[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State ex rel. Ames v. Stow-Munroe Falls City School Dist. Bd. of Edn.*, Slip Opinion No. 2026-Ohio-4627.]

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SLIP OPINION NO. 2026-OHIO-4627

THE STATE EX REL. AMES, APPELLANT, *v.* STOW-MUNROE FALLS CITY 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. Stow-Munroe Falls City School Dist. Bd. of Edn.*, Slip Opinion No. 2026-Ohio-4627.]

Mandamus—Public-records requests—R.C. 149.43(C)—Causes dismissed in case Nos. 2025-1366 and 2025-1474 because relator failed to comply with the procedural requirements of R.C. 149.43(C)(1) by transmitting his pre-suit complaints only by e-mail—Writ denied in case No. 2025-1424 because relator failed to prove by clear and convincing evidence that school board has a clear legal duty based on board policy to add meeting locations to previously published meeting minutes or that he has a clear legal right to that relief—Relator's requests for statutory damages, attorney fees, and court costs in case No. 2025-1424 denied.

(Nos. 2025-1366, 2025-1424, and 2025-1474—Submitted August 4, 2026—Decided November 24, 2026.)

IN MANDAMUS.

The per curiam opinion below was joined by KENNEDY, C.J., and FISCHER, DEWINE, BRUNNER, DETERS, HAWKINS, and SHANAHAN, JJ.

Per Curiam.

{¶ 1} This opinion addresses three original actions in mandamus filed in October and November 2025 by relator, Brian M. Ames, against respondent, the Stow-Munroe Falls City School District Board of Education. In case Nos. 2025-1366 and 2025-1474, Ames seeks writs of mandamus ordering the production of documents that he claims are public records. In case No. 2025-1424, Ames seeks a writ of mandamus ordering the board to amend the minutes of four meetings it held in 2025. He also seeks awards of statutory damages, attorney fees, and court costs in each case.

{¶ 2} We previously consolidated the three cases and granted an alternative writ. 2025-Ohio-5682. Because Ames failed to comply with the procedural requirements of R.C. 149.43(C)(1) regarding service of his pre-suit complaints in case Nos. 2025-1366 and 2025-1474, we sua sponte dismiss those actions. And because Ames has not established his entitlement to the extraordinary relief he seeks in case No. 2025-1424, we deny the writ in that case and deny Ames's requests for statutory damages, attorney fees, and court costs.

{¶ 3} In addition to evidence and merit briefs, the parties have filed numerous motions peripheral to the merits of these cases. For the reasons set forth below, we deny all the motions.

I. BACKGROUND

{¶ 4} Ames is a resident of Randolph Township in Portage County. In October and November 2025, he filed three original actions in mandamus against the board.

A. Case No. 2025-1366

{¶ 5} On July 28, 2025, Ames emailed a public-records request to the school district's treasurer, asking for the following records:

> 1. the notices of policy committee meetings held since January 1, 2024.
> 2. the agendas for policy committee meetings held since January 1, 2024.
> 3. the minutes for policy committee meetings held since January 1, 2024.

On August 22, the treasurer responded that the school district had no records responsive to Ames's request. On October 7, Ames sent to the treasurer the "Court of Claims public records access formal complaint" ("pre-suit complaint") required by R.C. 149.43(C)(1),[1] disputing the treasurer's response to the July 28 request. He transmitted the pre-suit complaint by email.

{¶ 6} In the meantime, on October 3, Ames emailed the treasurer a second public-records request, asking for the following records:

> 1. the notices of policy committee meetings scheduled to be held since August 1, 2025.
> 2. the agendas of policy committee meetings scheduled to be held since August 1, 2025.

1. Recent amendments to the Public Records Act, R.C. 149.43, require a person allegedly aggrieved by a violation of the act to serve the public office that responded to the person's public-records request with the pre-suit complaint and allow the office an opportunity to cure the response before the person may file a mandamus action. *See* R.C. 149.43(C)(1) and (2), 2024 Sub.H.B. No. 265, (effective Apr. 9, 2025).

