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SLIP OPINION NO. 2026-OHIO-4193

THE STATE EX REL. AMES v. ANDOVER VILLAGE COUNCIL.

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State ex rel. Ames v. Andover Village Council*, Slip Opinion No. 2026-Ohio-4193.]

Mandamus—Public-records requests—Service of a pre-suit complaint by email fails to comply with R.C. 149.43(C)(1) because email is not a method authorized by Civ.R. 4.1—Respondents’ third revised motion to dismiss granted because relator failed to comply with the procedural requirements of R.C. 149.43(C)(1)—Writ and relator’s requests for statutory damages and court costs denied.

(No. 2025-1097—Submitted June 30, 2026—Decided October 27, 2026.)

IN MANDAMUS.

The per curiam opinion below was joined by KENNEDY, C.J., and DEWINE, BRUNNER, DETERS, HAWKINS, and SHANAHAN, JJ. FISCHER, J., dissented as to Part II(C)(12) and otherwise concurred.

Per Curiam.

{¶ 1} Relator, Brian M. Ames, brings this public-records mandamus action against respondent, the Andover Village Council (“the village”). Ames requested the village’s “journals” for 22 meetings it held between March 2023 and January 2025. After receiving no response, he emailed the village administrator a pre-suit complaint in an attempt to comply with the procedural requirements of R.C. 149.43(C). Unsatisfied with the village’s attempts to resolve his complaint, Ames filed this action, asking for a writ of mandamus compelling the village to produce copies of its journals for the requested dates. Ames also requests awards of statutory damages and court costs.

{¶ 2} After we granted an alternative writ, the village filed numerous motions, including a motion to dismiss raising Ames’s failure to comply with the procedural requirements of R.C. 149.43(C) as well as various motions peripheral to the merits of the case. Because Ames failed to serve his pre-suit complaint under Civ.R. 4, as required by R.C. 149.43(C)(1), we grant the village’s third revised motion to dismiss and dismiss Ames’s complaint. We deny Ames’s motion for leave to file a revised response to the village’s second revised motion to dismiss and to strike, and we deny each of the village’s remaining motions and requests for the reasons set forth below.

I. FACTS AND PROCEDURAL HISTORY

A. Ames’s public-records request and the village’s response

{¶ 3} On June 20, 2025, Ames emailed a public-records request to Richard W. Mead, Andover’s administrator. Ames requested the village’s “journal[s]” for 22 dates between 2023 and 2025: ten from 2023, 11 from 2024, and one from 2025.

{¶ 4} Ames did not receive a response. So, on August 14, 2025, Ames emailed Mead an “Ohio Court of Claims public records access formal complaint” (the “pre-suit complaint”), in an effort to comply with R.C. 149.43(C). *See* R.C.

149.43(C)(1) (requiring that a person, before commencing a mandamus action for an alleged violation of the Public Records Act, serve under Civ.R. 4 a “complaint, on a form prescribed by the clerk of the court of claims, to the public office . . . allegedly responsible for the alleged failure”). Ames attached a copy of his June 20 request and stated that he had not yet received even an acknowledgment that his request was received, much less a response. The village, through counsel, emailed a response on the same day, stating that Ames had been previously provided with all the requested records and that the village was “not required to respon[d] to duplicate requests.”¹ Notwithstanding that position, the village attached to its email a collection of Microsoft Word documents it characterized as the records that had “already [been] provided.”

{¶ 5} The village asked Ames to advise whether its response satisfied his public-records request. Ames responded on the same day, stating that the records attached to the village’s email were “not the official signed journals/minutes and hence not responsive.” In subsequent emails, counsel for the village asked whether Ames already had the “signed versions,” which he thought Ames did. Ames declined to answer that question, and after they exchanged additional emails, counsel for the village stated that the documents Ames had requested were “all available online” at the village’s webpage, to which counsel provided a hyperlink. Ames responded that the link provided access only to “meeting minutes,” to which counsel replied that the village was “not aware of any distinction” between minutes and journals.

B. Ames’s mandamus action

{¶ 6} Ames initiated this action by filing a complaint for a writ of mandamus on August 22, 2025. On the village’s motion, we referred the case to mediation. 2025-Ohio-4642. The parties failed to resolve the matter through

1. The village’s claim that Ames had already received the records was apparently based on its belief that he had attached the same records to a complaint he filed in a prior case.

mediation, and we subsequently ordered the village to file a response to the mandamus complaint. 2025-Ohio-5112. The village filed an answer, which contained a “counterclaim/motion” seeking sanctions and a vexatious-litigator declaration against Ames. Ames moved for expedited dismissal of the purported counterclaim under R.C. Ch. 2747, which the village opposed and we ultimately denied. 2025-Ohio-5682. We also granted an alternative writ, setting a schedule for the submission of evidence and briefs, and held the village’s “counterclaim/motion” in abeyance, to be treated as a motion for sanctions and a vexatious-litigator declaration. *Id.*

{¶ 7} Ames filed evidence and a merit brief. After the village filed its initial evidence but before the village first moved for leave to file revised evidence, Ames filed a revised merit brief. The village has filed a merit brief, and Ames has filed a reply brief. In addition, the village filed numerous motions and requests, including multiple motions to dismiss, a motion to stay the briefing schedule, motions for leave to file revised evidence and to serve discovery requests, motions to strike some or all of Ames’s filings, requests for sanctions and a vexatious-litigator declaration (both in general and with respect to particular filings), and a motion for oral argument.

II. ANALYSIS

A. This court possesses subject-matter jurisdiction

{¶ 8} As a preliminary matter, we address the village’s contention that we lack subject-matter jurisdiction over this action. *See Ostanek v. Ostanek*, 2021-Ohio-2319, ¶ 22 (describing subject-matter jurisdiction as a “condition precedent to a court’s power to adjudicate and render judgment in a case”). “Subject-matter jurisdiction refers to the constitutional or statutory power of a court to adjudicate a particular class or type of case” and is determined ““without regard to the rights of the individual parties involved.”” *State v. Harper*, 2020-Ohio-2913, ¶ 23, quoting *Bank of Am., N.A. v. Kuchta*, 2014-Ohio-4275, ¶ 19. Instead, the inquiry focuses

on “whether the forum itself is competent to hear the controversy.” *Id.*, citing 18A Wright, Miller & Cooper, *Federal Practice and Procedure*, § 4428, at 6 (3d Ed. 2017).

