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SLIP OPINION NO. 2026-OHIO-4076

**THE STATE EX REL. AMES, APPELLANT, v. WEST GEAUGA LOCAL SCHOOL
DISTRICT BOARD OF EDUCATION, APPELLEE.**

**[Until this opinion appears in the Ohio Official Reports advance sheets, it
may be cited as *State ex rel. Ames v. W. Geauga Local School Dist. Bd. of
Edn.*, Slip Opinion No. 2026-Ohio-4076.]**

*Mandamus—Public-records requests—R.C. 149.43—Appellant failed to comply
with the procedural requirements of R.C. 149.43(C)(1) because he
impermissibly commenced his mandamus action within statutory three-
business-day cure period—Court of appeals’ judgment dismissing petition
affirmed.*

(No. 2025-1511—Submitted June 30, 2026—Decided October 20, 2026.)

APPEAL from the Court of Appeals for Geauga County,
No. 2025-G-0016, 2025-Ohio-5179.

The per curiam opinion below was joined by FISCHER, DEWINE, BRUNNER,
DETERS, HAWKINS, and SHANAHAN, JJ. KENNEDY, C.J., concurred except as to
Parts II(B) and (C)(14), dissented in part, and would reach the merits of the petition

for the reasons set forth in her dissenting opinion in *State ex rel. Jordan v. Dept. of Rehab. & Corr.*, 2025-Ohio-3051.

Per Curiam.

{¶ 1} Appellant, Brian M. Ames, filed a petition for a writ of mandamus in the Eleventh District Court of Appeals against appellee, the West Geauga Local School District Board of Education, seeking the production of public records under R.C. 149.43, Ohio’s Public Records Act. The Eleventh District dismissed the petition, concluding that Ames had failed to comply with the procedural requirements of R.C. 149.43(C)(1) because he impermissibly commenced his mandamus action within the three-business-day cure period mandated by the statute. *See* 2025-Ohio-5179, ¶ 6 (11th Dist.).

{¶ 2} Ames has appealed. Because the Eleventh District correctly concluded that Ames had failed to comply with the procedural requirements of R.C. 149.43(C)(1), we affirm.

{¶ 3} The parties have also filed numerous motions peripheral to the merits of the appeal. For the reasons discussed below, we deny one of these motions as moot and deny the other pending motions.

I. BACKGROUND

A. Public-Records Request and Response

{¶ 4} On March 24, 2025, Ames emailed a public-records request to Karen Pavlat, the treasurer of the school district, asking for “the check register for February 2025.” Pavlat responded the same day, acknowledging receipt of the request and advising that it would be processed “as soon as reasonably possible.” On April 3, the board’s counsel, Sara Ravas Cooper, emailed Ames a copy of the February 2025 check register. The register included descriptions of services purchased for certain students, and it identified those students by student numbers and initials; the copy produced to Ames had the student initials redacted. In her

email, Cooper stated that both 20 U.S.C. 1232g, the Family Educational Rights and Privacy Act (“FERPA”), and R.C. 3319.321, the Ohio Student Privacy Act (“OSPA”), prohibited the board from disclosing student initials in response to a public-records request because student initials are “personally identifiable information” for those students. As a further explanation for the redactions, Cooper stated that the February 2025 check register connected purchased services with particular students, thus requiring the redactions to avoid disclosing information in those students’ education records.

{¶ 5} Ames responded to Cooper by email on April 15, asserting that “directory information” such as a student’s name is excluded from the definition of “personally identifiable information” under both FERPA and OSPA. He stated he intended to “proceed in mandamus” and would “be sending the newly required notice shortly.”

B. The Pre-Suit Complaint

{¶ 6} Last year’s amendments to the Public Records Act, effective April 9, 2025, require a public-records requester, before commencing a mandamus action, to provide the public office at issue with service of a complaint and an opportunity to cure an alleged failure to comply with a public-records request. *See* R.C. 149.43(C)(1), 2024 Sub.H.B. No. 265. On April 21, 2025, Ames sent to the board by certified mail the “Court of Claims Public Records Access Formal Complaint” (“the pre-suit complaint”) required by R.C. 149.43(C)(1), stating that he submitted a public-records request on March 24, that a response was made on April 3, and that the records produced contained improper redactions. As shown by the certified-mail receipt, service of the pre-suit complaint was addressed to “West Geauga Local School District Attn: Treasurer.” The certified-mail receipt was signed by “Diane Martin” and indicated the date of delivery as April 28.

{¶ 7} On April 29, Pavlat informed Ames by email that the school district had received the pre-suit complaint and that it was standing by its original objections and response as conveyed on April 3.

C. Mandamus Action in the Eleventh District

{¶ 8} On April 30, 2025, Ames filed in the Eleventh District a petition for a writ of mandamus to compel the board to provide an unredacted copy of the February 2025 check register. He requested awards of statutory damages, attorney’s fees, and court costs. The petition included a separate “affidavit of verity” in which Ames attested that he had properly transmitted a complaint to the public office or person responsible for public records, that the complaint was transmitted to the board at least three business days before Ames filed the suit, and that the failure alleged in the complaint was not cured or otherwise resolved to his satisfaction. Attached to the mandamus petition as an exhibit was the certified-mail receipt showing that the pre-suit complaint was delivered to the school district on April 28, 2025.

{¶ 9} The board filed an answer, stating as one of its defenses that Ames’s mandamus petition was filed before the expiration of the three-business-day cure period in violation of R.C. 149.43(C)(1). The board also filed a motion for judgment on the pleadings, seeking dismissal of the petition for the same reason, among others.

{¶ 10} On November 17, 2025, the Eleventh District dismissed Ames’s mandamus petition. The court determined that the “[e]xhibits attached to [Ames’s] petition indicate that [the board] was served by certified mail on April 28, 2025, with [Ames’s] [pre-suit] complaint.” 2025-Ohio-5179 at ¶ 6 (11th Dist.). The court concluded that Ames had failed to comply with the procedural requirements of R.C. 149.43(C)(1) because, after he transmitted the pre-suit complaint to the board, he impermissibly filed his mandamus petition within the three-business-day period granted to the board under the statute to cure the failure alleged in the pre-suit

complaint. *Id.* For this reason, the Eleventh District concluded that the mandamus action “must be dismissed.” *Id.* The court overruled all pending motions as moot, including the board’s motion for judgment on the pleadings. *See id.* at ¶ 7.

D. The Present Appeal

{¶ 11} Ames appealed the dismissal of his mandamus petition to this court. The parties have filed briefs, and the case is ripe for our decision. While the appeal was pending, the board filed a motion to refer the case to mediation, which we denied. 2025-Ohio-5200. The parties have filed a number of other motions, which we address below.

II. ANALYSIS

A. Standard of Review

{¶ 12} We have not specifically addressed the standard of review for dismissal of a mandamus petition for failure to comply with the procedural requirements of R.C. 149.43(C)(1). This court applies a de novo standard when reviewing a lower court’s dismissal of a mandamus action for failure to state a claim upon which relief can be granted under Civ.R. 12(B)(6), *State ex rel. Woods v. Heekin*, 2024-Ohio-1719, ¶ 8, and for lack of subject-matter jurisdiction under Civ.R. 12(B)(1), *State ex rel. Duncan v. Mentor*, 2023-Ohio-3115, ¶ 6. We review de novo a lower court’s dismissal of an extraordinary-writ action for failure to comply with the procedural requirements of R.C. 2969.25(A). *McIntyre v. May*, 2026-Ohio-1231, ¶ 5. Here, the Eleventh District determined that Ames did not comply with the procedural requirements of R.C. 149.43(C)(1), because he impermissibly commenced his mandamus action within the three-business-day cure period. Because the determination of compliance with R.C. 149.43(C)(1) is analogous to the determination of compliance with R.C. 2969.25(A), we apply a de novo standard of review in this situation.

B. Ames Failed to Comply with the Procedural Requirements of R.C.

149.43(C)(1)

{¶ 13} The dispositive issue in this appeal is whether Ames complied with the procedural requirements of R.C. 149.43(C)(1), which provides:

If a person allegedly is aggrieved by the failure of a public office or the person responsible for public records to promptly prepare a public record and to make it available to the person for inspection in accordance with division (B) of this section or by any other failure of a public office or the person responsible for public records to comply with an obligation in accordance with division (B) of this section, the person allegedly aggrieved may serve pursuant to Rule 4 of the Ohio Rules of Civil Procedure a complaint, on a form prescribed by the clerk of the court of claims, to the public office or person responsible for public records allegedly responsible for the alleged failure. Upon receipt of the complaint of the person allegedly aggrieved, the public office or person responsible for public records has three business days to cure or otherwise address the failure alleged in the complaint. The person allegedly aggrieved shall not file a complaint with a court or commence a mandamus action under this section within the three-day period. . . .