3. the minutes for policy committee meetings scheduled to be held since August 1, 2025.

The treasurer replied on October 10, asserting that the requested records did not exist. Ames sent a pre-suit complaint to the treasurer on October 12, disputing the treasurer's response to the October 3 request. He transmitted this pre-suit complaint by email as well.

{¶ 7} On October 17, Ames filed a verified complaint for a writ of mandamus, seeking the production of the six sets of records he requested on July 28 and October 3. He also requests awards of statutory damages, attorney fees, and court costs. Ames did not submit as a separate document or filing the written affirmation required by R.C. 149.43(C)(2) (requiring that a requester, upon filing a mandamus complaint, file "in conjunction with" the complaint a "written affirmation" stating the requester's compliance with the procedural requirements of R.C. 149.43(C)(1)). Within his mandamus complaint, however, Ames alleges that he served the pre-suit complaints as required by R.C. 149.43(C)(1), that the failures alleged in the complaints were not cured or otherwise resolved, and that the complaints were transmitted to the public office or person responsible for public records at least three business days before he filed the suit.

B. Case No. 2025-1424

{¶ 8} On October 27, 2025, Ames filed a verified complaint for a writ of mandamus to compel the board to "prepare full an[d] accurate" minutes of the meetings it held on January 6, January 28, February 24, and March 17, 2025, such that they "include the place where [each] meeting was held." He alleges that the board adopted a policy, Policy No. 0168, that requires it to "keep reasonably comprehensive minutes of all its meetings showing the time and place," among other things. He contends that the meeting minutes for the four specified dates do not show the place where the meeting was held, in violation of that policy. Ames

also requests awards of statutory damages, attorney fees, and court costs in this action.

C. Case No. 2025-1474

{¶ 9} On October 7, 2025, Ames emailed a third public-records request to the school district's treasurer, asking for the following records:

> 1. the issues of the Superintendent's Weekly Connection for the years 2024 and 2025.
>
> 2. the notices of meetings of the Policy Committee for the years 2024 and 2025.
>
> 3. the notes and/or minutes taken in meetings of the Policy Committee for the years 2024 and 2025.
>
> 4. records documenting the membership of the Policy Committee for the years 2024 and 2025.

The treasurer emailed a response on October 28, asserting several objections and denying the request in part but providing numerous responsive records.

{¶ 10} Ames replied by email on October 28, disputing the treasurer's response to the October 7 public-records request. The treasurer responded to Ames's concerns on October 31. Two days later, Ames sent a pre-suit complaint to the treasurer, alleging various deficiencies in the treasurer's response. As he did with the two pre-suit complaints in case No. 2025-1366, Ames transmitted this one by email. The treasurer responded on November 4 in an effort to cure the deficiencies alleged by Ames.

{¶ 11} Three days later, on November 7, Ames filed a verified complaint for a writ of mandamus, seeking the production of unredacted copies of all the public records he requested on October 7. He also requests awards of statutory damages, attorney fees, and court costs. As in case No. 2025-1366, Ames did not

submit the R.C. 149.43(C)(2) written affirmation in case No. 2025-1474 as a separate document or filing but he did include the statements required by the statute as allegations within his verified complaint.

D. Consolidation and Motions

{¶ 12} In its answer to the complaint in each case, the board included a section titled "counterclaim/motion," alleging that Ames had engaged in frivolous and vexatious conduct. On December 24, 2025, this court consolidated the three cases and granted an alternative writ, setting a schedule for the submission of evidence and briefs. 2025-Ohio-5682.[2] We held the "counterclaim[s]/motion[s]" in abeyance and treated them as requests to declare Ames to be a vexatious litigator and for sanctions. *Id*.

{¶ 13} The parties have filed evidence and merit briefs, and they also have filed a plethora of motions, which we address in Part II(D) below.