{¶ 9} Article IV, Section 2 of the Ohio Constitution vests in this court “original jurisdiction” over, among other matters, actions in mandamus. Ohio Const., art. IV, § 2(B)(1)(b). Thus, we have subject-matter jurisdiction over Ames’s action, which is a mandamus action seeking to compel compliance with Ohio’s Public Records Act, R.C. 149.43. *See* R.C. 149.43(C)(1)(b) (“[t]he mandamus action may be commenced . . . in the supreme court pursuant to its original jurisdiction under Section 2 of Article IV, Ohio Constitution”). The village’s arguments to the contrary are meritless.

{¶ 10} First, the village argues in its February 9, 2026 third revised motion to dismiss—and reiterates in its merit brief—that subject-matter jurisdiction is lacking because Ames failed to comply with the procedural requirements of R.C. 149.43(C) prior to filing this action. To be sure, the General Assembly recently amended the Public Records Act to “impose additional procedural requirements on a person filing a public-records mandamus action.” *State ex rel. Jordan v. Dept. of Rehab. & Corr.*, 2025-Ohio-3051, ¶ 4 (DeWine, J., concurring), citing 2024 Sub.H.B. No. 265 and R.C. 149.43(C)(1) through (3). But even if Ames failed to comply with one or more of those requirements (an issue we address in Part II(B) below), that failure would not divest this court of subject-matter jurisdiction. Rather, compliance with those requirements implicates “the rights of the individual parties involved,” *Harper* at ¶ 23, quoting *Bank of Am.* at ¶ 19.

{¶ 11} Second, the village argues in its March 23, 2026 second revised motion to dismiss and to strike that subject-matter jurisdiction is lacking because Ames is engaged in the unauthorized practice of law as a nonlawyer prosecuting an action “on behalf of the State of Ohio.” We have never held that a party’s unauthorized practice of law would implicate the court’s subject-matter

jurisdiction. But, regardless, the village’s premise is mistaken. R.C. 4705.01, the statute governing the practice of law, prohibits a person who has not been admitted to the bar from commencing, conducting, or defending against an action only when that person “is not a party concerned.” R.C. 4705.01. Here, Ames is “a party concerned” because he submitted the public-records request giving rise to the duties with which the village allegedly failed to comply. *See* R.C. 149.43(C)(1)(b) (“the person allegedly aggrieved may . . . [c]ommence a mandamus action . . . in the supreme court”).

{¶ 12} Moreover, Ames is not litigating “on behalf of” the State merely because his mandamus complaint is captioned in the name of the State. *See State ex rel. Flowers v. Columbus Bd. of Edn.*, 35 Ohio St. 368, 383-384 (1880) (relator was empowered to bring mandamus action in the name of the State without attorney general’s intervention because the “duty sought to be enforced [was] . . . a duty due from the board to the relator personally”). Indeed, R.C. 2731.04 *requires* that a mandamus action be brought “in the name of the state on the relation of the person applying,” and a failure to comply with that requirement is grounds for dismissal, *e.g.*, *Litigaide, Inc. v. Lakewood Police Dept. Custodian of Records*, 1996-Ohio-205, ¶ 2.

{¶ 13} Because we possess subject-matter jurisdiction over this action, we decline to dismiss Ames’s complaint on these grounds and deny the village’s second revised motion to dismiss and to strike. We now proceed to address whether Ames complied with the procedural requirements of R.C. 149.43(C)—an issue raised in the village’s third revised motion to dismiss in the context of challenging our subject-matter jurisdiction.

B. Ames failed to comply with the procedural requirements of R.C.

149.43(C)

{¶ 14} A writ of mandamus is an appropriate remedy to compel compliance with the Public Records Act, R.C. 149.43. *State ex rel. Wells v. Lakota Local*

Schools Bd. of Edn., 2024-Ohio-3316, ¶ 11. To obtain the writ, Ames “must prove by clear and convincing evidence a clear legal right to the record[s] and a corresponding clear legal duty on the part of the [village] to provide it,” *State ex rel. Griffin v. Sehlmeier*, 2021-Ohio-1419, ¶ 10.

{¶ 15} As noted above, the General Assembly recently amended the Public Records Act to impose additional procedural requirements that must be satisfied for a public-records mandamus action to be considered on the merits. 2024 Sub.H.B. No. 265; *see Jordan*, 2025-Ohio-3051, ¶ 4 (DeWine, J., concurring). Specifically, R.C. 149.43(C)(1) now provides:

If a person allegedly is aggrieved by the failure of a public office . . . to comply with an obligation in accordance with [R.C. 149.43(B)], 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 . . . allegedly responsible for the alleged failure. Upon receipt of the complaint of the person allegedly aggrieved, the public office . . . has three business days to cure or otherwise address the failure alleged in the complaint.

The person allegedly aggrieved is not authorized to maintain a mandamus action until the three-day cure period has expired. *Id.*

{¶ 16} We have not had occasion to consider what it means for a person to “serve” a pre-suit complaint “pursuant to Rule 4 of the Ohio Rules of Civil Procedure,” as required by R.C. 149.43(C)(1). However, at least one district court of appeals has concluded that service by email fails to comply with the statute, reasoning that email “is not a method authorized by Civil Rule 4.” *State ex rel. Ames v. Concord Twp. Bd. of Trustees*, 2026-Ohio-107, ¶ 35 (11th Dist.); *accord*

State ex rel. Ames v. W. Geauga Local School Dist. Bd. of Edn., 2026-Ohio-2248, ¶ 7 (11th Dist.). We agree. Civ.R. 4.1, which pertains to service of a complaint, authorizes service by certified or express mail, Civ.R. 4.1(A)(1)(a), commercial-carrier service, Civ.R. 4.1(A)(1)(b), personal service, Civ.R. 4.1(B), and residential service, Civ.R. 4.1(C).

{¶ 17} The village argues in its third revised motion to dismiss that by transmitting his pre-suit complaint by email—a method not authorized under Civ.R. 4.1—Ames failed to comply with R.C. 149.43(C)(1). Ames does not dispute that he served his pre-suit complaint by email, but he makes two underdeveloped arguments why this should not be dispositive. Neither is persuasive.

{¶ 18} First, Ames argues that service under Civ.R. 4 is merely permissive, because R.C. 149.43(C)(1) states that a person allegedly aggrieved “*may* serve pursuant to” Civ.R. 4. (Emphasis added.) Although the word “may” is generally considered to render a statutory provision “optional, permissive, or discretionary,” *State ex rel. Niles v. Bernard*, 53 Ohio St.2d 31, 34 (1978), interpreting the service provision at issue here as merely optional would disregard the structure and effect of the statute as a whole, *see State v. Wilson*, 1997-Ohio-35, ¶ 9 (when applying a statute, a court should not “pick out one sentence and disassociate it from the context”; rather, it “must look to the four corners of the enactment to determine the intent of the enacting body”).