The requester may commence a public-records mandamus action only “[u]pon the expiration of the three-day period.” *Id.* “Compliance with this requirement is a prerequisite to the commencement of a lawsuit” under R.C. 149.43(C)(1). *State ex rel. Jordan v. Dept. of Rehab. & Corr.*, 2025-Ohio-3051, ¶ 4 (DeWine, J., concurring). R.C. 149.43(C)(2) provides that upon filing a mandamus complaint

with a court, the requester must file in conjunction with the complaint a “written affirmation” stating

that the [requester] properly transmitted a complaint to the public office or person responsible for public records, [that] the failure alleged in the complaint has not been cured or otherwise resolved to the [requester’s] satisfaction, and that the complaint was transmitted to the public office or person responsible for public records at least three business days before the filing of the suit.

Finally, R.C. 149.43(C)(2) mandates that if the requester fails to file the written affirmation, “the suit shall be dismissed.”

{¶ 14} The statute thus imposes multiple mandatory prerequisites that must be satisfied before a public-records mandamus action may proceed. First, the requester must serve a pre-suit complaint—on a form prescribed by the clerk of the Court of Claims—on the public office in accordance with Civ.R. 4. R.C. 149.43(C)(1). Second, after proper service of the pre-suit complaint, the public office has three business days from its receipt of the complaint to address the failure alleged in the complaint, and the requester “shall not” file a complaint with a court or commence a mandamus action “within the three-day period.” *Id.* If the public office does not resolve the issue within three business days, the requester may file a complaint in the Court of Claims or commence a mandamus action. R.C. 149.43(C)(1)(a) and (b). Third, upon filing a complaint or commencing a mandamus action, the requester must file with the court, in conjunction with the complaint or petition, a “written affirmation” stating that he or she followed the pre-suit procedures. R.C. 149.43(C)(2).

{¶ 15} As his first proposition of law, Ames asserts that the Eleventh District erred in determining that the date of service of the pre-suit complaint was

April 28, 2025. He contends that the delivery date was not Monday, April 28, but rather Friday, April 25, as purportedly indicated by the tracking number associated with his certified-mail receipt. The tracking and delivery information is not part of the record on appeal, but Ames asks us to take judicial notice of the time and place of delivery of the certified-mail package containing the pre-suit complaint by visiting the website for the United States Postal Service (“USPS”), navigating to the “USPS Tracking” page, and entering the tracking number shown on the certified-mail receipt attached as an exhibit to his mandamus petition.

{¶ 16} Because this is a direct appeal, we are limited to the record that was before the Eleventh District. *See Morgan v. Eads*, 2004-Ohio-6110, ¶ 13 (“a bedrock principle of appellate practice in Ohio is that an appeals court is limited to the record of the proceedings at trial”). “A reviewing court cannot add matter to the record before it, which was not a part of the trial court’s proceedings, and then decide the appeal on the basis of the new matter.” *State v. Ishmail*, 54 Ohio St.2d 402 (1978), paragraph one of the syllabus. The tracking and delivery information that Ames contends is located on the USPS website was not presented to the Eleventh District. Because we confine our review to the record on appeal, we do not consider the additional evidence proposed by Ames.

{¶ 17} Based on the evidence in the record on appeal, Ames’s argument that the Eleventh District erred in its determination of the date of service of the pre-suit complaint lacks merit. The certified-mail receipt attached as an exhibit to Ames’s mandamus petition shows that the pre-suit complaint was delivered to the school district on Monday, April 28, 2025. Although Ames’s petition alleged that “[s]ervice of said complaint was perfected on April 25, 2025,” this allegation is contradicted by the certified-mail receipt.

{¶ 18} R.C. 149.43(C)(1) provides that upon receipt of the pre-suit complaint, the public office “has three business days to cure or otherwise address the failure alleged in the complaint. The [public-records requester] shall not . . .

commence a mandamus action under this section *within the three-day period.*” (Emphasis added.) Thus, the board had three business days from April 28, 2025, to cure or otherwise address the failure alleged in Ames’s pre-suit complaint, and Ames was prohibited from commencing his mandamus action within that three-day period. The date of receipt is not included in the calculation of that period. *See* Civ.R. 6(A) (“In computing any period of time prescribed or allowed . . . by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included.”). Accordingly, because the pre-suit complaint was delivered to the school district on April 28, the first business day of the cure period was Tuesday, April 29, the second was Wednesday, April 30, and the third was Thursday, May 1. To comply with the statute, Ames needed to wait until after the three-business-day cure period expired—Friday, May 2 at the earliest—to commence his mandamus action. By filing his petition before that time—on Wednesday, April 30—he failed to comply with the procedural requirements of R.C. 149.43(C)(1).¹ Therefore, the Eleventh District did not err in determining that Ames commenced his mandamus action within the three-business-day cure period in violation of R.C. 149.43(C)(1). *See* 2025-Ohio-5179 at ¶ 6 (11th Dist.).

{¶ 19} Because resolution of Ames’s first proposition of law is dispositive of this appeal, we need not reach his remaining propositions of law.

C. Motions

{¶ 20} The following section addresses the 27 motions currently pending and considers them in order of filing.

1. Even if the pre-suit complaint was delivered on April 25, 2025, as Ames urges, he still would have failed to comply with R.C. 149.43(C)(1). The first business day after April 25 was Monday, April 28, the second was Tuesday, April 29, and the third was Wednesday, April 30. Ames commenced his action on April 30, within the three-business-day cure period under his premise.

1. The board’s motion for an award of sanctions (Nov. 17, 2025)

{¶ 21} The board filed a motion for an award of sanctions against Ames on November 17, 2025—the same day Ames filed his notice of appeal in this case—asserting that he had engaged in frivolous conduct in this case as well as other “related cases” filed in the Eleventh District and in the Geauga County Court of Common Pleas. The board asserts that Ames should be sanctioned under R.C. 149.43(C)(6), S.Ct.Prac.R. 4.03(A), and Civ.R. 11.

{¶ 22} The board has not established that Ames should be sanctioned under R.C. 149.43(C)(6), which provides that “[i]f the court does not issue a writ of mandamus under [R.C. 149.43(C)] and the court determines at that time that the bringing of the mandamus action was frivolous conduct as defined in [R.C. 2323.51(A)],^[2] the court may award to the public office all court costs, expenses, and reasonable attorney’s fees, as determined by the court.” R.C. 149.43(C)(6) thus authorizes the court *where the action was filed* to sanction a public-records requester for bringing a frivolous mandamus action. Here, because Ames’s mandamus action was brought in the Eleventh District, the Eleventh District was

2. R.C. 2323.51(A)(2)(a) defines “frivolous conduct” as conduct of a party to a civil action that satisfies any of the following conditions:

- (i) It obviously serves merely to harass or maliciously injure another party to the civil action or appeal or is for another improper purpose, including, but not limited to, causing unnecessary delay or a needless increase in the cost of litigation.
- (ii) It is not warranted under existing law, cannot be supported by a good faith argument for an extension, modification, or reversal of existing law, or cannot be supported by a good faith argument for the establishment of new law.
- (iii) The conduct consists of allegations or other factual contentions that have no evidentiary support or, if specifically so identified, are not likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.
- (iv) The conduct consists of denials or factual contentions that are not warranted by the evidence or, if specifically so identified, are not reasonably based on a lack of information or belief.

Accord State ex rel. Striker v. Cline, 2011-Ohio-5350, ¶ 12-15.

the proper court to determine whether Ames should be sanctioned under R.C. 149.43(C)(6).

{¶ 23} The board also has not shown that sanctions are warranted under either S.Ct.Prac.R. 4.03(A) or Civ.R. 11. We may sanction a party who submits a filing or the person who signed or submitted a filing when we determine that the filing “is frivolous or is prosecuted for delay, harassment, or any other improper purpose.” S.Ct.Prac.R. 4.03(A). “A filing is frivolous if it is not reasonably grounded in fact or warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law.” *Id.* Civ.R. 11 requires that every pleading, motion, or other document filed with a court be supported by good grounds and not be interposed for delay and authorizes sanctions for a willful violation of the rule. Even assuming that Civ.R. 11 applies in an appeal to this court, the board has not established that Ames’s notice of appeal—the only document he had filed in this court as of November 17, 2025—violated the rule. Moreover, other than referring to the judgment against Ames in the court below—that is, the judgment on appeal before us—the board presents in its motion no evidence or authority demonstrating that Ames had engaged in frivolous or other improper conduct warranting sanctions.

{¶ 24} We deny the board’s November 17, 2025 motion for an award of sanctions.