II. ANALYSIS

A. Subject-Matter Jurisdiction

{¶ 14} As a preliminary matter, we address the board's contention that we lack subject-matter jurisdiction over the consolidated cases. *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

2. Prior to consolidating the cases, we denied the board's motion to refer case No. 2025-1366 to mediation and its motion for leave to file a revised motion to refer the case to mediation and denied as moot Ames's motion to strike the revised motion. 2025-Ohio-4872. We also denied the board's motions to refer case Nos. 2025-1424 and 2025-1474 to mediation. 2025-Ohio-4949; 2025-Ohio-5112. In our order consolidating the cases and granting an alternative writ in case No. 2025-1366, we denied the board's revised motion to correct the online docket and motion to strike page 8 of Ames's response in opposition to the revised motion to correct the online docket. 2025-Ohio-5682. We also denied Ames's motion to strike or dismiss the counterclaim in all three cases. *Id*. In addition, in case No. 2025-1424, we denied Ames's motion to strike matter from the board's answer. *Id*.

"'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).

{¶ 15} 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 case Nos. 2025-1366, 2025-1424, and 2025-1474, which are all mandamus actions filed originally in this court. For the reasons explained below, we conclude that the board's arguments to the contrary are meritless.

{¶ 16} First, the board argues 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 these actions.[3] Even if Ames failed to comply with one or more of those requirements—an issue discussed 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.

{¶ 17} Second, the board argues in its March 23, 2026 revised motion to dismiss 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

3. Specifically, the board argues that jurisdiction is lacking because (1) Ames did not serve the "safe-harbor complaints" (i.e. pre-suit complaints) on the board's treasurer under Civ.R. 4 as required by R.C. 149.43(C)(1); (2) Ames refused to make good-faith attempts to cooperate with the board to cure the failures alleged in the pre-suit complaints; (3) Ames's pre-suit and mandamus complaints are not identical; (4) Ames did not file the written affirmations required by R.C. 149.43(C)(2) separately from the mandamus complaints; (5) Ames filed his mandamus complaints before the expiration of the three-business-day cure period mandated by R.C. 149.43(C)(1). The board also argues that jurisdiction is lacking because R.C. 121.22 claims cannot be brought in the name of the state of Ohio—despite the fact that Ames has not pleaded a claim based on R.C. 121.22 in the consolidated cases.

State of Ohio" in violation of R.C. 4705.01. Preliminarily, the board's premise is mistaken. A person who commences a mandamus action in the name of the State of Ohio on his own relation, *see* R.C. 2731.04, does not engage in the unauthorized practice of law under R.C. 4705.01. *State ex rel. Ames v. W. Geauga Local School Dist. Bd. of Edn.*, 2026-Ohio-4076, ¶ 88. And even granting the board its premise, we have never held that a party's unauthorized practice of law would implicate the court's subject-matter jurisdiction. Because we possess subject-matter jurisdiction over original mandamus actions, we decline to dismiss the consolidated cases on jurisdictional grounds.

B. Case Nos. 2025-1366 and 2025-1474

{¶ 18} In case Nos. 2025-1366 and 2025-1474, Ames seeks writs of mandamus to compel the board to produce various records that he requested on July 28, October 3, and October 7, 2025. A writ of mandamus is an appropriate remedy to compel compliance with Ohio's Public Records Act, R.C. 149.43. *State ex rel. Wells v. Lakota Local Schools Bd. of Edn.*, 2024-Ohio-3316, ¶ 11.

{¶ 19} However, before commencing a mandamus action alleging a Public Records Act violation, Ames was required to comply with the statute's notice and cure requirements. He did not do so. R.C. 149.43(C) requires a person allegedly aggrieved by a violation of the statute to follow specific procedures before filing a mandamus action. *See* R.C. 149.43(C)(1) and (2); *see also State ex rel. Jordan v. Dept. of Rehab. & Corr.*, 2025-Ohio-3051, ¶ 4 (DeWine, J., concurring). Specifically, R.C. 149.43(C)(1) 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 "shall not file a complaint with a court or commence a mandamus action" until the three-business-day period has expired. *Id.* The statute also provides that upon filing a mandamus complaint with the court, the requester shall file "in conjunction with" the complaint a "written affirmation" stating the requester's compliance with the pre-suit procedures. R.C. 149.43(C)(2). Finally, the statute provides that if the requester fails to file the affirmation in accordance with R.C. 149.43(C)(2), "the suit shall be dismissed." *Id*.