{¶ 19} Contrary to Ames’s argument, the “may” he points to is best understood as the General Assembly’s recognition that a person is not required to assert their rights under the Public Records Act in the face of an alleged violation. Indeed, while a person “may” serve notice, wait three business days, and then file a complaint or commence a mandamus action, *see* R.C. 149.43(C)(1), the person “may” also do nothing. But the remainder of R.C. 149.43(C)(1) and (2) make clear that if a person does intend to litigate his or her claims, the person must comply with the statutory prerequisites, including service “pursuant to” Civ.R. 4. *See* R.C.

149.43(C)(1) (“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.”); *Jordan*, 2025-Ohio-3051, at ¶ 4 (DeWine, J., concurring) (“Compliance with this requirement is a prerequisite to the commencement of a lawsuit.”).

{¶ 20} Moreover, if the legislature truly intended that service of the pre-suit complaint could be accomplished by any means, including email, there would be no reason for the inclusion of the phrase “pursuant to Rule 4 of the Ohio Rules of Civil Procedure.” *See Wilson* at ¶ 10 (if possible, “significance and effect should be accorded to every word, phrase, sentence and part” of a statute); *Concord Twp. Bd. of Trustees*, 2026-Ohio-107, at ¶ 36 (11th Dist.) (“[The General Assembly] required service ‘pursuant to Rule 4’—a phrase that carries a settled procedural meaning.”).

{¶ 21} Second, Ames briefly argues that the pre-suit service requirement is an unconstitutional legislative encroachment on this court’s power to prescribe rules governing practice and procedure in the courts of Ohio, which is founded in Article IV, Section 5(B) of the Ohio Constitution. But that constitutional provision does not preclude the General Assembly from enacting any law that could be characterized as procedural; rather, it provides that a procedural rule promulgated by this court supersedes a law with which it is in conflict. *See Ohio Const.*, art. IV, § 5(B); *Proctor v. Kardassilaris*, 2007-Ohio-4838, ¶ 17 (“[I]f a rule created pursuant to Section 5(B), Article IV conflicts with a statute, the rule will control for procedural matters, and the statute will control for matters of substantive law.”). Ames does not identify any rule of practice or procedure with which the pre-suit service requirement conflicts, and we therefore reject his argument.

{¶ 22} Because Ames transmitted his pre-suit complaint only by email, which is not one of the methods of service allowed by Civ.R. 4, he failed to comply with the procedural prerequisites imposed by R.C. 149.43(C)(1). Thus, Ames was never statutorily authorized to commence this mandamus action in the first

instance. *See* R.C. 149.43(C)(1)(b) (providing that “the person allegedly aggrieved may” commence a mandamus action under R.C. 149.43(C)(1)(b) only “[u]pon the expiration of the three-day period,” which is initiated by service “pursuant to” Civ.R. 4). For this reason, we grant the village’s third revised motion to dismiss.

C. The village’s additional motions

1. The village’s “counterclaim/motion” for sanctions and a vexatious-litigator declaration (Nov. 12, 2025)

{¶ 23} In its answer to Ames’s complaint, the village asserted a purported counterclaim against him based on the village’s allegations that he engaged in frivolous conduct in violation of R.C. 149.43(C)(6), S.Ct.Prac.R. 4.03(A), and Civ.R. 11 as well as vexatious conduct in violation of S.Ct.Prac.R. 4.03(B). Ames moved for expedited dismissal of that purported counterclaim under R.C. Ch. 2747, which is Ohio’s codification of the Uniform Public Expression Protection Act (“UPEPA”). *See* 2024 Sub.S.B. No. 237, preamble. We denied Ames’s motion and held the village’s purported counterclaim in abeyance and treated it as requests for sanctions and to declare Ames to be a vexatious litigator. 2025-Ohio-5682.

{¶ 24} Construing the village’s “counterclaim/motion” as a request for sanctions and for a vexatious-litigator declaration as of the date of its filing (November 12, 2025), we deny it. The village’s allegations in this regard are largely conclusory; they merely parrot the standards applicable under R.C. 149.43(C)(6), S.Ct.Prac.R. 4.03, and Civ.R. 11 and state that Ames violated them. The only specific conduct or filing the village cites is one prior lawsuit—*State ex rel. Ames v. Geauga Cty. Bd. of Dev. Disabilities*, 2024-Ohio-5441 (11th Dist.)—for the proposition, unsupported by analysis, that Ames has “habitually, persistently, and without reasonable grounds” filed mandamus actions “despite knowing that such claims are not viable as a matter of law.”

{¶ 25} In the absence of any meaningful argument or analysis expounding on the village’s conclusory allegations, we deny the requests for sanctions and for

a vexatious-litigator declaration that the village asserted in its “counterclaim/motion.” See *Rover Pipeline, L.L.C. v. Harris*, 2025-Ohio-2806, ¶ 62, quoting *Adams v. Harris*, 2024-Ohio-4640, ¶ 62 (“The lack of ‘meaningful analysis to support [an] argument . . . is grounds alone to reject it.’” [Bracketed text and ellipsis in original.]).

2. The village’s revised motion for sanctions (Jan. 15, 2026)

{¶ 26} In its January 15, 2026 motion, the village requests sanctions under R.C. 2747.05(B), S.Ct.Prac.R. 4.03(A), and Civ.R. 11 for Ames’s filing of a motion for expedited dismissal under R.C. Ch. 2747, or UPEPA, in which he asked for dismissal of the village’s purported counterclaim for sanctions and to declare Ames a vexatious litigator. The village requests that we “order Ames to pay . . . the Village’s reasonable attorney fees, court costs, and other reasonable litigation expenses related to” opposing his motion. We deny the village’s revised motion for sanctions because although Ames’s motion was unsuccessful, it does not meet the standard for sanctions under any of the authorities the village cited.

{¶ 27} Start with R.C. 2747.05(B). That provision states that if a court denies a motion for expedited relief under R.C. 2747.04 and “finds that the motion was frivolous conduct” as defined in R.C. 2323.51, the court “shall award to the responding party reasonable attorney’s fees, court costs, and other reasonable litigation expenses incurred in responding to the motion.” Under R.C. 2323.51, “[f]rivolous conduct” means any conduct taken in connection with a civil action that—as most relevant here—(1) “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” or (2) “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.” R.C. 2323.51(A)(2)(a).

