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SLIP OPINION NO. 2026-OHIO-4114

HILTON ET AL., APPELLEES, v. THE CITY OF LORAIN ET AL., APPELLANTS.

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Hilton v. Lorain*, Slip Opinion No. 2026-Ohio-4114.]

Civil law—Class action—Civ.R. 23—A trial court properly conducts a rigorous analysis of a motion for class-action certification when the court analyzes whether each of the seven class-certification requirements have been met, despite finding that one or more of those requirements have not been met—Court of appeals’ judgment reversed and cause remanded.

(No. 2025-1334—Submitted July 1, 2026—Decided October 22, 2026.)

APPEAL from the Court of Appeals for Lorain County,

Nos. 24CA012095 and 24CA012142, 2025-Ohio-3015.

FISCHER, J., authored the opinion of the court, which KENNEDY, C.J., and DEWINE, BRUNNER, DETERS, HAWKINS, and SHANAHAN, JJ., joined.

FISCHER, J.

{¶ 1} This case is about the rigorous analysis required for class-action certification and whether a trial court, despite finding that one or more of the seven requirements for certification have not been met, may determine whether the remaining requirements have been met. We hold that it may. Thus, we reverse the judgment of the Ninth District Court of Appeals and remand the case to that court for it to address the remaining assignments of error.

BACKGROUND

{¶ 2} Appellees, Tia Hilton, Paul Flores Jr., and Anna M. Cruz (collectively, “plaintiffs”), sued appellants, the City of Lorain and related entities¹ (collectively, “the city”), alleging that the city was charging unlawful rates and fees for water and wastewater services. Plaintiffs filed a motion for class certification, seeking to certify a class with the following proposed definition: “All ratepayers who were charged water and sanitary sewer rates, fees and charges by the City of Lorain since May 7, 2012.”

{¶ 3} Class actions are governed by Civ.R. 23. To qualify for class certification under the rule, plaintiffs must satisfy seven requirements:

(1) an identifiable class must exist and the definition of the class must be unambiguous; (2) the named representatives must be members of the class; (3) the class must be so numerous that joinder of all members is impracticable; (4) there must be questions of law or fact common to the class; (5) the claims or defenses of the representative parties must be typical of the claims or defenses of

1. The named defendants in plaintiffs’ amended complaint are the City of Lorain, the Lorain County Board of Commissioners, the Lorain County Regional Airport Authority, Edward Smitek, and the City of Elyria. However, plaintiffs sought to certify a class for its claims against the City of Lorain only.

the class; (6) the representative parties must fairly and adequately protect the interests of the class; and (7) one of the three Civ.R. 23(B) requirements must be met.

Hamilton v. Ohio Sav. Bank, 1998-Ohio-365, ¶ 15, citing Civ.R. 23(A) and (B); *see also Cullen v. State Farm Mut. Auto. Ins. Co.*, 2013-Ohio-4733, ¶ 12; *Stammco, L.L.C. v. United Tel. Co. of Ohio*, 2010-Ohio-1042, ¶ 6.

{¶ 4} In a 28-page decision, the Lorain County Court of Common Pleas, General Division, considered whether plaintiffs’ claims met each of the seven requirements. The court found that there was no identifiable, unambiguously defined class, because “it’s simply not clear what ‘ratepayers who were charged water and sanitary sewer rates, fees and charges by the City of Lorain since May 7, 2012’ even means.” Lorain C.P. No. 20 CV 200713, 23 (Feb. 8, 2024). The court found that it was unclear whether the class included those who were charged fees or only those who actually paid fees and that plaintiffs had provided no suggestion as to how class members would be identified “going back *from over a decade earlier*.” (Emphasis in original.) *Id.* Thus, the court concluded, “Plaintiffs’ theories of liability would require unreasonable, if not impossible, efforts to identify the class members.” *Id.*

{¶ 5} The trial court also found that plaintiffs had failed to meet the requirements of Civ.R. 23(B). *See id.* at 24-26. Any plaintiff seeking class certification must meet all the Civ.R. 23(A) requirements but need only meet one of the Civ.R. 23(B) requirements. *See Hamilton* at ¶ 15. Plaintiffs in this case explained in their motion that they were pursuing certification under Civ.R. 23(B)(3), which requires “the questions of law or fact common to class members [to] predominate over any questions affecting only individual members, and that a class action [be] superior to other available methods for fairly and efficiently adjudicating the controversy.” This requirement is referred to as “predominance

and superiority.’” *E.g., Hamilton* at ¶ 23, quoting *Marks v. C.P. Chem. Co., Inc.*, 31 Ohio St.3d 200 (1987). The trial court found that plaintiffs had not met the predominance-and-superiority requirement, because even if the class members could be identified, it would need to be determined for each class member whether that member had paid illegal charges and how much. Lorain C.P. No. 20 CV 200713 at 26.