{¶ 20} In *State ex rel. Ames v. Andover Village Council*, 2026-Ohio-4193, ¶ 16, we addressed 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), and held that service by email fails to comply with the statute. In case Nos. 2025-1366 and 2025-1474, Ames transmitted the pre-suit complaints only by email. Because email is not a method of service authorized by Civ.R. 4, Ames failed to comply with the pre-suit procedures of R.C. 149.43(C)(1), which requires service "pursuant to Rule 4 of the Ohio Rules of Civil Procedure."

{¶ 21} When a relator in a potential public-records mandamus action fails to effect proper service of the pre-suit complaint as required by R.C. 149.43(C)(1), dismissal is appropriate for two reasons. First, the statute prohibits a person from commencing a mandamus action within the cure period. It provides that upon receipt of a pre-suit complaint served under Civ.R. 4, the public office has three business days to cure or otherwise address the alleged failure, and a person allegedly aggrieved by the public office's violation of the Public Records Act "shall not . . . commence a mandamus action under [R.C. 149.43] within the three-day

period." Second, R.C. 149.43(C)(1) authorizes a person to commence a public-records mandamus action only after the three-business-day cure period has expired. It provides that "[u]pon the expiration of the three-day period, the person allegedly aggrieved may, subject to the [written-affirmation requirements of R.C. 149.43(C)(2)], do only one of the following, and not both": file a complaint in the Court of Claims or a court of common pleas under R.C. 2743.75 or commence a mandamus action under R.C. 149.43(B). Thus, because the Public Records Act requires a three-business-day cure period, and the cure period begins upon service of the pre-suit complaint, proper service of the pre-suit complaint is a condition precedent under R.C. 149.43(C)(1) for commencing a public-records mandamus action.

{¶ 22} Here, by failing to properly serve his pre-suit complaints on the board as R.C. 149.43(C)(1) requires, Ames failed to satisfy a statutory filing prerequisite. As a result, he was never authorized to file—and in fact was prohibited from filing—these two suits in the first instance. Accordingly, we dismiss sua sponte the mandamus complaints that Ames filed in case Nos. 2025-1366 and 2025-1474.

C. Case No. 2025-1424

{¶ 23} In case No. 2025-1424, Ames seeks a writ of mandamus ordering the board to amend the minutes of four meetings it held in 2025 by adding the place where each meeting was held. According to Ames's complaint, the minutes of board meetings held on four dates in 2025—January 6, January 28, February 24, and March 17—do not show the meeting location. Although Ames asks us for "any other relief available under R.C. 149.43 or R.C. 2731.01 et seq. [governing writs of mandamus]," the mandamus claim he asserts in case No. 2025-1424 is not based on a violation of the Public Records Act.

{¶ 24} To obtain a writ of mandamus, Ames must establish a clear legal right to the requested relief, a clear legal duty on the part of the board to provide it,

and the lack of an adequate remedy in the ordinary course of the law. *State ex rel. Shie v. Ohio Adult Parole Auth.*, 2022-Ohio-270, ¶ 8. However, Ames does not allege in his complaint, or argue in his briefing, that the board has a clear legal duty to correct its meeting minutes, that he has a clear legal right to have those corrections made, or that he lacks an adequate remedy in the ordinary course of the law. He alleges merely that he "is a person aggrieved by the failure to prepare, file, and maintain full and accurate meeting minutes for said meeting[s]." Although the board's alleged duty to include meeting locations in its minutes might be construed as arising under the Open Meetings Act, R.C. 121.22, which "requires a public body to prepare, file, and maintain minutes of its meetings," *State ex rel. Ames v. Portage Cty. Bd. of Commrs.*, 2021-Ohio-2374, ¶ 21, Ames does not assert a claim under that statute in this action.