2. The board’s motion for a vexatious-litigator declaration (Nov. 17, 2025)

{¶ 25} Also on November 17, 2025, the board filed a motion for an order declaring Ames to be a vexatious litigator under S.Ct.Prac.R. 4.03(B). This court may declare a party or person a vexatious litigator if the party or person “habitually or persistently engaged in conduct warranting sanctions under [S.Ct.Prac.R.] 4.03(A) whether or not [we] exercised [our] discretion to impose such sanctions.” S.Ct.Prac.R. 4.03(B). As explained above, a party or person engages in conduct warranting sanctions when the party submits a filing or the person signs or submits

a filing that “is frivolous or is prosecuted for delay, harassment, or any other improper purpose,” S.Ct.Prac.R. 4.03(A).

{¶ 26} In its motion, the board argues that Ames should be declared to be a vexatious litigator because “there is no good ground to support Ames’[s] past, current, and threatened conduct in the instant case, as well as other cases and actions involving the Board and different parties.” The board also claims that Ames’s conduct is “interposed for delay,” serves “merely to harass and maliciously injure the Board,” is “not warranted under existing law,” “cannot be supported by a good faith argument for an extension, modification, or reversal of existing law,” and consists of “allegations and other factual contentions that have no evidentiary support.” On these grounds, the board asserts that Ames’s “past, current, and threatened conduct” amounts to frivolous conduct under S.Ct.Prac.R. 4.03(A) and vexatious conduct under S.Ct.Prac.R. 4.03(B).

{¶ 27} We have declared a person to be a vexatious litigator for repeatedly filing frivolous cases in this court. *See, e.g., State ex rel. Johnson v. Bur. of Sentence Computation*, 2020-Ohio-999, ¶ 21-23 (declaring the relator to be a vexatious litigator when he had filed 22 original actions in approximately seven years, all of which were dismissed, and when his arguments were repetitive). We have also declared a person to be a vexatious litigator based on conduct in a single case when we found that the person had “engaged in habitual and persistent frivolous conduct” in that case. *State ex rel. Ware v. Vighuicci*, 2024-Ohio-5492, ¶ 11; *id.* at ¶ 10-12 (declaring the relator to be a vexatious litigator when he had fabricated evidence that he had attached to his complaint, submitted the same fraudulent documents as evidence in the original action, submitted an affidavit containing a false statement, and filed a merit brief in which he continued to assert a false claim and attached the same fabricated evidence).

{¶ 28} Like the board’s motion for an award of sanctions filed the same day, its vexatious-litigator motion consists mostly of boilerplate allegations that are

unsupported by evidence or authority. The only example the board provides in support of its allegation that Ames has “habitually, persistently, and without reasonable grounds instituted and maintained R.C. 2731.04 mandamus claims” is an Eleventh District decision, *State ex rel. Ames v. Geauga Cty. Bd. of Dev. Disabilities*, 2024-Ohio-5441 (11th Dist.), in which the court affirmed a trial court’s judgment dismissing a complaint for declaratory and injunctive relief. The board does not refer to any other cases in which Ames instituted allegedly frivolous actions.

{¶ 29} Accordingly, the board has not shown that Ames has repeatedly filed frivolous cases in this court. Nor has the board shown that as of November 17, 2025—the day Ames filed his notice of appeal—he had engaged in habitual and persistent frivolous conduct in the present appeal. For these reasons, we deny the board’s November 17, 2025 motion for a vexatious-litigator declaration.

3. Ames’s motion for sanctions (Dec. 11, 2025)

{¶ 30} Ames filed his own motion for sanctions on December 11, 2025, arguing that counsel for the board, Matthew John Markling, should be sanctioned under Civ.R. 11 because Markling had failed to verify the facts in several documents he signed before filing them. According to Ames, Markling failed to look up the tracking information for the pre-suit complaint that Ames sent to the board by USPS certified mail and filed in the Eleventh District a motion for judgment on the pleadings and two other documents falsely stating that the pre-suit complaint was served on April 28, 2025. Ames argues that because Markling signed these filings on behalf of the board stating that the pre-suit complaint was served on a different date than the one allegedly shown on the USPS website reached by entering the certified-mail tracking number, Markling is liable for sanctions under Civ.R. 11 and should be referred to the Office of Disciplinary Counsel for violations of Prof.Cond.R. 8.4(c), (d), and (h).

{¶ 31} Even assuming that Civ.R. 11 applies in an appeal to this court, Ames’s argument lacks merit. First, Ames does not contend that Markling falsely stated the date of service of the pre-suit complaint in any pleading, motion, or other document *filed in this court*. Second, the board’s motion for judgment on the pleadings and the two other documents it filed in the court below did not falsely state the date of service of Ames’s pre-suit complaint. As explained above, the certified-mail receipt attached as an exhibit to Ames’s mandamus petition shows that the pre-suit complaint was delivered to the school district on April 28, 2025, as stated in the board’s filings. Regardless, the Eleventh District did not rely on this statement in the board’s filings in dismissing Ames’s petition; rather, the court relied on the exhibits attached to Ames’s petition, 2025-Ohio-5179 at ¶ 6-7 (11th Dist.), and it then overruled as moot all pending motions, including the board’s motion for judgment on the pleadings, *see id.* at ¶ 7. Third, Civ.R. 11 specifies that sanctions may be imposed only for willful violations. *State ex rel. Haley v. Davis*, 2016-Ohio-534, ¶ 16. Even if Markling was mistaken about the date of service in the filings, Ames has provided no evidence indicating that any alleged misstatement was intentional or that the filings were presented for the purpose of harassment or malicious injury, *see id.* Accordingly, Ames has not shown that Markling willfully violated Civ.R. 11 in the present appeal by signing filings containing an allegedly false statement in the lower-court proceedings.

{¶ 32} We deny Ames’s December 11, 2025 motion for sanctions.

4. The board’s motion for sanctions (Dec. 22, 2025)

{¶ 33} In responding to Ames’s motion for sanctions filed on December 11, 2025, the board requests that this court sanction him under S.Ct.Prac.R. 4.03(A) and Civ.R. 11 for filing that motion. The board argues that because Ames’s motion did not show that any alleged misstatement of the date of service in the filings in the lower-court proceedings was willful rather than mistaken or inadvertent, as would have been required to impose Civ.R. 11 sanctions, it “obviously serves

merely to harass and maliciously injure the Board and the undersigned,” was filed for improper purposes including causing unnecessary delay and increasing the cost of litigation, is unwarranted under existing law, and is unsupported by evidence. The board concludes that this court must sanction Ames for his meritless request for sanctions as well as for his other frivolous conduct, stating: “Enough is enough. If not now, then when?”

{¶ 34} Even assuming that Civ.R. 11 applies and that Ames’s December 11, 2025 motion for sanctions lacks merit (it does, as do the numerous motions filed by the board), the board has not shown that any particular meritless filing warrants sanctions under S.Ct.Prac.R. 4.03(A) or Civ.R. 11. We deny its December 22, 2025 motion for sanctions.

5. The board’s motion to dismiss the appeal (Jan. 21, 2026)

{¶ 35} On January 21, 2026, the board moved to dismiss Ames’s appeal “for want of a final appealable order.” The board claims that when the Eleventh District dismissed the underlying mandamus action, the court did not rule on the board’s pending “demand for sanctions” (asserted as “additional defenses” in its answer to Ames’s mandamus petition) and did not expressly state in its judgment that there is no just reason for delay as mandated by Civ.R. 54(B). The board also claims that its various motions for sanctions against Ames, filed after the Eleventh District entered judgment, remain pending. The board thus argues that the Eleventh District’s judgment was not a final, appealable order and that Ames’s appeal must be dismissed.

{¶ 36} The board’s motion to dismiss lacks merit. First, the board’s “demand for sanctions” in its answer was not a motion for sanctions on which the Eleventh District was required to rule. A motion for sanctions may not be included in an answer, because it is not a pleading—it is a motion governed by separate procedural rules and must be submitted in compliance with Civ.R. 7(B). *See S & S Computer Sys., Inc. v. Peng*, 2002-Ohio-2905, ¶ 10, fn. 1 (9th Dist.) (motion for

sanctions was not a “claim for relief in [a] pleading” that was subject to a defense presented by a Civ.R. 12 motion but, rather, a motion that was subject to the requirements of Civ.R. 7(B)); *Haney v. Trout*, 2002-Ohio-564, 2002 WL 205997, *6 (10th Dist. Feb. 12, 2002) (rejecting argument that a motion for sanctions is a pleading), *superseded by statute on other grounds as stated in Riston v. Butler*, 2002-Ohio-2308, ¶ 24 & fn. 20 (1st Dist.). Pleadings and motions are distinct filings under the Rules of Civil Procedure. Civ.R. 7(A) defines pleadings as a complaint, an answer, a reply to a counterclaim, an answer to a cross-claim, a third-party complaint, and a third-party answer; a motion for sanctions does not fall within any of these categories. Civ.R. 7(B) separately governs motions, and Civ.R. 7(B)(1) provides that “[a]n application to the court for an order shall be by motion.” Both Civ.R. 11 and R.C. 2323.51 specifically identify requests for relief for a violation of those authorities as motions. *See* Civ.R. 11 (“For a willful violation of this rule, an attorney or pro se party, *upon motion of a party* . . . may be subjected to appropriate action” [Emphasis added.]); R.C. 2323.51(B)(1) (“any party adversely affected by frivolous conduct *may file a motion* for an award of court costs, reasonable attorney’s fees, and other reasonable expenses” [emphasis added]). Because a motion for sanctions is procedurally a motion and not a pleading, embedding a request for sanctions within an answer does not satisfy the requirements for bringing such a motion.