{¶ 6} Despite finding that two of the seven requirements for class certification had not been met, the trial court found that the other five requirements had been met. *See id.* at 19-23. The court ultimately denied plaintiffs’ motion for class certification based on the lack of an identifiable, unambiguously defined class and the lack of predominance and superiority. *Id.* at 27-28.

{¶ 7} Plaintiffs filed an appeal in the Ninth District. The Ninth District found the trial court’s decision to be “confusing and seemingly contradictory” because the trial court had found that plaintiffs’ proposed class was not identifiable and unambiguously defined but at the same time found that plaintiffs were members of the class, the class was sufficiently numerous, there were questions of law and fact common to the class, the claims and defenses of plaintiffs were typical of those of the class, and plaintiffs would fairly and adequately protect the interests of the class. 2025-Ohio-3015, ¶ 11 (9th Dist.). The Ninth District stated that it could not understand how the trial court could make those findings if the class was not identifiable and unambiguously defined. *Id.* Therefore, the Ninth District held that “the trial court abused its discretion in denying the motion for class certification in light of the totality of its analysis and the presence of seemingly contradictory findings,” and it remanded the case to the trial court to complete a rigorous analysis of plaintiffs’ motion using the class-certification requirements. *Id.* at ¶ 12.

{¶ 8} The city appealed to this court, and we accepted jurisdiction over the following propositions of law:

Proposition of Law No. 1: An Ohio trial court must conduct a rigorous analysis of Civ.R. 23's class action factors, which analysis requires the court to resolve disputes relative to each requirement and to find that the requirement is met, making separate findings as to each of the applicable class action requirements, even if, in so doing, the trial court determines that one or more of the requirements is not satisfied. (*Cullen v. State Farm Mut. Auto. Ins. Co.*, 2013-Ohio-4733, ¶ 1, and *Hamilton v. Ohio Savs. Bank*, 82 Ohio St.3d 67 (1998), followed and applied).

Proposition of Law No. 2: Appeals are from judgments, not opinions explaining them, and a reviewing court is not authorized to reverse a judgment merely because confusing or contradictory, even erroneous, reasons were assigned as the basis. (*Couchot v. State Lottery Commission*, 74 Ohio St.3d 417, 423 (1996), and *Agricultural Ins. Co. v. Constantine*, 144 Ohio St. 275, 284 (1944), followed.)

See 2025-Ohio-5661.

ANALYSIS

{¶ 9} Under its first proposition of law, the city argues that the trial court properly conducted a rigorous analysis of plaintiffs' motion for class certification by determining whether plaintiffs met each of the seven requirements for certification and that the Ninth District was wrong to reverse the trial court's judgment simply because the trial court considered all the requirements despite finding that the proposed class was not identifiable and unambiguously defined.

{¶ 10} A trial court must conduct a "rigorous analysis" of the motion for class certification, and the failure to prove any one of the requirements will defeat a request for certification. *Cullen* at ¶ 16. A rigorous analysis "requires the court

to resolve factual disputes relative to each requirement and to find, based upon those determinations, other relevant facts, and the applicable legal standard, that [each] requirement is met.” *Id.*

{¶ 11} Class actions “are the exception to the usual rule that litigation is conducted by and on behalf of only the individually named parties.” *Felix v. Ganley Chevrolet, Inc.*, 2015-Ohio-3430, ¶ 25. A trial court has “special expertise and familiarity with case-management problems and [an] inherent power to manage its own docket.” *Hamilton*, 1998-Ohio-365, at ¶ 11. Thus, a trial court’s discretionary determinations about whether a class action may be maintained “will not be disturbed absent a showing of an abuse of discretion.” *Marks*, 31 Ohio St.3d 200, at syllabus. To aid a court of appeals’ review of a trial court’s ruling on a motion for class certification for an abuse of discretion, this court has recommended that “trial courts make separate written findings as to each of the seven class action requirements, and specify their reasoning as to each finding.” *Hamilton* at ¶ 14. But “‘due deference must be given to the trial court’s decision’ and any ‘finding of abuse of discretion, particularly if the trial court has refused to certify, should be made cautiously.’” *State ex rel. Davis v. Pub. Emps. Retirement Bd.*, 2006-Ohio-5339, ¶ 19, quoting *Marks* at 201.