{¶ 28} Here, Ames filed a motion for expedited dismissal under R.C. Ch. 2747, which was denied, *see* 2025-Ohio-5682; thus, the first requirement of R.C. 2747.05(B) is met. However, the village has not shown that Ames’s motion was filed merely for harassment or another improper purpose or that it was entirely unsupported by a good-faith legal argument, as required to constitute frivolous conduct under R.C. 2323.51(A)(2)(a).

{¶ 29} Taking next the village’s reliance on UPEPA, that statute provides a mechanism for the expedited dismissal of a cause of action based on a person’s exercise of a constitutionally protected right (for example, the rights of freedom of speech and of the press, the rights to assemble and petition, and the right of association) on a matter of public concern, R.C. 2747.01(B)(3), or based on a person’s “communication in a legislative, executive, judicial, administrative, or other governmental proceeding,” R.C. 2747.01(B)(1). Ames argued in his motion that the village’s purported counterclaim was subject to dismissal because it was based on his efforts to bring various public entities into compliance with Ohio’s “Sunshine Laws,” suggesting that certain lawsuits he had filed were an exercise of his rights under the First Amendment to the United States Constitution. Ames also appeared to argue that the counterclaim was a form of retaliation for his posting in a politically focused social-media forum—a posting that the village’s attorney had allegedly referred to in a different case on behalf of a different client. Thus, Ames asserted, the purported counterclaim fell within the ambit of R.C. 2747.01(B)(3).

{¶ 30} While Ames’s argument was inartful, its basic proposition—that his lawsuits seeking to enforce public duties under Ohio’s Public Records Act and Open Meetings Act are exercises of a constitutional right—is not wholly meritless. *See Duryea v. Guarnieri*, 564 U.S. 379, 387 (2011), quoting *Sure-Tan, Inc. v. Natl. Labor Relations Bd.*, 467 U.S. 883, 896-897 (1984) (“‘The right of access to courts for redress of wrongs is an aspect of the First Amendment right to petition the government.’”). Thus, Ames’s motion for expedited dismissal does not meet the

R.C. 2747.05(B) standard for frivolous conduct. For the same reasons, it does not meet the S.Ct.Prac.R. 4.03(A) standard, which employs language similar to that in R.C. 2747.05(B). *See* S.Ct.Prac.R. 4.03(A) (providing that this court may sanction a party for a filing that 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”).

{¶ 31} Nor has the village made any attempt to explain how Ames’s filing of the motion for expedited dismissal violated Civ.R. 11. Civ.R. 11 provides that a person’s signature on a filing certifies the attorney’s belief that “there is good ground to support” the filing and that “it is not interposed for delay.” An attorney may be sanctioned for a “willful violation” of the rule, *id.*, the determination of which requires a subjective bad-faith standard to be employed. *State ex rel. Bardwell v. Cuyahoga Cty. Bd. of Commrs.*, 2010-Ohio-5073, ¶ 8 (explaining that sanctions are appropriate when the conduct “imports a dishonest purpose or some moral obliquity,” “implies conscious doing of wrong,” or is done “with actual intent to mislead or deceive another” [cleaned up]). The village’s argument in this regard merely repeats the Civ.R. 11 standard and concludes without analysis that Ames’s filing “was not simply bad judgment or mere negligence.”

{¶ 32} Because the village has not shown that Ames’s filing of his R.C. 2747.04 motion for expedited dismissal meets the standard for sanctions under R.C. 2747.05(B), S.Ct.Prac.R. 4.03(A), or Civ.R. 11, we deny the village’s revised motion for sanctions.

3. *The village’s motion for leave to file revised evidence (Jan. 21, 2026)*

{¶ 33} On January 13, 2026, the village made its initial evidentiary submission, which consisted of the affidavit of Cathy Williams, the village’s records custodian, and several exhibits attached thereto. In his revised merit brief, Ames argues that we should reject Williams’s affidavit because it does not satisfy the personal-knowledge, competence, and admissibility requirements of

S.Ct.Prac.R. 12.06(A). Most notably, the version of Williams’s affidavit contained in the village’s initial evidentiary submission failed to specifically aver that her statements were based on personal knowledge.

{¶ 34} In response, the village filed a motion for leave to file revised evidence, which added to Williams’s affidavit an averment that “the instant affidavit is made on the personal knowledge of the Affiant.” Ames filed a response opposing the motion for leave.

{¶ 35} 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 were granted. *See State ex rel. Boddy v. Xenia Community City School Dist. Bd. of Edn.*, 2026-Ohio-164, ¶ 10, 14.

{¶ 36} Here, Ames had already filed his revised merit brief prior to the village’s motion for leave, which he now opposes. Although the village’s proposed revision is, in a sense, minor—i.e., it does not seek to add or remove any substantive averments or exhibits—it also concerns a threshold issue on which Ames’s brief spilled considerable ink. Thus, it at least raises the prospect of prejudice to Ames. *See id.* at ¶ 14 (“excising th[e] material from the evidence . . . would prejudice [the opposing party], who relied on the material in her briefing”). And the village does little to allay that concern.

{¶ 37} The village argues that Ames would not be prejudiced, because he would have the opportunity to submit a second revised merit brief under S.Ct.Prac.R. 3.13(B)(2) and our December 24, 2025 scheduling order. This argument lacks merit. S.Ct.Prac.R. 3.13(B)(2) is inapplicable because Ames’s merit brief is not a document “responsive” to the village’s evidence. *See*

S.Ct.Prac.R. 3.13(B)(2) (“Time permitted by these rules for filing any responsive document shall begin to run when the revised document is filed.”). Rather, by the terms of our December 24 scheduling order, Ames’s deadline to file a merit brief was calculated from the entry of the order. 2025-Ohio-5682. And while that order permitted Ames until January 23 to file his merit brief, *see id.*, he had already done so before the village filed its motion for leave on January 21. So, while it is technically true that Ames could have timely resubmitted his brief in response to the village’s revisions, requiring him to do so would have left him only a fraction of the time initially allotted to further revise his brief to take account of the village’s proposed revision.

{¶ 38} Finally, granting the village’s motion for leave to file revised evidence would have no effect on our resolution of the case. That is, we need not consider Williams’s affidavit or any of the exhibits attached thereto to conclude that Ames failed to comply with the procedural requirements of R.C. 149.43(C) and that his suit should therefore be dismissed.