{¶ 37} Second, the board cites no authority supporting its contention that its postjudgment motions for sanctions—which, according to the board, were filed in the Eleventh District after that court dismissed the mandamus action—render the Eleventh District’s November 2025 judgment of dismissal not a final, appealable order. Although the board’s motion refers to a Fourth District Court of Appeals decision—*State ex rel. Verhovec v. Marietta*, 2013-Ohio-5414, ¶ 84 (4th Dist.), in which the Fourth District held that an entry of dismissal entered *after* a motion for statutory damages, costs, and attorney’s fees had been filed was not a final,

appealable order, because the entry had not disposed of that motion—that decision is inapposite because it did not involve a postjudgment motion for sanctions like what is at issue here.

{¶ 38} Because the board has not shown that the underlying November 2025 judgment was not a final, appealable order, we deny its January 21, 2026 motion to dismiss the appeal.

6. The board’s motion to remand the appeal to the Eleventh District to resolve postjudgment filings (Jan. 21, 2026)

{¶ 39} In conjunction with its January 21, 2026 motion to dismiss the appeal, the board asks this court to remand the appeal to the Eleventh District to resolve various motions that the board filed after the dismissal of Ames’s mandamus action. The board refers to two postjudgment motions that it filed in the Eleventh District after the entry of judgment and that are purportedly still pending, and it relies on App.R. 4(B)(2)(e) to support a remand. However, because the Rules of Appellate Procedure do not apply to appeals to this court, App.R. 4 does not require this court to remand the appeal. *See* R.C. 2505.03(C) (“An appeal of a final order, judgment, or decree of a court shall be governed by the Rules of Appellate Procedure or by the Rules of Practice of the Supreme Court, whichever are applicable”); App.R. 1(A) (“These rules govern procedure in appeals to courts of appeals from the trial courts of record in Ohio.”); S.Ct.Prac.R. 1.04 (“The Rules of Practice of the Supreme Court of Ohio shall apply to all documents filed with the Supreme Court.”). For this reason, we deny the board’s January 21, 2026 motion to remand the appeal.

7. The board’s revised motion to stay the briefing schedule (Jan. 27, 2026)

{¶ 40} On January 27, 2026, the board filed a revised motion to stay the briefing schedule until we rule on the board’s pending January 21, 2026 motions to dismiss the appeal and to remand the appeal. The board also asserts that a stay is required because of a purportedly pending motion to dismiss the appeal based on

the Eleventh District’s supposed lack of jurisdiction over the underlying mandamus action. That motion, filed January 27, 2026, was explicitly superseded by the board’s revised motion to dismiss the appeal, filed February 9, 2026, and is a nullity. *See* S.Ct.Prac.R. 3.13(C) (“A revised document that is properly filed under this rule will supersede the original document, and the Supreme Court will not consider the original document that was filed.”).

{¶ 41} Because we deny the pending motions that purport to require a stay of the briefing schedule in this appeal (as explained above), we also deny the board’s January 27, 2026 revised motion to stay the briefing schedule.

8. The board’s motion to strike Ames’s merit brief (Jan. 27, 2026)

{¶ 42} On January 27, 2026, the board moved to strike Ames’s merit brief because he purportedly failed to include in the appendix of the brief the statutes on which he relies, in violation of S.Ct.Prac.R. 16.02(B)(5)(e). Ames did not respond to the motion.

{¶ 43} S.Ct.Prac.R. 16.02(B)(5)(e) requires that an appellant’s merit brief contain an appendix that includes copies of “[a]ny constitutional provision, statute, or ordinance upon which the appellant relies, to be construed, or otherwise involved in the case.” Although this court has recognized that “a substantial disregard of the whole body of the [Rules of Practice] cannot be tolerated,” *Drake v. Bucher*, 5 Ohio St.2d 37, 40 (1966), we have declined to strike a brief when its technical shortcomings had not prejudiced the opposing party’s ability to file a responsive brief or hindered our ability to decide the case, *see State ex rel. Sultaana v. Mansfield Corr. Inst.*, 2023-Ohio-1177, ¶ 13; *State ex rel. Physicians Comm. for Responsible Medicine v. Ohio State Univ. Bd. of Trustees*, 2006-Ohio-903, ¶ 14.

{¶ 44} Here, the board does not suggest that Ames’s failure to include in his merit brief’s appendix the statutes on which he relies has prejudiced its ability to respond to his merit brief. Nor would such an argument be persuasive. Although Ames does rely on various provisions of the Revised Code, he provides citations to

those provisions, official versions of which are easily found on an official website maintained by the State’s Legislative Service Commission. Moreover, the board was able to file a merit brief despite the lack of a complete appendix in Ames’s merit brief.

{¶ 45} Because the technical shortcomings of Ames’s merit brief have not hindered the board’s ability to file its own merit brief or our ability to decide the case, we deny the board’s January 27, 2026 motion to strike Ames’s merit brief.

9. The board’s motion for oral argument (Jan. 27, 2026)

{¶ 46} On January 27, 2026, the board requested oral argument under S.Ct.Prac.R. 17.02(B). “In direct appeals, we generally grant oral argument only when a case deals with matters of great public importance, complex issues of law or fact, substantial constitutional issues, or a conflict among the courts of appeals.” *State ex rel. Ruble v. Switzerland of Ohio Local School Dist. Bd. of Edn.*, 2025-Ohio-1510, ¶ 10. “We seldom grant requests for oral argument when the parties’ briefs are sufficient for us to resolve the issues raised.” *Id.*

{¶ 47} Here, the board argues that this case “deals with matters of great public importance” but does not explain what those important matters are. Regardless, the parties’ briefs are sufficient for us to resolve the issues raised in this appeal without oral argument.

{¶ 48} We deny the board’s January 27, 2026 motion for oral argument.

10. The board’s motion to correct the record (Jan. 30, 2026)

{¶ 49} On January 30, 2026, the board moved to correct the record on appeal. Specifically, the board requests an order under S.Ct.Prac.R. 11.03 directing the clerk of the Court of Appeals for Geauga County to “correct” the record by adding docket entry Nos. 77 through 107 in the underlying case, which are not included in the current index of the record on appeal. The board attaches to its motion “[a] copy of the current online docket of the Eleventh District.” Ames opposes the motion.

{¶ 50} We deny the motion. First, the authority the board relies on to support its request, S.Ct.Prac.R. 11.03, does not apply in the present appeal, because S.Ct.Prac.R. 11.03 governs the record on appeal in death-penalty cases. The record on appeal in the present case, like all other appeals, is governed by Section 15 of our Rules of Practice. Second, though S.Ct.Prac.R. 15.08 permits supplementation of the record, that rule is limited to “any part of the record [that] is not transmitted to the Supreme Court but is *necessary to the Supreme Court’s consideration of the questions presented on appeal.*” (Emphasis added.) The material the board seeks to add—postjudgment docket entries—is not part of the record, because the entries were added to the docket only after Ames filed his notice of appeal. And those entries are not necessary to our consideration of the questions presented on appeal, because they involve only peripheral issues that are unrelated to this appeal’s merits.

{¶ 51} We deny the board’s January 30, 2026 motion to correct the record.

11. Ames’s motion to strike the board’s merit brief and appendices (Feb. 3, 2026)

{¶ 52} After the board filed its merit brief and appendices, on February 3, 2026, Ames filed a motion to strike portions of the board’s brief for failure to comply with S.Ct.Prac.R. 16.03(B)(1) and of the board’s appendices for failure to comply with S.Ct.Prac.R. 16.02(B)(5). The board opposes the motion.

{¶ 53} S.Ct.Prac.R. 16.03(B)(1) provides that an appellee’s merit brief shall “answer the appellant’s contentions . . . and make any other appropriate contentions as reasons for affirmance of the order or judgment from which the appeal is taken.” Ames argues that this court should strike certain portions of the board’s merit brief because those portions include arguments that neither answer his contentions nor make any other appropriate contentions as reasons for affirmance of the Eleventh District’s judgment. Ames is correct that the board’s merit brief contains material not specified in S.Ct.Prac.R. 16.03(B)(1). The challenged portions include

arguments that the board has asserted in numerous motions during the pendency of this appeal, such as (1) that the Eleventh District’s judgment of dismissal is void because that court purportedly lacked subject-matter jurisdiction over the underlying mandamus action, (2) that the board has been “damaged” by Ames’s allegedly frivolous and vexatious conduct and should receive attorney’s fees, (3) that the appeal must be dismissed for lack of a final, appealable order, (4) that Ames should be sanctioned for frivolous conduct, and (5) that Ames should be declared to be a vexatious litigator. None of these arguments set forth reasons to affirm the Eleventh District’s judgment or respond to Ames’s propositions of law. And some of the arguments refer to material outside the record on appeal.