{¶ 25} Instead, Ames relies on a policy regarding meeting minutes adopted by the board—Policy No. 0168—and asserts that the board has violated this policy. Policy No. 0168 provides:

> The Treasurer shall keep reasonably comprehensive minutes of all its meetings showing the time and place, the members present, the subjects considered, a summary of the deliberations sufficient enough for the public to understand the basis for the Board's actions, the actions taken, the vote of each member on roll-call votes, and any other information required to be shown in the minutes by law, which shall be promptly prepared, filed, and available to the public.

In his merit brief, Ames argues that the General Assembly "has specifically enjoined boards of education with rule-making duties by enacting R.C. 33[1]3.20" and that any rules established by a board of education under that authority "must govern such [a] board, its employees, pupils of its schools, and all other persons

entering upon its school grounds or premises." *See* R.C. 3313.20(A) (providing that a school district's board of education shall make any rules necessary for its government and the government of its employees, the pupils of its school, and all other persons entering school premises). Ames alleges in his complaint that the board adopted another policy—Policy No. 0131—"[i]n furtherance of that specific duty" under R.C. 3313.20. Policy No. 0131, in turn, states that the board "shall make such rules and regulations as are necessary for its governance and the governance of its employees and students o[n] its grounds or premises by adopting bylaws and policies for the organization and operation of th[e] Board and th[e] School District and shall be bound to follow such bylaws and policies." Ames does not develop this argument any further, but he implies that the board must follow Policy No. 0168 because it adopted Policy No. 0131 under the rulemaking authority granted by R.C. 3313.20.

{¶ 26} Ames has not established that he is entitled to the relief he requests. Policy No. 0168 does not impose a clear legal duty on the board to correct its meeting minutes to show where certain meetings were held in 2025. "[T]he creation of a duty enforceable in mandamus is the function of the legislative branch of government." *Shie*, 2022-Ohio-270, at ¶ 11, citing *State ex rel. Clough v. Franklin Cty. Children Servs.*, 2015-Ohio-3425, ¶ 15. "An internal policy of an agency does not create a legal duty enforceable in mandamus." *Id*.; *see also State ex rel. Aaron's, Inc. v. Ohio Bur. of Workers' Comp.*, 2016-Ohio-5011, ¶ 26; *State ex rel. Ellis v. Chambers-Smith*, 2024-Ohio-1615, ¶ 13. Thus, the board's policy regarding meeting minutes does not establish a clear legal duty that is enforceable in mandamus. To the extent that such a duty might exist under the Open Meetings Act, Ames does not assert a claim under that statute or allege in his complaint that R.C. 121.22 imposes that duty here. Similarly, Ames has not established that he has a clear legal right under Policy No. 0168 to have the board amend its meeting minutes.

{¶ 27} Because Ames has not proved by clear and convincing evidence that the board has a clear legal duty based on Policy No. 0168 to add meeting locations to previously published meeting minutes or that he has a clear legal right to that relief, we deny the writ in case No. 2025-1424. We also deny Ames's requests for awards of statutory damages, attorney fees, and court costs. In case No. 2025-1424, Ames does not seek the production of public records under R.C. 149.43, so its provisions governing statutory damages, attorney fees, and court costs are inapplicable, and Ames does not cite any other authority in requesting damages. Pro se litigants like Ames are not entitled to attorney fees. *State ex rel. Ullmann v. Klein*, 2020-Ohio-2974, ¶ 15. And the relator in an original action is not entitled to court costs when, as here, the request for a writ is denied. S.Ct.Prac.R. 18.05(A)(2).

D. Motions

{¶ 28} We now proceed to consider the 21 motions currently pending and address them in the order in which they were filed. Except when indicated, the same motion was filed in each of the three consolidated cases.

1. The board's "counterclaim/motion" to declare Ames a vexatious litigator and for sanctions (Nov. 7, 2025)

{¶ 29} In each of its answers to Ames's mandamus complaints, the board asserted a purported counterclaim against him based on the board'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 to strike or, in the alternative, dismiss the counterclaim. In case No. 2025-1366, he also moved for expedited dismissal of the 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. Additionally, in case No. 2025-1424, he moved to strike allegedly redundant, immaterial, and impertinent matter from the board's answer. We denied Ames's motions and ordered that the board's purported counterclaim be held in abeyance

and treated as requests for sanctions and to declare Ames to be a vexatious litigator. 2025-Ohio-5682.