{¶ 39} For all these reasons, we deny the village’s motion for leave to submit revised evidence.

4. *The village’s revised motion to stay the briefing schedule (Jan. 27, 2026)*

{¶ 40} On January 27, 2026, the village filed an original and a revised motion to stay the briefing schedule pending our resolution of the village’s then-pending motion to dismiss (also filed on January 27) and motion for leave to file revised evidence (filed on January 21). The village explicitly superseded its January 27 motion to dismiss three times, culminating in its February 9 third revised motion to dismiss. Thus, the motion to dismiss filed January 27 is a nullity, which we therefore do not consider. *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.”). And because we deny the village’s January 21 motion for leave to file revised evidence,

as explained immediately above, we likewise deny the village’s revised motion to stay the briefing schedule.

5. *The village’s motion to strike Ames’s “initial brief” (Jan. 27, 2026)*

{¶ 41} In its January 27 motion, the village argues that we should strike Ames’s “initial brief” (presumably the revised merit brief Ames filed on January 15) for failing to comply with S.Ct.Prac.R. 16.02(B). Specifically, the village argues that Ames’s brief failed to attach an appendix containing the relevant Andover rules or regulations and the relevant statutes on which Ames relies, in violation of S.Ct.Prac.R. 16.02(B)(5)(d) and (e), respectively. Ames did not respond to the village’s motion.

{¶ 42} We have explicitly declined to strike a brief when the failure to comply with the requirements of S.Ct.Prac.R. 16.02 did “not prejudice[] the opposing party’s ability to file a responsive brief or hinder[] this court’s ability to decide the case.” *State ex rel. Sultaana v. Mansfield Corr. Inst.*, 2023-Ohio-1177, ¶ 13, citing *State ex rel. Physicians Commt. for Responsible Medicine v. Ohio State Univ. Bd. of Trustees*, 2006-Ohio-903, ¶ 14. Indeed, in *Physicians Commt.*, we denied a motion to strike filed by the respondent despite “admitted and serious deficiencies” in the relator’s brief, the “most troubling” of which was the “omission of page references to the relevant portions of the record” supporting the relator’s factual assertions. *Physicians Commt.* at ¶ 10, 13.

{¶ 43} Ames’s brief does not suffer from that “most troubling” deficiency. Moreover, the village does not even suggest that Ames’s failure to include an appendix containing the relevant rules, regulations, or statutes has prejudiced its ability to respond. Nor would such an argument be persuasive. Ames does not explicitly rely on any Andover rule or regulation, *see* S.Ct.Prac.R. 16.02(B)(5)(d). And although he does rely on various provisions of the Public Records Act, R.C. 149.43, 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. We therefore deny the village's motion to strike Ames's "initial brief."

6. The village's motion for leave to file second revised evidence (Feb. 12, 2026)

{¶ 44} On February 12, the village filed a motion for leave to file its "second revised evidence," apparently on the authority of S.Ct.Prac.R. 3.13. By this motion, the village seeks to add "Exhibit J" as an attachment to the affidavit of Cathy Williams. The proposed Exhibit J, titled "Supplemental Exhibits," consists of 200 pages of additional evidence, including what appear to be results of searches for affidavits of disqualification filed by Ames, results of searches for appeals and original actions filed by Ames in this court, Facebook posts on Ames's personal account and on a politically focused Facebook group page, and emails sent between Ames and the village's counsel.

{¶ 45} The village contends that this additional evidence supports its requests for sanctions and for a vexatious-litigator declaration. It further argues that Ames will not be prejudiced if the motion is granted, because the village had not yet filed its merit brief and Ames therefore would have the opportunity to respond to any arguments relying on this evidence in his reply brief. Ames filed a response in opposition to the village's motion, arguing that it should be denied because evidence was due on January 13, 2026, Ames had already filed his merit brief, the additional evidence is irrelevant to the merits of the case, and the additional evidence was not authenticated.

{¶ 46} As Ames notes, the village's deadline for submitting evidence in this matter was January 13, 2026. *See* 2025-Ohio-5682 ("The parties shall file any evidence they intend to present within 20 days of the court's [December 24, 2025] entry"). The village knew that it intended to seek sanctions and a vexatious-litigator declaration when filing its answer on November 12, 2025, and the bulk of the additional evidence the village seeks leave to file existed well before the January 13 deadline. Moreover, as discussed in Part II(C)(3) above, Ames had already filed

his revised merit brief when the village asked for leave to submit revised evidence a second time. *See Boddy*, 2026-Ohio-164, at ¶ 10, 14 (denying motion for leave to file revised evidence after the opposing party had already filed her merit brief).

{¶ 47} In addition, ““evidence submitted under the Supreme Court Rules of Practice in an original action in this court should comport with the Rules of Evidence.”” *State ex rel. Mun. Constr. Equip. Operators’ Labor Council v. Cleveland*, 2007-Ohio-3831, ¶ 39, quoting *State ex rel. Brenders v. Hall*, 1995-Ohio-106, ¶ 17, fn. 1. Although “Exhibit J” is styled as an attachment to the affidavit of Cathy Williams, the affidavit does not mention the proposed exhibit at all, much less authenticate its contents. Nor could it, given that the affidavit was executed on January 21 while certain parts of the proposed Exhibit J purport to have been created after that date. The proposed Exhibit J is therefore unauthenticated. *See State ex rel. Johnson v. Higgins*, 2024-Ohio-5174, ¶ 18 (deeming document properly authenticated by affidavit when the affiants had sworn personal knowledge, referred to the document, and described the document and actions taken related to the document).

{¶ 48} For these reasons, we deny the village’s motion for leave to file its second revised evidence.

7. *The village’s motion for leave to serve requests for admissions (Feb. 12, 2026)*

{¶ 49} On February 12, 2026, the village filed a motion for leave to serve requests for admissions on Ames under Civ.R. 36. The requests relate to the same additional evidence that the village asked for leave to file in its February 12 motion for leave to file revised evidence—i.e., the evidence regarding Ames’s filings in this court (including affidavits of disqualification, appeals, and original actions), his social-media posts, and electronic communications between Ames and the village’s counsel.

{¶ 50} The village asserts that this evidence is relevant to its requests for sanctions and to declare Ames to be a vexatious litigator. It further states that

although the documents offered are true and accurate, it “anticipates” that Ames will challenge their authenticity “and, as a result, desires to have Ames verify the same.” Ames filed a response in opposition to the motion for leave, arguing that the village’s motion for leave is belated and that the admissions the village seeks are irrelevant to the merits of the case.