{¶ 54} Ames also argues that this court should strike portions of volume one of the board’s appendix to its merit brief and the entirety of volume two because the appendices do not comply with S.Ct.Prac.R. 16.02(B)(5), which sets forth the required contents of an appendix of a merit brief. Ames is correct that the board’s appendices contain improper material. Volume one includes 154 pages of judgments, docket entries, statutes, rules, and board policies, some of which are not part of the record on appeal. Volume two includes 178 pages of results of searches for affidavits of disqualification, appeals, and original actions filed by Ames in this court; Ames’s Facebook posts; and emails sent between Ames and Markling, all of which are improper because they are outside the record on appeal. By including in its appendices—and submitting for this court’s consideration—material that was not before the Eleventh District, the board attempts to supplement the record on appeal without requesting leave to do so.

{¶ 55} “The determination of a motion to strike is vested within the broad discretion of the court.” *State ex rel. Morgan v. New Lexington*, 2006-Ohio-6365, ¶ 26. Striking the material Ames challenges is unnecessary because we may disregard irrelevant arguments or references to material outside the record without striking them. *See State ex rel. Mun. Constr. Equip. Operators’ Labor Council v.*

Cleveland, 2020-Ohio-3197, ¶ 19 (not considering an affidavit submitted by the appellant’s attorney to support an argument raised for the first time on appeal); *see also Drake*, 5 Ohio St.2d at 40 (“the court exercises a certain liberality in enforcing a strict attention to its rules”). *But see Golub v. Werren*, 2025-Ohio-2950, ¶ 13 (sua sponte striking certain documents included in a supplement filed with the appellant’s merit brief because the documents were outside the record on appeal). Moreover, Ames has not been prejudiced by the board’s inclusion of irrelevant arguments and improper material in its merit brief and appendices; he was able to file a reply brief despite the board’s noncompliance with S.Ct.Prac.R. 16.03(B)(1) and 16.02(B)(5). *See Sultaana*, 2023-Ohio-1177, at ¶ 13 (denying motion to strike the respondent’s merit brief because the respondent’s alleged failure to comply with S.Ct.Prac.R. 16.02 and 16.03 in its brief did not hinder the relator’s ability to file a reply brief or this court’s ability to decide the case); *Physicians Comm. for Responsible Medicine*, 2006-Ohio-903, at ¶ 14 (declining to strike the relator’s merit brief because the respondent was able to respond to the brief and this court was able to adjudicate the case despite the brief’s shortcomings).

{¶ 56} Because the board’s noncompliant merit brief and appendices have not prejudiced Ames or hindered our ability to decide the case, we deny his February 3, 2026 motion to strike the board’s merit brief and appendices.

12. The board’s revised motion to dismiss (Feb. 9, 2026)

{¶ 57} The board filed a revised motion to dismiss on February 9, 2026, explicitly superseding its motion to dismiss filed on January 27, 2026. The revised motion to dismiss is distinct from the board’s January 21, 2026 motion to dismiss the appeal, although it argues for dismissal on the same basis—that the Eleventh District’s judgment of dismissal is not a final, appealable order. In its February 9 motion, the board sets forth two grounds in arguing that the judgment is not a final, appealable order that are identical to those asserted in its January 21 motion to dismiss: (1) the judgment does not dispose of the board’s request for sanctions and

(2) the judgment does not contain an express determination that there is no just reason for delay. As explained in Part II(C)(5) above, these arguments lack merit.

{¶ 58} But the board’s February 9 revised motion to dismiss adds as an additional argument that the Eleventh District’s judgment is not a final, appealable order, because it is void for lack of jurisdiction. This argument lacks merit as well. The board first claims that “the Eleventh District dismissed the underlying mandamus action for lack of jurisdiction” and “[s]ince the Eleventh District lacked jurisdiction over the underlying mandamus action, [the] judgment [on appeal before this court] is void.” The board then argues that because void judgments do not constitute final, appealable orders, “this Honorable Court lacks jurisdiction over the instant appeal.”

{¶ 59} However, the board’s underlying premise is mistaken. The Eleventh District did not dismiss Ames’s mandamus action for lack of jurisdiction, and the board misstates the court’s holding by characterizing it that way. The Eleventh District’s judgment says nothing about jurisdiction. *See* 2025-Ohio-5179 at ¶ 6 (11th Dist.) (Ames “did not comply with the requirements of R.C. 149.43(C)(1), and this action must be dismissed”). The Eleventh District had original jurisdiction over Ames’s mandamus action, *see* Ohio Const., art. IV, § 3(B)(1)(b), and this court has appellate jurisdiction over Ames’s appeal of right from the Eleventh District’s judgment dismissing his mandamus action, *see* Ohio Const., art. IV, § 2(B)(2)(a)(i).

{¶ 60} Because the board has not shown that the Eleventh District’s judgment of dismissal is not a final, appealable order, we deny the board’s February 9, 2026 revised motion to dismiss.

13. Ames’s motion to strike the board’s motion for sanctions and a vexatious-litigator declaration (Feb. 9, 2026)

{¶ 61} On February 9, 2026, the board filed a motion for sanctions and a vexatious-litigator declaration, and Ames filed a motion to strike the board’s motion the same day. The following day, the board filed a revised motion for

sanctions and a vexatious-litigator declaration that explicitly superseded its motion filed on February 9. Because the motion that Ames seeks to strike is a nullity, *see* S.Ct.Prac.R. 3.13(C), we deny his February 9, 2026 motion to strike as moot.

14. The board’s motion for leave to file a revised volume one of its appendix to its merit brief (Feb. 10, 2026)

{¶ 62} The board timely filed a merit brief and appendices. On February 10, 2026, five days after Ames filed his reply brief, the board filed a motion for leave to file a revised volume one of its appendix to its merit brief. Because the time permitted for filing its merit brief and appendix has expired, the board requests leave to file the revised appendix under S.Ct.Prac.R. 3.13(B)(3). The board wants to revise its appendix by removing newer versions of two statutes it had included in its original appendix and adding older versions. Ames opposes the motion.

{¶ 63} We have granted motions for leave to file revised documents when the motion was unopposed and no prejudice would result. *See, e.g., State ex rel. Slager v. Trelka*, 2024-Ohio-5125, ¶ 10 (revised merit brief); *State ex rel. Siebold v. Columbus City Schools Bd. of Edn.*, 2025-Ohio-5245, ¶ 15 (revised evidence). Conversely, we have denied a motion for leave to file a revised document when the motion was opposed and the opposing party had already filed its merit brief and would be prejudiced if the motion was granted. *See State ex rel. Boddy v. Xenia Community City School Dist. Bd. of Edn.*, 2026-Ohio-164, ¶ 10, 14.

{¶ 64} Here, the board’s motion for leave is opposed, and it was filed after Ames had already filed his reply brief. Though it is not clear whether Ames would be prejudiced if the motion was granted, the board has not cited any authority requiring this court to grant an opposed motion for leave to file a revised document after briefing has concluded.

{¶ 65} Therefore, we deny the board’s February 10, 2026 motion for leave to file a revised volume one of its appendix to its merit brief.

15. The board's revised motion for sanctions and a vexatious-litigator declaration (Feb. 10, 2026)

{¶ 66} The board filed a revised motion for sanctions and a vexatious-litigator declaration on February 10, 2026, superseding its motion requesting the same relief that was filed the previous day. In its revised motion, the board argues that Ames's conduct in this appeal is frivolous in violation of Civ.R. 11, App.R. 23, and S.Ct.Prac.R. 4.03(A) and that his conduct in both this appeal and the underlying mandamus action is frivolous in violation of R.C. 2323.51 and R.C. 149.43(C)(6). The board seeks attorney's fees, court costs, and "other reasonable litigation expenses" as a sanction against Ames for such conduct. In addition, the board asks us to determine that Ames has engaged in vexatious conduct in this appeal as well as in past and present cases before this court and to declare him to be a vexatious litigator under S.Ct.Prac.R. 4.03(B).