{¶ 12} The city argues that to conduct a rigorous analysis and determine whether the seven factors for class certification were met in this case, the trial court assumed *arguendo* that the first requirement had been met, i.e., that there was an identifiable, unambiguously defined class. But that assumption, the city says, does not necessarily render the trial court’s analysis impermissible or contradictory. It contends that if left undisturbed, the Ninth District’s decision in this case would encourage other trial courts to perform a less rigorous analysis and that principles of judicial economy favor determining whether each of the seven requirements for class certification have been met at once. It argues that if a trial court were to deny a motion for class certification after determining that only one class-certification

requirement had not been met without considering whether the other requirements had been met, and the appellate court reversed, then on remand the trial court would have to determine, one at a time, whether each of the other six requirements had been met; this process could result in six appeals and six remands. The city also argues that here, if the trial court had made its class-certification determination based only on plaintiffs' failure to meet the first requirement, the Ninth District could have reversed for a lack of a rigorous analysis on the ground that the trial court did *not* determine whether the other six requirements had been met.

{¶ 13} Plaintiffs argue that if a trial court's analysis is confusing and contradictory, then it is not a rigorous analysis. They also argue that the trial court in this case presented no meaningful explanation for the contradictory nature of its findings.

{¶ 14} We hold that the trial court conducted a rigorous analysis as required by thoroughly considering each of the seven requirements for class certification. Even though the trial court's decision would have been clearer if it had stated that it was considering each of the requirements for class certification by assuming *arguendo* that the other requirements were satisfied, it was not required to. Merely omitting such a statement does not negate an otherwise rigorous analysis.

{¶ 15} Furthermore, throughout its decision the trial court made statements indicating that it had, in fact, considered each of the remaining six requirements as if the initial requirement for an identifiable, unambiguously defined class had been met. For example, when determining whether the second factor had been met—that the named representatives are members of the class—the trial court stated that “it would appear at least on a surface level [that] the [plaintiffs] are members of their putative class” “[i]f by ‘ratepayers’ within the suggested class the Plaintiffs mean individuals paying water or wastewater rates.” (Emphasis added.) Lorain C.P. No. 20 CV 200713 at 19. This statement clearly indicates that in analyzing whether plaintiffs met the second requirement for class certification, the trial court

was assuming *arguendo* that “ratepayers” had an unambiguous definition of “individuals paying water or wastewater rates.” Likewise, throughout its analysis of whether the predominance-and-superiority requirement of Civ.R. 23(B)(3) had been met, the court repeatedly stated that it was conducting its analysis as if the class were identifiable and unambiguously defined, stating, “Although this Court finds that the Plaintiffs haven’t met the requirements for an identifiable and unambiguous class, *even if Plaintiffs had*, they can’t meet the requirements of Civ.R. 23(B)(3)” (emphasis added), *id.* at 24, and “[E]*ven if you can identify [the] class*, tracing which accounts had some as yet to be identified illegal charges creates way too many issues” (emphasis added), *id.* at 26.

{¶ 16} The trial court could have stopped its analysis after finding that just one of the requirements for class certification had not been met, but as the city points out, principles of judicial economy support a trial court’s analyzing a motion for class certification by considering whether each of the seven requirements for certification have been met, whenever possible. *See Hamilton*, 1998-Ohio-365, at ¶ 14 (“Accordingly, we suggest that in determining the propriety of class certification under Civ.R. 23, trial courts make separate written findings as to each of the seven class action requirements, and specify their reasoning as to each finding.”). Therefore, the trial court’s decision to analyze plaintiffs’ motion by determining whether each of the seven factors had been met instead of stopping its analysis after finding that one of the requirements had not been met did not make its analysis less than rigorous. That is not to say that a trial court will *always* be able to determine in one decision whether each of the seven requirements for class certification have been met. There will perhaps be cases in which the failure to meet one requirement impedes the court’s analysis of whether the other six requirements have been met. But this is not that case.

{¶ 17} In this case, despite finding that the first and last requirements for class certification had not been met, the trial court conducted a rigorous analysis by

analyzing whether each of the other five requirements had been met. It did not err by doing so.

{¶ 18} Finding the first proposition of law to be dispositive, we decline to address the second proposition of law.

CONCLUSION

{¶ 19} The Ninth District Court of Appeals wrongly concluded that the trial court failed to conduct the rigorous analysis required for class certification merely because the trial court analyzed whether each of the class-certification requirements had been met, despite finding that the first and last requirements had not been met. We reverse the judgment of the Ninth District and remand the case to that court to address plaintiffs' remaining assignments of error.

Judgment reversed
and cause remanded.

Mansour Gavin, L.P.A., Anthony J. Coyne, and Kenneth E. Smith; and Phillips & Co., L.P.A., and Gerald W. Phillips, for appellees.

Wickens Herzer Panza, Richard D. Panza, Thomas R. Theado, and Michael R. Nakon; and Patrick D. Riley, Lorain Law Director, and Kenneth R. Resar, Assistant Law Director, for appellants.