{¶ 30} Construing the board's "counterclaim/motion" as a request for sanctions and for a vexatious-litigator declaration as of the date of its filing (November 7, 2025), we deny it. The board'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 board 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." "The lack of 'meaningful analysis to support [an] argument . . . is grounds alone to reject it.'" (Bracketed text and ellipsis in original.) *Rover Pipeline, L.L.C. v. Harris*, 2025-Ohio-2806, ¶ 62, quoting *Adams v. Harris*, 2024-Ohio-4640, ¶ 62.

2 and 3. The board's motions for leave to file revised evidence (Jan. 21, 2026)

{¶ 31} Both parties timely filed evidence in each of the three consolidated cases by our January 13, 2026 deadline. The board's initial submission of evidence, consisting of two volumes, includes the affidavits of Dr. Felisha Gould, the superintendent of the Stow-Munroe Falls City School District, and Laura Molnar, the board's interim treasurer since January 1, 2026. The affidavits do not expressly state that they are made on the personal knowledge of the affiants and that the affiants are competent to testify to all matters stated in the affidavits. In the revised merit brief he filed on January 16, Ames argues that we should reject Gould's and Molnar's affidavits because they do not satisfy the personal-knowledge, competence, and admissibility requirements of S.Ct.Prac.R. 12.06(A).[4] He

4. On January 23, Ames filed a second revised merit brief that contains the same argument.

specifically cites the absence of the required personal-knowledge and competency language in both affidavits.

{¶ 32} In response, on January 21, eight days after the deadline for the presentation of evidence, the board filed a motion for leave to file revised evidence for each volume, seeking to amend the first paragraph of each affidavit to specify that the affiant is "competent to testify to all matters stated in the . . . affidavit" and that the affidavit "is made on the personal knowledge of the Affiant." Ames opposes the motions.

{¶ 33} 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*, 2025-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.

{¶ 34} Here, Ames filed a revised merit brief before the board filed its motions for leave. Although the board's proposed revision is minor and nonsubstantive—that is, it does not seek to add or remove any substantive averments or exhibits—it also concerns a threshold issue that Ames addressed in his brief. Thus, the proposed revisions raise 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").

{¶ 35} The board argues that Ames would not be prejudiced by admission of the revised affidavits, because "the timeline for Ames to file a revised initial brief shall reset" 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 filing of the board'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, 2025 scheduling order, Ames's deadline to file a merit brief is calculated from the entry of the order, and that order required Ames to file his merit brief by January 23, 2026. *See* 2025-Ohio-5682. Moreover, granting the board's motions for leave to file revised evidence would have no effect on our determination of the merits of Ames's mandamus actions. We need not rely on Gould's or Molnar's affidavits or any of the attached exhibits to conclude that in case Nos. 2025-1366 and 2025-1474, Ames failed to comply with the procedural requirements of R.C. 149.43(C)(1) and that in case No. 2025-1424, he failed to establish his entitlement to the requested extraordinary relief. Accordingly, we deny the board's two January 21 motions for leave to file revised evidence.

4. The board's motion for in camera review (Jan. 23, 2026)

{¶ 36} On January 23, 2026, the board asked for leave to file for our in camera review unredacted copies of unspecified records Ames requested. Attached to its motion, the board includes as an exhibit an email Ames sent the board's counsel, Matthew John Markling, dated January 22, 2026, which purportedly included as an attachment this court's recent opinion in *Boddy*, 2026-Ohio-164.

{¶ 37} In *Boddy*, we held that the respondent had failed to establish that an exemption from the Public Records Act's disclosure requirement applied to a disputed record, in part because the respondent had failed to submit the record under seal for our in camera review, despite having been ordered to do so. *Id.* at ¶ 30. The board, apparently wanting to avoid a similar outcome in the present consolidated cases, preemptively requests leave to submit unredacted copies of records at issue here for our in camera review. Because we do not need to review the disputed records to resolve these cases, we deny the board's motion for in camera review.