{¶ 67} Attached to the board's revised motion are 191 pages of exhibits. The exhibits include results of searches for affidavits of disqualification, appeals, and original actions filed by Ames in this court; social-media posts by Ames on his personal Facebook account and on a politically focused Facebook group page; and emails sent between Ames and Markling. The board represents in its revised motion that Ames has filed 64 actions or appeals in this court since 2016, including:

- 10 affidavits of disqualification, with 7 denied, 2 granted, and 1 in which the judge stepped aside;
- 9 original actions in mandamus, prohibition, and/or procedendo against judges and courts, with 8 dismissed or denied and 1 still pending;
- 13 other original actions in mandamus, with 8 dismissed or denied and 5 still pending;
- 1 expedited election action, which was denied;

- 12 direct appeals, with 4 affirming the underlying judgment or dismissing the appeal, 2 affirming the underlying judgment in part and reversing in part, 2 reversing the underlying judgment, and 4 still pending (including the present appeal); and
- 19 jurisdictional appeals, with 17 declined, 1 accepted but the underlying judgment was affirmed, and 1 accepted but the underlying judgment was affirmed in part and reversed in part.

{¶ 68} Based on its review of the relief granted or denied in these 64 cases, the board asserts that approximately 95 percent of the actions or appeals Ames filed in this court “were not reasonably grounded in fact or warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law” but, rather, “were prosecuted for delay, harassment, and other improper purposes.” The board contends “[b]y way of example only” that all the affidavits of disqualification and requests for writs of mandamus, prohibition, and/or procedendo Ames filed against judges and courts “were nothing more than frivolous delay tactics to prevent each judge/court from presiding over the underlying cases.” The board also argues that in all the cases, Ames presented “unmeritorious and repetitive arguments on the same issues.” Referring this court to Ames’s voluminous Facebook posts and emails sent to Markling, the board claims that Ames has threatened to sue Markling and the board for merely asserting their legal rights, threatened them with prison time, threatened the board with future legal action unless it terminates Markling’s representation, and “posted sadistic, threat[en]ing, and defamatory matters on social media” about Markling and the board.

{¶ 69} In determining whether a litigant is vexatious under S.Ct.Prac.R. 4.03(B), we consider the number of cases brought by the litigant, whether the litigant presented unmeritorious, repetitive arguments on the same issue, and whether the litigant’s actions or filings were prosecuted for delay. For example, in

Johnson, we declared the appellant to be a vexatious litigator based on his “extensive history of repetitious filings, in which he [had] reasserted arguments that we [had] already rejected, coupled with his extensive history of fruitless and duplicative original actions.” 2020-Ohio-999 at ¶ 20. We further observed that our “assessment of a litigant’s vexatiousness is not based solely on the number of cases he has filed but also on the repetitiveness of the arguments raised.” *Id.* at ¶ 21. Similarly, in *State ex rel. Hill v. Navarre*, we declared the appellant a vexatious litigator, 2020-Ohio-4274, ¶ 16, because he had previously filed ten original actions and two jurisdictional appeals in this court, most of which concerned his criminal convictions and sought to either compel a new sentencing hearing or vacate his guilty pleas, *id.* at ¶ 13. We found that the appellant’s “raising of repetitive and unmeritorious arguments that this court ha[d] already rejected—and doing so in duplicative extraordinary-writ proceedings—[was] frivolous conduct under S.Ct.Prac.R. 4.03(A) and (B).” *Id.* at ¶ 16, citing *Johnson* at ¶ 20. In *State ex rel. M.D. v. Kelsey*, we declared a litigant in divorce and custody proceedings a vexatious litigator, 2023-Ohio-2165, ¶ 12, because she had repeatedly filed frivolous appeals of nonfinal orders to prevent the trial-court judge from proceeding to final hearings and had filed an affidavit of disqualification “simply to delay the proceedings,” all of which we determined “were calculated attempts to prevent [the judge’s] compliance with the writ of procedendo” that we issued the previous year, *id.* at ¶ 11.

{¶ 70} Thus, our vexatious-litigator declarations result from a litigant’s history of repetitious filings, repeated assertion of previously rejected arguments, or repeated filing of motions or appeals that were clearly calculated to delay proceedings. *See, e.g., State ex rel. Tingler v. Franklin Cty. Prosecutor’s Office*, 2023-Ohio-640, ¶ 4-5 (Fischer, J., concurring) (concurring in declaring the relator in a mandamus case a vexatious litigator based on the number of cases that he had filed, his original actions addressing similar issues and containing nearly identical

language, his improper requests for grand-jury materials, and the fact that all his claims had lacked merit); *see also Ware*, 2024-Ohio-5492, at ¶ 11-12 (declaring the relator in a public-records mandamus case a vexatious litigator because his habitual and persistent frivolous conduct in a single case involved the fabrication of evidence and other dishonest behavior).

{¶ 71} It is apparent that Ames has an unusual enthusiasm for bringing (mostly unsuccessful) extraordinary writ actions and appeals against public offices. However, the board has not demonstrated that sanctions are warranted or that Ames should be declared to be a vexatious litigator. Ames has a demonstrated pattern of requesting public records from school districts, townships, and other public offices and then seeking writs of mandamus based on alleged violations of R.C. 149.43. And based solely on this court’s docket, in nearly all his original actions and appeals, he has not obtained relief in the end. But although Ames has filed many actions and appeals in this court—a number matching or exceeding the number of cases filed by litigants this court has declared vexatious—the board has not shown that Ames’s actions and appeals are frivolous or prosecuted for delay, harassment, or any other improper purpose in violation of S.Ct.Prac.R. 4.03(A). In simply reciting the number and outcome of Ames’s actions and appeals, the board has not established that he has presented unmeritorious, repetitive arguments that were previously rejected, has repeatedly filed motions or appeals that were clearly calculated to delay proceedings, or has engaged in dishonest or other improper conduct in any specific case.

{¶ 72} For these reasons, we deny the board’s February 10, 2026 revised motion for sanctions and a vexatious-litigator declaration.

16. The board’s motion to strike Ames’s notice of relevant authority (Feb. 24, 2026)

{¶ 73} On February 23, 2026, Ames filed a “notice of relevant authority,” purporting to notify this court of various decisions issued by the Eleventh District

in other actions he had brought. The next day, the board filed a motion to strike the notice, arguing that the authority cited in the notice is “wholly insufficient, immaterial, and impertinent to the claims asserted by Ames in the instant R.C. 149.43 appeal.” The board claims that the notice is “one of the most recent examples of Ames’[s] frivolous and vexatious conduct” in this appeal and in other cases before the court.

{¶ 74} Although the board is correct that the decisions cited by Ames in his notice are irrelevant to the merits of this appeal, the board does not cite any authority in support of its motion. We therefore deny the board’s February 24, 2026 motion to strike Ames’s notice of relevant authority.

***17. The board’s motion to consolidate case Nos. 2026-0211 and 2025-1511
(Mar. 9, 2026)***

{¶ 75} On March 9, 2026, the board motioned to consolidate the present appeal, Supreme Court case No. 2025-1511, with a separate appeal involving the same parties, Supreme Court case No. 2026-0211. The board contends that both cases “involve common questions of law and fact” and that “consolidation will avoid unnecessary cost and delay.” Ames opposes the motion.

{¶ 76} Although both appeals arise from the same underlying public-records mandamus action instituted by Ames in the Eleventh District, they do not involve common questions of law and fact. After Ames appealed the Eleventh District’s judgment dismissing his mandamus petition for failure to comply with the procedural requirements of R.C. 149.43(C)(1), case No. 2025-1511, the board filed numerous postjudgment motions for sanctions, which the Eleventh District denied in separate judgments. Case No. 2026-0211 is the board’s appeal from those judgments. In case No. 2025-1511, the dispositive issue is whether Ames complied with the procedural requirements of R.C. 149.43(C)(1). In case No. 2026-0211, the dispositive issue is whether the Eleventh District should have granted the board’s postjudgment motions for sanctions. These issues are separate and distinct.

{¶ 77} Since filing its motion to consolidate, the board has filed similar motions concerning peripheral issues in case No. 2026-0211 as it has filed in the present appeal, including various motions for sanctions, for a vexatious-litigator declaration, and to strike certain documents. Despite the board’s attempts to create commonality by filing similar motions on the same days in different cases—and by filing motions in this appeal asserting similar arguments that it raises on appeal in case No. 2026-0211 (for instance, that the underlying judgment is not a final, appealable order)—the issue whether Ames complied with the procedural requirements of R.C. 149.43(C)(1) is unrelated to the issue whether the Eleventh District should have granted the board’s postjudgment motions for sanctions.

{¶ 78} We deny the board’s March 9, 2026 motion to consolidate Supreme Court case No. 2026-0211 with Supreme Court case No. 2025-1511.

18. Ames’s motion to stay further filings in this case (Mar. 9, 2026)

{¶ 79} Ames’s response in opposition to the board’s March 9, 2026 motion to consolidate includes a motion to stay further filings in this case. In his motion to stay, Ames argues that this court should prohibit the filing of any other motions in the present appeal, apparently because the board filed so many motions in a short period both in this appeal as well as in the underlying case. He does not cite any authority in support of his motion.

{¶ 80} We deny Ames’s March 9, 2026 motion to stay further filings in this case.