{¶ 51} S.Ct.Prac.R. 12.06 contemplates that certain civil discovery rules—specifically those relating to depositions—are applicable to original actions. *See* S.Ct.Prac.R. 12.06(A) (providing that evidence may be submitted by deposition). And while this court’s Rules of Practice do not explicitly discuss the availability of Civ.R. 36 requests for admissions, we have previously “[a]ssum[ed] . . . without deciding” that interrogatories, requests for inspection, and requests for admissions are “proper in mandamus actions originating in this court,” *State ex rel. Mauk v. Sheldon*, 2025-Ohio-1221, ¶ 8-9; *see also State ex rel. Brown v. Sackett*, 2025-Ohio-2080, ¶ 8 (“assuming” that the relator’s requests for admissions in an original action were “appropriate”).

{¶ 52} Even assuming that the village’s request to serve discovery is permissible under S.Ct.Prac.R. 12.06, we deny it. As discussed in Part II(C)(6) above, the village’s deadline to submit evidence in this case was January 13, *see* 2025-Ohio-5682, and the village was aware from the outset that it intended to seek sanctions and a vexatious-litigator declaration against Ames; it even contemplated “conduct[ing] discovery” on the issue of sanctions in its November 12, 2025 answer. Yet, even had requests for admissions been served the day the village filed its motion for leave, Ames’s responses would not have been due until March 12 at the earliest—nearly two months after the evidentiary-submission deadline. *See* Civ.R. 36(A)(1) (a party served with requests for admissions has “a period . . . not less than twenty-eight days after service” to respond).

{¶ 53} Moreover, the village’s proposed requests for admissions exceed the bounds of permissible discovery set forth in Civ.R. 26(B)(1). Under that rule, a

party may generally “obtain discovery regarding any nonprivileged matter that is *relevant to any party’s claim or defense* and proportional to the needs of the case.” (Emphasis added.) We “view what is relevant for discovery purposes through the lens of what the underlying case is,” *State ex rel. Ctr. for Media & Democracy v. Yost*, 2026-Ohio-1899, ¶ 26—here, a mandamus action seeking a writ compelling the village to provide records under the Public Records Act. On this view, the village’s requests for sanctions and a vexatious-litigator declaration against Ames are not “claim[s]” or “defense[s].” *See id.*; Civ.R. 8(A) (a “claim for relief” is set forth in a pleading and may be “an original claim, counterclaim, cross-claim, or third-party claim”); Civ.R. 8(C) (listing affirmative defenses); Civ.R. 12(B) (listing defenses that may be made by motion); *Filonenko v. Smock Constr., L.L.C.*, 2018-Ohio-3283, ¶ 14 (10th Dist.) (“[M]otions for sanctions under R.C. 2323.51 and Civ.R. 11 are collateral to and independent of the primary action.”).

{¶ 54} For these reasons, we deny the village’s request for leave to serve requests for admissions.

8. *The village’s requests for sanctions and a vexatious-litigator declaration (Feb. 18, 2026)*

{¶ 55} In its merit brief, the village contends that Ames has engaged in frivolous conduct in violation of Civ.R. 11, S.Ct.Prac.R. 4.03(A), and R.C. 149.43(C)(6).² The village requests as consequences for Ames’s allegedly frivolous conduct awards of “all reasonable attorney fees, court costs, and other reasonable litigation expenses in relation to the instant mandamus action.” Separately, the village requests that we declare Ames to be a vexatious litigator

2. The village also requests relief under R.C. 2747.05(B), which incorporates the definition of “frivolous conduct” contained in R.C. 2323.51. However, the only basis for a finding of frivolous conduct asserted under R.C. 2747.05(B) is Ames’s filing of his R.C. Ch. 2747 motion for expedited dismissal. As explained above in Part II(C)(2), we decline to find that Ames’s motion was frivolous.

under S.Ct.Prac.R. 4.03(B). We address these requests in turn and ultimately deny each of them.

a. Sanctions under Civ.R. 11

{¶ 56} Civ.R. 11 “applies to individual filings made in this court,” *State ex rel. Ware v. Vigluicci*, 2024-Ohio-5492, ¶ 7, and provides that a person’s signature on a filing certifies the person’s belief that “there is good ground to support” the filing and that it is not “interposed for delay.” A court may impose sanctions for a person’s “willful violation” of the rule, *id.*, the determination of which requires that a subjective bad-faith standard be employed. *See Bardwell*, 2010-Ohio-5073, at ¶ 8 (explaining that sanctions are appropriate when the conduct “imports a dishonest purpose or some moral obliquity,” “implies conscious doing of wrong,” or is done “with actual intent to mislead or deceive another” [cleaned up]).

{¶ 57} Here, while the village recites the appropriate standard for Civ.R. 11 sanctions, it fails to meaningfully apply that standard to any of Ames’s “individual filings,” *Ware* at ¶ 7. Instead, the village asserts that Ames’s conduct in this appeal in general bespeaks ““a dishonest purpose,””³ citing “[b]y way of example only” Ames’s purported failure to engage in good faith with the village’s attempt to cure the Public Record Act violations alleged in his pre-suit complaint. At best, the village could be understood as arguing that each of Ames’s filings, including “his motions, responses, brief, and other documents, as well as the initial petition itself,” represents a willful violation of Civ.R. 11. But the breadth of this argument is inversely proportional to its strength. Because the village fails to explain how Ames’s signature on any particular filing was a willful violation of Civ.R. 11, we deny its request for sanctions under that rule. *See Rover Pipeline*, 2025-Ohio-2806, at ¶ 62, quoting *Adams*, 2024-Ohio-4640, at ¶ 62 (“The lack of ‘meaningful

3. Respondent’s Merit Brief at 43, quoting *Fast Property Solutions, Inc. v. Jurczenko*, 2013-Ohio-60, ¶ 55 (11th Dist.)

analysis to support [an] argument . . . is grounds alone to reject it.” [Bracketed text and ellipsis in original.]

b. Sanctions under S.Ct.Prac.R. 4.03(A)

{¶ 58} Since its amendment, effective April 1, 2025, S.Ct.Prac.R. 4.03(A) likewise applies to “filing[s]” in this court. *See* 177 Ohio St.3d LXXXVII, CIX; *Gordon v. Smith*, 2025-Ohio-4768, ¶ 8, fn. 1 (“As of April 1, 2025, S.Ct.Prac.R. 4.03(A) applies to a ‘filing’ rather than to an ‘appeal or other action.’”). Under that rule, this court may sanction a party who signed or submitted a filing that is frivolous or that 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.*