5. The board's motion to dismiss (Jan. 27, 2026)

{¶ 38} On January 27, 2026, the board filed a motion to dismiss, alleging that Ames had failed to comply with the written-affirmation requirements of R.C. 149.43(C)(2). The board contends that Ames failed to file a separate written affirmation in each of the consolidated cases.

{¶ 39} In case Nos. 2025-1366 and 2025-1474, both public-records mandamus actions, Ames did not file a written affirmation separately from his complaints. However, he included the required statutory language among the verified allegations in each complaint. In case No. 2025-1366, Ames alleges that he "has complied with R.C. 149.43(C)(1) by serving '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' on August 14, 2025." Ames further alleges that "[t]he failures alleged in the complaints have not been cured or otherwise resolved to [his] satisfaction" and that "[t]he complaints were transmitted to the public office or person responsible for public records at least three business days before the filing of the suit." In case No. 2025-1474, Ames's mandamus complaint includes the same allegations. These allegations mirror the language of the statements that must be included in the written affirmation.

{¶ 40} R.C. 149.434(C)(2) requires the relator in a public-records mandamus action to file a written affirmation "in conjunction with" the complaint. Although the statute appears to contemplate two separate filings ("Upon filing a . . . mandamus action . . . , a person allegedly aggrieved shall file with the court . . . a written affirmation . . . ."), it does not explicitly require the written affirmation to be filed separately or even to be submitted as a separate document attached to the mandamus complaint. In fact, the statute's requirement that the written affirmation be filed "in conjunction with" the mandamus complaint suggests that the written affirmation may be incorporated as part of the complaint itself. Ames

has not violated R.C. 149.43(C)(2) by including the required statements as allegations within his verified complaints rather than in a separate document or filing.

{¶ 41} The board's argument that case No. 2025-1424 must be dismissed because Ames's mandamus complaint omits any kind of written affirmation lacks merit. That case does not involve a public-records request under R.C. 149.43; rather, the complaint requests a writ of mandamus ordering the board to correct its meeting minutes. For that reason, R.C. 149.43(C)(2) does not apply, and Ames was not required to file a written affirmation in case No. 2025-1424.

{¶ 42} Accordingly, we deny the board's January 27 motion to dismiss.

6. The board's motion to stay the briefing schedule (Jan. 27, 2026)

{¶ 43} On January 27, 2026, the board also filed a motion to stay the briefing schedule until we rule on its January 27 motion to dismiss, its January 23 motion for in camera review, and its two January 21 motions for leave to file revised evidence. Because we deny those four motions, as explained in the previous three sections, we also deny the board's January 27 motion to stay the briefing schedule.

7. The board's motion to strike Ames's "initial" brief (Jan. 27, 2026)

{¶ 44} On January 27, 2026, the board also moved to strike Ames's "initial" brief because it allegedly fails to comply with this court's Rules of Practice.[5] Specifically, the board argues that Ames failed to attach to the brief's appendix the "relevant rules or regulations" of the board on which he relies, in violation of S.Ct.Prac.R. 16.02(B)(5)(d), and the statutes on which he relies, in violation of S.Ct.Prac.R. 16.02(B)(5)(e).

{¶ 45} S.Ct.Prac.R. 12.07(A) states that merit briefs in an original action shall conform to the requirements set forth in S.Ct.Prac.R. 16.01 through 16.10. S.Ct.Prac.R. 16.02(B)(5)(d) requires the appellant's brief to contain an appendix

5. In moving to strike Ames's "initial" brief, the board appears to be referring to the second revised merit brief he filed on January 23.

that includes copies of "[a]ny relevant rules or regulations of any department, board, commission, or any other agency, upon which the appellant relies," and S.Ct.Prac.R. 16.02(B)(5)(e) requires the same for "[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 Commt. for Responsible Medicine v. Ohio State Univ. Bd. of Trustees*, 2006-Ohio-903, ¶ 14.

