that the judge's conduct—combined with the fact that the defendant's counsel was married to a judge serving on the same court—had created an appearance of impropriety. The chief justice determined that “[i]ssuing a ruling so adverse to [the plaintiff's] case without permitting him to respond could cause the reasonable person to question the judge's ability to carry out his responsibilities with integrity and impartiality” and that “those concerns [were] amplified when a perceived beneficiary of [the judge's] hasty action was the spouse of one of his judicial colleagues.” *Id.* at 9. Therefore, the judge was disqualified to allay any concerns about the fairness and integrity of the proceedings. *See also In re Disqualification of Cottrill*, Supreme Court case No. 26-AD-037 (granting affidavit of disqualification to avoid appearance of impropriety after judge acknowledged that he had wrongly and improvidently granted a defendant's motion to stay a civil case before the plaintiff's response time had expired).

{¶ 35} A judge's ability to preside fairly and impartially in a case is determined on a case-by-case basis and is heavily dependent on the particular facts in that matter. *See, e.g., In re Disqualification of Celebrezze*, 74 Ohio St.3d 1231, 1232 (1991). However, the decisions in *Clark*, *Brannon*, and *Tone* make clear that a judge's premature rulings in a case might create an appearance of impropriety warranting disqualification when the judge, without reasonable justification, rules on a motion raising a dispositive or similarly substantive issue prejudicial to the nonmoving party without first giving the nonmoving party an opportunity to respond. “The law requires not only an impartial judge but also one who appears to the parties and the public to be impartial.” *In re Disqualification of Triggs*, 2025-Ohio-983, ¶ 28, quoting *In re Disqualification of Corrigan*, 2005-Ohio-7153, ¶ 11. It is fair to assume that a judge's premature ruling on a dispositive or similarly substantive issue, such as an award of attorney fees, might reasonably cause the

parties and the public to question the fairness and integrity of those proceedings. This court has long held that “[h]owever hurried a court may be in its efforts to reach the merits of a controversy, the integrity of procedural rules is dependent upon consistent enforcement because the only fair and reasonable alternative thereto is complete abandonment.” *Miller v. Lint*, 62 Ohio St.2d 209, 215 (1980).

{¶ 36} In this case, Judge Santoli granted the defendants’ motion for an extension of time, which Itson acknowledges amounted to merely “discretionary procedural relief,” before his response time had expired. In contrast to the facts in *Clark*, *Brannon*, and *Tone*, Judge Santoli’s premature ruling was not on a dispositive motion or similarly substantive issue in the underlying case. Moreover, the defendants filed their motion for an extension of time before expiration of the deadline that they were asking to postpone. Under Civ.R. 6(B), Judge Santoli had discretion “with or without motion or notice” to grant an extension of time; therefore, the defendants’ motion was not even necessary for the judge to grant the extension.

{¶ 37} Under these circumstances, no objective and reasonable observer would question Judge Santoli’s impartiality based merely on his granting the defendants’ timely motion for an extension of time without waiting for a response from Itson.

Judge Santoli’s Other Rulings

{¶ 38} In support of the fourth affidavit of disqualification, Itson also claims that Judge Santoli failed to sufficiently articulate the basis for his rulings on several of Itson’s discovery-related motions, that the judge refused to strike the defendants’ untimely response to Itson’s motion to compel, that the judge’s January 9 entry denying Itson’s motion for leave to amend his complaint incorrectly transposed “Defendant’s” for “Plaintiff’s,” and that the same entry relied on a rationale that was not advanced by the defendants in their response to the motion. None of these claims, however, support a finding that Judge Santoli has a conflict of interest, that

the judge is biased or prejudiced against Itson, or that an appearance of impropriety exists.

{¶ 39} Article IV, Section 5(C) of the Ohio Constitution requires the chief justice to “pass upon the disqualification of any judge of the courts of appeals or courts of common pleas or division thereof.” That enumerated power, however, has limitations. The chief justice does not have unilateral authority to resolve legal issues that are subject to appellate review. *In re Disqualification Gallagher*, 2023-Ohio-2977, ¶ 50.

{¶ 40} Here, Itson acknowledges that the Civil Rules do not require a judge to issue findings of fact when ruling on every motion, but he nonetheless claims that Judge Santoli should have better explained the basis for some of his discovery-related rulings. Itson also takes issue with the judge’s stated reasons for refusing to allow him leave to amend his complaint. But “[a]dverse rulings, without more, are not evidence that a judge is biased or prejudiced.” *In re Disqualification of Bickerton*, 2023-Ohio-1104, ¶ 9, quoting *In re Disqualification of Russo*, 2005-Ohio-7146, ¶ 5. “Therefore, ‘affidavits of disqualification cannot be used to remove a judge from a case simply because a party is particularly unhappy about a court ruling or a series of rulings.’” *Id.*, quoting *In re Disqualification of D’Apolito*, 2014-Ohio-2153, ¶ 5.

{¶ 41} Moreover, as Judge Santoli points out, Itson has not indicated that he moved to strike the defendants’ untimely response. And a typo in one of the judge’s entries—which the judge has acknowledged and vowed to correct—does not mean that he is biased against Itson or that he cannot be fair and impartial in further proceedings. *See, e.g., In re Disqualification of Miller*, 2020-Ohio-6876, ¶ 6.

{¶ 42} The focus of an affidavit of disqualification is on the judge’s words and conduct. And while “a judge could be disqualified if his or her adverse rulings were accompanied by words or conduct that call into question the manner in which

the proceedings are being conducted,” *Clark*, 2023-Ohio-4774, at ¶ 51, quoting *In re Disqualification of Knece*, 2014-Ohio-1414, ¶ 10, Itson cites no words or conduct separate from Judge Santoli’s legal rulings that suggests that the judge is biased or that would cause an objective and reasonable observer to question his impartiality.

Judge Santoli’s Inaction on Three Motions

{¶ 43} Lastly, Itson also points to the fact that Judge Santoli has not yet ruled on two motions for judicial notice and a motion to show cause that Itson filed, although Itson has failed to identify when he filed the motion to show cause. It is well-established, however, that trial judges are entitled to exercise considerable discretion in the management of the cases on their dockets and that any alleged abuse of that discretion may not be remedied in an affidavit-of-disqualification proceeding. *In re Disqualification of Flottman*, 2023-Ohio-3239, ¶ 14. Similarly, “[i]n general, a judge’s alleged failure to provide timely rulings on a motion is not a concern that can be addressed through an affidavit of disqualification.” *In re Disqualification of Regan*, 2024-Ohio-6138, ¶ 30, quoting *In re Disqualification of Mackey*, 2022-Ohio-2837, ¶ 5.

{¶ 44} In sum, Itson has not demonstrated that Judge Santoli has a conflict of interest or that he is biased or prejudiced against Itson. And no reasonable observer with full knowledge of the facts would believe that the judge’s ability to carry out his judicial responsibilities with integrity, impartiality, and competence is impaired. Consequently, the allegations lack merit.

Conclusion

{¶ 45} For the reasons explained above, Itson has not established that Judge Santoli’s disqualification is warranted. Therefore, the fourth affidavit of disqualification is denied. The case shall proceed before Judge Santoli.