{¶ 59} The village’s request for sanctions under this rule suffers from the same deficiency identified above with respect to its request under Civ.R. 11—that is, the village asserts in conclusory fashion that all of Ames’s conduct and all of his filings are sanctionable as frivolous, without explaining how any particular filing falls short of the standard contained in S.Ct.Prac.R. 4.03(A). We therefore deny the village’s request for sanctions under S.Ct.Prac.R. 4.03(A) as well. *See Rover Pipeline* at ¶ 62.

c. Award under R.C. 149.43(C)(6)

{¶ 60} The village also asks for relief under R.C. 149.43(C)(6). Under that provision, a court may award to the respondent in a public-records mandamus action “all court costs, expenses, and reasonable attorney’s fees” if the court (1) does not issue a writ of mandamus and (2) “determines . . . that the bringing of the mandamus action was frivolous conduct as defined in” R.C. 2323.51(A).⁴

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

{¶ 61} Again, while the village contends that “no reasonable person would have filed” this mandamus action, it does not explain how Ames’s bringing this action was “frivolous conduct” as that term is defined in R.C. 2323.51. Though we dismiss the action due to Ames’s failure to properly serve the pre-suit complaint, we have not previously had occasion to consider whether email service complies with R.C. 149.43(C)(1) and Ames provided nonfrivolous—though ultimately unsuccessful—arguments for reaching a different result.

d. Vexatious-litigator declaration under S.Ct.Prac.R. 4.03(B)

{¶ 62} Finally, the village asks us to declare Ames to be a vexatious litigator under S.Ct.Prac.R. 4.03(B). In *State ex rel. Johnson v. Bur. of Sentence Computation*, 2020-Ohio-999, ¶ 20, we declared the appellant a vexatious litigator based on his “extensive history of repetitious filings, in which he has reasserted arguments that we ha[d] already rejected, coupled with his extensive history of fruitless and duplicative original actions.” 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.

{¶ 63} Similarly, in *State ex rel. Hill v. Navarre*, we declared the appellant to be 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

(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.

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—[wa]s frivolous conduct under S.Ct.Prac.R. 4.03(A) and (B).” *Id.* at ¶ 16, citing *Johnson* at ¶ 20. And 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 in this court to try to prevent the trial judge from proceeding to final hearings and had filed an affidavit of disqualification “simply to delay the proceedings,” all of which this court determined “were calculated attempts to prevent [the judge’s] compliance with the writ of procedendo” we issued the previous year, *id.* at ¶ 11.

{¶ 64} The village represents that since 2012, Ames has filed 66 actions and appeals in this court: 11 affidavits of disqualification; 10 original actions in mandamus, prohibition, or procedendo against judges and courts; 13 other original actions in mandamus; 1 expedited election matter; 12 direct appeals; and 19 jurisdictional appeals. The village contends that Ames has been largely unsuccessful in these actions and appeals and that 95 percent of them “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.”

{¶ 65} Even assuming that Ames has indeed filed 66 actions and appeals in this court, the village’s assertion that most of them were frivolous appears to be based on the implicit premise that a failure to prevail necessarily implies frivolousness. An example illustrates the flaw in this logic. In *State ex rel. Ames v. Three Rivers Local School Dist. Records Comm.*, 2024-Ohio-2686, Ames asked for a writ of mandamus compelling the respondent commission to produce four categories of records he had requested under R.C. 149.43. The requested writ was

ultimately denied. *Id.* at ¶ 21. However, that denial was based on the commission’s production of certain records after Ames had filed his complaint, *id.* at ¶ 10, and the commission’s affidavit averring that no other responsive records existed, *id.* at ¶ 11-13. *Three Rivers* therefore cuts against the proposition that a failure to succeed equates to frivolous conduct.

{¶ 66} In sum, while it is true that Ames is a high-volume filer, the village’s failure to conduct a particularized inquiry into the frivolousness of those filings or the repetitious nature of the arguments raised gives us little on which to conclude that Ames has violated S.Ct.Prac.R. 4.03(A) “habitually or persistently,” S.Ct.Prac.R. 4.03(B), such as by repeatedly raising rejected arguments. Nor should this court be tasked with combing through our docket to identify actions or appeals Ames has filed or arguments he has made that support the village’s request that he be declared to be a vexatious litigator. *See In re Application of Columbus S. Power Co.*, 2011-Ohio-2638, ¶ 19 (“it is not generally the proper role of this court to develop a party’s arguments”). Because the village in this case has failed to sufficiently develop the record to establish that Ames meets the criteria to be declared a vexatious litigator, we deny the village’s request that Ames be declared a vexatious litigator under S.Ct.Prac.R. 4.03(B).

9. *The village’s motion to strike Ames’s notice of relevant authority (Feb. 24, 2026)*

{¶ 67} In its February 24 motion, the village takes aim at a notice of relevant authority that Ames filed on February 23, in which he calls our attention to *State ex rel. Ames v. Kinsman Twp. Bd. of Trustees*, 2026-Ohio-605 (11th Dist.). The village argues that Ames’s notice is “insufficient, immaterial, and impertinent” because the case before us today has “nothing to do with” R.C. 121.22, which *Kinsman Twp.* addresses. The village further characterizes Ames’s filing as “throwing yet another ‘wrench into our well-oiled system [to] disrupt the wheels of justice.’” (Bracketed text in original.) Respondent’s Motion to Strike at 1-2,

quoting *State ex rel. Tingler v. Franklin Cty. Prosecutor’s Office*, 2023-Ohio-640, ¶ 2 (Fischer, J., concurring).

{¶ 68} The village does not cite any statute, civil rule, rule of practice, or decision of this court in support of its motion. Under S.Ct.Prac.R. 16.08, a party may file a citation to a relevant authority, without additional argument, if the authority was issued after the deadline for filing the party’s merit brief had passed. Ames’s notice satisfies the timing requirement, as *Kinsman Twp.* was decided on February 23, 2026, *see* 2026-Ohio-605, while Ames’s merit brief was due by January 23, *see* 2025-Ohio-5682. Although the relevance of Ames’s citation is fleeting at best, 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, and we do not encourage the filing of motions to strike “over every bit of irrelevant information,” *State ex rel. Repeal the Lorain Cty. Permissive Sales Tax Commt. v. Lorain Cty. Bd. of Elections*, 2017-Ohio-7648, ¶ 7 (considering motion to strike under Civ.R. 12(F)). We therefore deny the village’s motion.

