The Supreme Court of Ohio

CASE ANNOUNCEMENTS

November 5, 2026

[Cite as *11/05/2026 Case Announcements #2*, 2026-Ohio-4393.]

MERIT DECISIONS WITHOUT OPINIONS

2026-1444. Ohio High School Athletic Assn. v. Fifth Dist. Court of Appeals Judges.

In Prohibition. On motion to intervene as respondents of Brayton Feister and Brydon Feister by and through his father and natural guardian, Bryant Lee Feister. Motion granted. Respondents' motion to dismiss granted for failure to state a claim for relief in prohibition. Relator's motion for emergency stay and expedited alternative writ denied as moot. Cause dismissed.

Kennedy, C.J., and Fischer, DeWine, Deters, and Shanahan, JJ., concur.

Brunner, J., concurs, with an opinion.

Hawkins, J., not participating.

BRUNNER, J., concurring.

{¶ 1} I concur in the court's judgment granting the motion to dismiss filed by respondents, judges of the Fifth District Court of Appeals. Relator, the Ohio High School Athletic Association ("OHSAA"), cannot establish that the Fifth District patently and unambiguously lacked jurisdiction over the appeal filed by the family of two high-school athletes seeking to continue to play high-school football while OHSAA rules prohibit them from playing.

{¶ 2} I do, however, raise questions about the Fifth District's decision to grant the family's motion for an injunction pending appeal against OHSAA. The Fifth District's decision does not evince or explain why there was good cause for granting its injunction when the trial court denied the same injunctive relief after a full-day evidentiary hearing on the question and issued a 21-page decision with findings of fact and conclusions of law.

{¶ 3} When a court of appeals reviews a trial court's judgment granting or denying injunctive relief, it must apply a highly deferential standard and may reverse the trial court's decision on the injunction only if the trial court abused its discretion. *See Hicks v. Clermont Cty. Republican Cent. Commt.*, 2024-Ohio-3049, ¶ 16 (12th Dist.). Because the Fifth District's injunction enjoins OHSAA from preventing the boys from participating in the remainder of the 2026 high-school football season, which is almost over, the Fifth District for all intents and purposes reversed the trial court's judgment. And it did so based only "[u]pon consideration of the motion and response" and without a record or review of the deliberative process engaged in by the trial court.

{¶ 4} Notwithstanding this, the only issue before this court is whether the Fifth District had jurisdiction to issue the injunction, not the propriety of the injunction. OHSAA has not placed before us an appeal questioning the injunction's propriety, and thus, I agree with the majority that dismissal of the action challenging the jurisdiction of the court of appeals is proper.