19. The board’s motion for sanctions, to strike, and for a show-cause hearing (Mar. 10, 2026)

{¶ 81} In his response in opposition to the board’s March 9, 2026 motion to consolidate, Ames includes the following statement in a footnote:

The taxpayers of Chesterland Township, one of the two townships comprising the West Geauga Local School District, have borne seeing a substantial share of their tax dollars go to pay the \$1.3 million in attorney fees in the cases of CATA v. Auburn Career Center which was also represented by attorney Matthew John Markling.

The board, upset by this statement, filed a motion on March 10 to strike it, for sanctions against Ames, and for a show-cause hearing “as to why Ames should not be sanctioned and/or held in contempt of court for his repeated frivolous and vexatious conduct before this Honorable Court.” The board asserts that Ames should be sanctioned under Civ.R. 11, S.Ct.Prac.R. 4.03(A), and R.C. 2323.51 for making this allegedly “sham statement.”

{¶ 82} Civ.R. 11 requires each document filed with a court to be supported by good grounds and not be interposed for delay. Even assuming that Civ.R. 11 applies in an appeal to this court, the board does not explain how a response filed in opposition to one of the board’s own motions could lack good grounds and be interposed for delay simply because it contains an allegedly false statement in a footnote. The same is true of the board’s request for sanctions under S.Ct.Prac.R. 4.03(A). Under that rule, we may sanction a party who submits a filing or the person who signed or submitted a filing when we determine that the filing “is frivolous or is prosecuted for delay, harassment, or any other improper purpose.” Even if the statement in the footnote is false, the board does not show how the filing itself—Ames’s response in opposition to the board’s March 9, 2026 motion to consolidate—“is not reasonably grounded in fact or warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law” or “is prosecuted for delay, harassment, or any other improper purpose,” S.Ct.Prac.R.

4.03(A). In fact, Ames’s response in opposition sets forth legitimate arguments for denying the board’s motion to consolidate.

{¶ 83} The board also seeks awards of court costs and attorney’s fees under R.C. 2323.51 for Ames’s “filing of the above sham statement.” Like its request for sanctions under Civ.R. 11 and S.Ct.Prac.R. 4.03(A), this request does not show that Ames’s response in opposition serves merely to harass the board, causes unnecessary delay, or needlessly increases the cost of litigation under R.C. 2323.51(A)(2)(a)(i). And even if it contains a false statement, Ames’s response in opposition does not otherwise “consist[] of allegations or other factual contentions that have no evidentiary support,” R.C. 2323.51(A)(2)(a)(iii), because, as stated above, it also sets forth legitimate arguments for denying the board’s March 9, 2026 motion to consolidate.

{¶ 84} The board asks this court to strike the allegedly sham statement because it was filed for the improper purpose of “Ames’[s] desire to litter public court filings with defamatory statements about [Markling].” The board also contends that we should hold a show-cause hearing on Ames’s conduct because “[o]rder and decorum must be maintained. Enough is enough.” However, the board does not cite any authority or set forth any substantive argument requiring us to either strike the allegedly false statement or conduct a show-cause hearing to adjudicate whether including the statement in a footnote constitutes frivolous conduct or has adversely affected the board. *See* R.C. 2323.51(B)(2)(a) (describing a hearing that a court must conduct before awarding R.C. 2323.51 sanctions).

{¶ 85} We deny the board’s March 10, 2026 motion for sanctions, to strike, and for a show-cause hearing.

20. The board’s second revised motion to dismiss the case for lack of jurisdiction and to strike all documents filed by Ames (Mar. 23, 2026)

{¶ 86} On March 20, 2026, the board filed a motion to dismiss the case for lack of jurisdiction and to strike all documents filed by Ames, and later the same

day, it filed a revised version of the same motion. On March 23, the board filed a second revised motion, explicitly superseding the previous two versions. The board argues that this court lacks jurisdiction over the present appeal because Ames “is a non-attorney who initiated and prosecuted the instant appeal on behalf of the State of Ohio in violation of R.C. 4705.01 and applicable laws.” The board also asks the court to strike from the record all documents filed by Ames in this appeal. Ames opposes the motion.

{¶ 87} The board’s argument that Ames has engaged in the unauthorized practice of law (“UPL”) by appealing the dismissal of his underlying mandamus action is nonsensical. R.C. 4705.01 prohibits a person from commencing, conducting, or defending “any action or proceeding in which the person is not a party concerned” unless the person has been admitted to the bar. However, Ames is “a party concerned” because he submitted the public-records request giving rise to the duties with which the board allegedly failed to comply. *See* R.C. 149.43(C)(1)(b) (“the person allegedly aggrieved may . . . [c]ommence a mandamus action to obtain a judgment that orders the public office . . . to comply with [R.C. 149.43(B)]”). In other words, Ames is a real party in interest and his mandamus action implicated the duty of a public office.

{¶ 88} Moreover, a mandamus action *must* be brought “in the name of the state on the relation of the person applying.” R.C. 2731.04; *accord* Civ.R. 17(A) (“When a statute of this state so provides, an action for the use or benefit of another shall be brought in the name of this state.”). Indeed, a failure to do so is grounds for dismissal. *See, e.g., Litigaide, Inc. v. Custodian of Records for Lakewood Police Dept.*, 1996-Ohio-205, ¶ 2. Thus, a person who commences a public-records mandamus action in the name of the State of Ohio on his own relation, *see* R.C. 2731.04, does not engage in UPL under R.C. 4705.01.

{¶ 89} We deny the board’s March 23, 2026 second revised motion to dismiss the case for lack of jurisdiction and to strike all documents filed by Ames.

21. The board’s motion to strike Ames’s response in opposition to the board’s second revised motion to dismiss the case for lack of jurisdiction and to strike all documents filed by Ames (Mar. 31, 2026)

{¶ 90} On March 31, 2026, Ames filed a response in opposition to the board’s March 23, 2026 second revised motion to dismiss the case for lack of jurisdiction and to strike all documents filed by Ames, contending that he has not engaged in UPL and that Markling violated Civ.R. 11 by filing a motion with no good grounds to support it. The same day, the board moved to strike Ames’s response in opposition on the grounds that most of the material within it is “insufficient, redundant, immaterial, impertinent, and scandalous.”

{¶ 91} Ames is permitted to file a response to a motion filed by the board that alleges a jurisdictional defect. *See* S.Ct.Prac.R. 4.01(B) (“Any party may file a response to a motion within ten days from the date the motion is filed, unless otherwise provided in these rules or by order of the Supreme Court.”). Ames characterizes the board’s argument that he has engaged in UPL as “absurd.” While his conduct may perhaps seem impertinent or scandalous to the board, his characterization of the board’s argument is nevertheless accurate. To the extent that Ames’s response in opposition includes irrelevant material, this court may disregard such material. *See Mun. Constr. Equip. Operators’ Labor*, 2020-Ohio-3197, at ¶ 19; *Drake*, 5 Ohio St.2d at 40.

{¶ 92} We deny the board’s March 31, 2026 motion to strike Ames’s response in opposition to the board’s second revised motion to both dismiss the case for lack of jurisdiction and to strike all documents filed by Ames.

22. The board’s motion for sanctions and a vexatious-litigator declaration based on Ames’s March 31, 2026 filing (Apr. 1, 2026)

{¶ 93} On April 1, 2026, the board filed a motion for sanctions and a vexatious-litigator declaration. Like the board’s March 31, 2026 motion to strike that is addressed above, its April 1 motion targets Ames’s March 31, 2026 response

in opposition to the board's March 23, 2026 second revised motion to dismiss the case for lack of jurisdiction and to strike all documents filed by Ames. The board asserts that Ames's response in opposition is "insufficient, redundant, immaterial, impertinent, and scandalous," thus warranting sanctions under Civ.R. 11, App.R. 23, S.Ct.Prac.R. 4.03(A), and R.C. 2323.51 as well as an order declaring him to be a vexatious litigator under S.Ct.Prac.R. 4.03(B).

{¶ 94} As explained above, Ames's response in opposition to the board's March 23 second revised motion complied with this court's Rules of Practice and accurately characterized the board's meritless argument that he has engaged in UPL. The board has not demonstrated that Ames should be sanctioned and declared to be a vexatious litigator based solely on his March 31 response in opposition.

{¶ 95} We deny the board's April 1, 2026 motion for sanctions and a vexatious-litigator declaration based on Ames's March 31, 2026 filing.

23. The board's motion to consolidate case Nos. 2026-0756, 2026-0211, and 2025-1511 (June 17, 2026)

{¶ 96} On June 17, 2026, the board filed a motion to consolidate Supreme Court case Nos. 2026-0756 and 2026-0211 with Supreme Court case No. 2025-1511, arguing that all three appellate cases involve common questions of law and fact and that consolidation will avoid unnecessary cost and delay.