10. The village’s revised motion for oral argument (Mar. 9, 2026)

{¶ 69} In its March 9 motion, the village requests oral argument. However, as the village recognizes, we “seldom grant” such requests when the parties’ briefs are “sufficient for us to resolve the issues raised,” *State ex rel. Ruble v. Switzerland of Ohio Local School Dist. Bd. of Edn.*, 2025-Ohio-1510, ¶ 10. *See also State ex rel. Lorain v. Stewart*, 2008-Ohio-4062, ¶ 17 (oral argument is discretionary in original actions filed in the Supreme Court). Although we may grant oral argument when the case “involves a matter of great public importance, complex issues of law or fact, a substantial constitutional issue, or a conflict among courts of appeals,” *State ex rel. Davis v. Pub. Emps. Retirement Bd.*, 2006-Ohio-5339, ¶ 15, the village does not point in this case to any such matter, issue, or conflict, and the parties’ briefs are sufficient to resolve the issues that have been raised. Because oral

argument would not substantially assist us in resolving the case, we deny the village's motion.

11. The village's motion to strike Ames's response in opposition to the second revised motion to dismiss (Mar. 31, 2026)

{¶ 70} In its March 31 motion, the village asks us to strike Ames's March 30 response in opposition to the village's March 23 second revised motion to dismiss. The basis of the March 31 motion appears to be the village's contention that Ames's "response is insufficient to the claims and defenses raised" in the village's March 23 motion to dismiss and that the response "contains redundant, immaterial, impertinent, and scandalous matters."

{¶ 71} We deny the village's motion to strike. In general, in opposing the March 23 motion, Ames argues that he is not prosecuting this action "on behalf of the state." As explained in Part II(A) above, he is correct. Nor does his response appear to contain any particularly redundant, immaterial, impertinent, or scandalous matters. Although Ames's response strongly suggests that the village's counsel should be sanctioned under Civ.R. 11 for filing the March 23 motion to dismiss in the first instance, it stops short of specifically requesting any relief other than denial of the village's motion, and we therefore do not consider the response as a request for relief within the meaning of S.Ct.Prac.R. 4.01(A)(1) ("Unless otherwise addressed by these rules, an application for an order or other relief shall be made by filing a motion.").

12. The village's motion for sanctions and a vexatious-litigator declaration (Apr. 1, 2026)

{¶ 72} In its April 1 motion, the village requests sanctions against Ames under Civ.R. 11, S.Ct.Prac.R. 4.03(A), R.C. 2323.51, and R.C. 149.43(C)(6) specifically for Ames's March 30 filing of his response in opposition to the village's second revised motion to dismiss and to strike. The village asks us to order Ames to pay its reasonable attorney fees, costs, and expenses incurred in filing the motion

for sanctions as well as those incurred in filing the March 31 motion to strike. It also asks that we “consider” Ames’s March 30 response in opposition when ruling on the village’s requests for sanctions and for a vexatious-litigator declaration more broadly. Ames did not respond to the motion.

{¶ 73} We deny the village’s motion. Far from being frivolous under either S.Ct.Prac.R. 4.03(A) or Civ.R. 11, the arguments Ames raised in opposing the motion are meritorious; indeed, we deny the village’s March 23 second revised motion to dismiss on the grounds Ames urged. For the same reason, Ames’s March 30 response is not evidence of “habitual[] or persistent[]” frivolous conduct, S.Ct.Prac.R. 4.03(B), as required to warrant a vexatious-litigator declaration.

13. Ames’s motion for leave to file revised response in opposition to the village’s second revised motion to dismiss and to strike all documents filed by Ames (Oct. 5, 2026)

{¶ 74} On October 5, 2026, Ames filed a motion for leave to file a revised response in opposition to the village’s March 23, 2026 second revised motion to dismiss and to strike. As explained in Part II(A) above, in the village’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 action on behalf of the State of Ohio in violation of R.C. 4705.01 and applicable laws.”

{¶ 75} In his March 30 response in opposition to the village’s second revised motion to dismiss and to strike, Ames represented that either the village or its counsel, Matthew John Markling, had filed with the Office of Disciplinary Counsel a complaint against Ames alleging that Ames was engaging in the unauthorized practice of law. Attached to the proposed revised response in opposition that he seeks leave to file, Ames submitted a letter that counsel for the Ohio State Bar Association (“OSBA”) sent to Markling on September 29, 2026. The letter indicates that after the OSBA’s Unauthorized Practice of Law Committee

reviewed the allegations against Ames, it “determined that it d[id] not have sufficient credible evidence to prove that Mr. Ames engaged in the unauthorized practice of law.” The letter also indicates that the OSBA case was dismissed and that the OSBA had 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 village’s second revised motion to dismiss lacks merit and must be denied.

{¶ 76} The only difference between Ames’s proposed revised response in opposition and his original response in opposition is the attachment of the September 29 letter and his brief discussion of it. The OSBA’s resolution of a complaint alleging the unauthorized practice of law is immaterial to our consideration of the purported jurisdiction issue presented in the village’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 village’s March 23, 2026 second revised motion to dismiss.

14. The village’s motion to strike Ames’s motion for leave to file revised response in opposition to the village’s second revised motion to dismiss and to strike (Oct. 6, 2026)

{¶ 77} On October 6, the village filed a motion to strike Ames’s October 5 motion for leave to file a revised response in opposition to the village’s second revised motion to dismiss and to strike. The village 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 by attaching the revised document to the motion for leave, as Ames has done here. The material to which the village objects is not before this court until leave is granted, and as explained immediately above, we deny Ames’s motion for leave. We therefore deny the village’s October 6 motion to strike Ames’s October

5 motion for leave, and we construe the village’s motion to strike as a response in opposition to Ames’s motion for leave.

15. The village’s demand for a sanctions hearing (Oct. 7, 2026)

{¶ 78} On October 7, the village filed a demand for a sanctions hearing. The village contends that “nestled within” Ames’s October 5 motion for leave and his October 6 response in opposition to the village’s October 6 motion to strike are requests for sanctions. Based on Ames’s purported requests for sanctions, the village “demands a sanctions hearing.” However, the village 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 village’s demand for a sanctions hearing.

III. CONCLUSION

{¶ 79} For the foregoing reasons, we grant the village’s third revised motion to dismiss, dismiss Ames’s complaint, deny Ames’s motion for leave to file a revised response to the village’s second revised motion to dismiss and to strike, and deny each of the village’s remaining motions and requests.

Cause dismissed.

Brian M. Ames, pro se.

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