{¶ 97} As explained above regarding the board's March 9, 2026 motion to consolidate, even though Supreme Court case Nos. 2025-1511 and 2026-0211 arise from the same underlying public-records mandamus action instituted by Ames in the Eleventh District, this court must address entirely distinct legal issues in resolving those appeals: in the former, whether Ames complied with the procedural requirements of R.C. 149.43(C)(1), and in the latter, whether the Eleventh District should have granted the board's postjudgment motions for sanctions.

{¶ 98} Moreover, the appeal in case No. 2026-0756 arises from a different public-records mandamus action brought by Ames in the Eleventh District. In that

case, the Eleventh District dismissed Ames’s mandamus petition against the board for failure to properly serve a pre-suit complaint in compliance with R.C. 149.43(C)(1), Civ.R. 4.1, and Civ.R. 4. *See State ex rel. Ames v. W. Geauga Local School Dist. Bd. of Edn.*, 2026-Ohio-2248, ¶ 7 (11th Dist.) (“As Civ.R. 4.1 does not permit email service as a method of service for a complaint, [the board] was not properly served pursuant to Civ.R. 4. As a result, the three-day time period for [the board] to cure its alleged failure was never triggered.”). In the same judgment, the court denied motions for sanctions filed by both Ames and the board during the pendency of the case but before judgment was entered. *Id.* at ¶ 8-12. In case No. 2026-0756, the board appealed the Eleventh District’s judgment denying its sanctions motions and Ames cross-appealed the court’s judgment dismissing his mandamus petition.

{¶ 99} Although case No. 2026-0756, like case Nos. 2025-1511 and 2026-0211, involves one of Ames’s many public-records requests, the facts and legal issues in the three appellate cases are different. The facts are different because case No. 2026-0756 involves a different public-records request, pre-suit complaint, and method of service, while the legal issues are different because the board’s appeal does not involve postjudgment jurisdictional issues like what was raised in case No. 2026-0211. And Ames’s cross-appeal does not involve the same issue with the procedural requirements of R.C. 149.43(C)(1) that was raised in case No. 2025-1511. Most importantly, consolidation of these cases would delay resolution of case Nos. 2025-1511 and 2026-0211 even more than the parties’ meritless motions already have.

{¶ 100} We deny the board’s June 17, 2026 motion to consolidate Supreme Court case Nos. 2026-0756 and 2026-0211 with Supreme Court case No. 2025-1511.

24. Ames’s motion for leave to file revised response in opposition to the board’s second revised motion to dismiss the case for lack of jurisdiction and to strike all documents filed by Ames (Oct. 5, 2026)

{¶ 101} On October 5, 2026, Ames filed a motion for leave to file a revised response in opposition to the board’s March 23, 2026 second revised motion to dismiss the case for lack of jurisdiction and to strike all documents filed by Ames. As explained above, in the board’s second revised motion to dismiss, it argues that this court lacks jurisdiction over the present appeal because Ames “is a non-attorney who initiated and prosecuted the instant appeal on behalf of the State of Ohio in violation of R.C. 4705.01 and applicable laws.”

{¶ 102} Ames’s March 31, 2026 response in opposition to the board’s second revised motion to dismiss included as an exhibit a March 25, 2026 grievance that Markling filed with the Office of Disciplinary Counsel against Ames based on Markling’s theory that Ames had engaged in UPL. In Ames’s proposed revised response in opposition that he seeks leave to file, he includes a September 29, 2026 letter to Markling from counsel for the Ohio State Bar Association (“OSBA”). The letter indicates that after the OSBA’s Unauthorized Practice of Law Committee reviewed Markling’s allegations that Ames had engaged in UPL, it “determined that it [did] not have sufficient credible evidence to prove that Mr. Ames [had] engaged in the unauthorized practice of law.” The letter also indicates that the OSBA case was dismissed and that the OSBA closed its file on the matter. In his proposed revised response in opposition, Ames contends that the dismissal of the OSBA case shows that the board’s second revised motion to dismiss is without merit and must be denied.

{¶ 103} The only difference between Ames’s proposed revised response in opposition and his original response in opposition is the attachment of the September 29, 2026 letter and his brief discussion of it. The OSBA’s resolution of a complaint alleging UPL is immaterial to our consideration of the purported

jurisdictional issue presented in the board’s second revised motion to dismiss. We therefore deny Ames’s October 5, 2026 motion for leave to file a revised response in opposition to the board’s March 23, 2026 second revised motion to dismiss.

25. The board’s motion to strike Ames’s motion for leave to file revised response in opposition to the board’s second revised motion to dismiss the case for lack of jurisdiction and to strike all documents filed by Ames or, in the alternative, response in opposition to the same (Oct. 6, 2026)

{¶ 104} On October 6, 2026, the board filed a motion to strike Ames’s October 5, 2026 motion for leave to file a revised response in opposition to the board’s second revised motion to dismiss the case for lack of jurisdiction and to strike all documents filed by Ames. The board asserts that we must strike Ames’s motion for leave because it is based on unauthenticated, confidential documents that are “insufficient, immaterial, and impertinent” to the underlying second revised motion to dismiss. This argument lacks merit. S.Ct.Prac.R. 3.13(B)(3) permits a party to file a motion for leave to file a revised document out of time and to attach the revised document to the motion for leave, as Ames has done here. The material to which the board objects is not before the court until leave is granted, and as explained above, we deny Ames’s motion for leave. We therefore deny the board’s October 6, 2026 motion to strike Ames’s October 5, 2026 motion for leave, and we construe the board’s motion to strike as a response in opposition to Ames’s motion for leave.

26. The board’s revised motion to strike Ames’s response in opposition to the board’s motion to strike for want of service (Oct. 7, 2026)

{¶ 105} On October 6, 2026, Ames filed a response in opposition to the board’s October 6, 2026 motion to strike his October 5, 2026 motion for leave. On October 7, 2026, the board filed a motion to strike Ames’s response in opposition for want of service and then filed a revised motion to strike. The board asserts that we should strike Ames’s response in opposition under S.Ct.Prac.R. 3.11(E) because

it “was never served upon the Board as mandated by S.Ct.Prac.R. 3.11(D).” S.Ct.Prac.R. 3.11(E)(2) permits this court, upon motion, to strike a document that was not served in accordance with S.Ct.Prac.R. 3.11(B), which provides in pertinent part that “[s]ervice on a party represented by counsel shall be made on counsel of record,” S.Ct.Prac.R. 3.11(B)(1)(a). The board claims that since the certificate of service in Ames’s response in opposition identifies Markling as “Counsel for Ohio School Plan,” Ames served his response in opposition on the wrong party.

{¶ 106} The board is mistaken. S.Ct.Prac.R. 3.11(D)(1) provides that a certificate of service “shall state the date and manner of service and identify the names of the persons served.” Here, the certificate of service at issue states that Ames’s response in opposition was “sent by electronic mail” on October 6, 2026, to Markling at mmarkling@mcgownmarkling.com, which is the correct email address for counsel of record to the board. *See* S.Ct.Prac.R. 3.11(B)(1)(a). That Markling is mistakenly identified as counsel for the Ohio School Plan in this instance is immaterial. Therefore, the certificate of service in Ames’s response in opposition was correct under S.Ct.Prac.R. 3.11(D)(1).

{¶ 107} We deny the board’s October 7, 2026 revised motion to strike Ames’s October 6, 2026 response in opposition to the board’s October 6, 2026 motion to strike for want of service.

27. The board’s revised demand for a sanctions hearing (Oct. 7, 2026)

{¶ 108} On October 7, 2026, the board filed a demand for a sanctions hearing and then a revised demand for a sanctions hearing. The board contends that “nestled within” Ames’s October 5, 2026 motion for leave and his October 6, 2026 response in opposition to the board’s October 6, 2026 motion to strike are requests for sanctions. Based on Ames’s purported requests for sanctions, the board “demands a sanctions hearing.” However, the board does not cite any authority or set forth any substantive argument requiring us to conduct a show-cause hearing

regarding potential sanctions against either party. We therefore deny the board's October 7, 2026 revised demand for a sanctions hearing.

28. We caution the parties to avoid future motion-practice abuse

{¶ 109} As the foregoing discussion of the 27 motions currently pending in this case makes clear, both sides have filed numerous motions, most without arguable merit. Although we decline to award sanctions in this case, we caution both parties that future abuses, including the filing of unnecessary and groundless motions, may lead to sanctions in future cases.

III. CONCLUSION

{¶ 110} We affirm the judgment of the Eleventh District Court of Appeals dismissing Ames's petition for a writ of mandamus. We deny as moot his February 9, 2026 motion to strike the board's motion for sanctions and a vexatious-litigator declaration, and we deny the other pending motions.

Judgment affirmed.

Brian M. Ames, pro se.

McGown & Markling Co., L.P.A., and Matthew John Markling, for appellee.