{¶ 46} Here, the board does not suggest that Ames's failure to include this information in the appendix to his merit brief has prejudiced its ability to file a merit brief. Because it has done so and the technical shortcomings of Ames's brief have not hindered our ability to decide the three consolidated cases, we deny the board's motion to strike Ames's "initial" brief.

8. The board's motion for oral argument (Jan. 27, 2026)

{¶ 47} On January 27, 2026, the board also requested oral argument under S.Ct.Prac.R. 17.02(B). "In exercising discretion when determining whether to grant oral argument in an original action, we consider 'whether the case involves a matter of great public importance, complex issues of law or fact, a substantial constitutional issue, or a conflict among the courts of appeals.'" *State ex rel. Hicks v. Fraley*, 2021-Ohio-2724, ¶ 8, quoting *State ex rel. Davis v. Pub. Emps. Retirement Bd.*, 2006-Ohio-5339, ¶ 15. The three consolidated cases do not implicate these factors, and oral argument is not necessary for us to resolve any of the issues raised. Therefore, we deny the board's motion for oral argument.

9. Ames's motion to strike the board's "revised Rule 3.03(B)(2)(a) extension" of time to file the board's brief (Jan. 28, 2026)

{¶ 48} Ames timely filed his merit brief on January 12, 2026.[6] The same day, the board filed a "stipulated extension of time" under S.Ct.Prac.R. 3.03(B)(2)(a)(i) to file its merit brief. That rule permits parties to stipulate to extensions of time to file merit briefs, with the stipulated extension not to exceed 20 days. The board's filing indicates that Ames consented to the board's request for an extension. Thereafter, Ames timely filed a revised merit brief, and then on January 23, 2026, he timely filed a second revised merit brief. Based on our scheduling order, the board's merit brief thus was due by February 12, i.e., within 20 days after the filing of Ames's second revised merit brief. *See* 2025-Ohio-5682; *see also* 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."). On January 26, the board filed a document styled as its "revised Rule 3.03(B)(2)(a) extension of time to file answer brief until March 4, 2026." Because the board had previously filed a "stipulated extension of time" under S.Ct.Prac.R. 3.03(B)(2)(a), the January 26 filing was docketed by the clerk as the board's "revised stipulation to extension of time to file respondent's brief to 3/4/2026." A due date of March 4 for the board's merit brief, as indicated by the caption of this filing, would be a 20-day extension of time.

{¶ 49} On January 27, Ames filed a motion to strike the board's "revised Rule 3.03(B)(2)(a) extension" filing. According to the motion and attached emails, when the board emailed Ames to request that he stipulate to another extension of time under S.Ct.Prac.R. 3.03(B)(2)(a) for the board to file its merit brief, Ames refused to do so. When a stipulation cannot be obtained, as here, S.Ct.Prac.R. 3.03(B)(2)(b)(i) permits a party to file a request for an extension of time to file a

6. Ames filed his merit brief in case No. 2025-1366 on this date. In case Nos. 2025-1424 and 2025-1474, he filed his merit brief the following day.

merit brief, not to exceed ten days and provided that the request states good cause for the extension. Despite the availability of this option for requesting an extension when a stipulation cannot be obtained, the board instead purported to be entitled to additional time to file its merit brief by misleadingly including "Rule 3.03(B)(2)(a) extension" in the caption as well as the body of its January 26 filing—with the result that the clerk docketed that filing as a *stipulated* extension of time, giving the board a 20-day extension.

{¶ 50} In its response in opposition to Ames's motion to strike, the board doubles down on its position by claiming that it was entitled to one "automatic" extension of 20 days as a matter of right under S.Ct.Prac.R. 3.03(B)(2)(a)(ii)—a claim belied by the board's counsel's twice requesting that Ames stipulate to an extension. Moreover, the board is incorrect, as the provision of the rule cited by the board applies only to stipulated extensions of time, and Ames explicitly refused to stipulate to the extension.

{¶ 51} Nevertheless, the board filed its merit brief on February 18, 2026—six days after it was due. Thus, the board filed its brief within the time it would have been allowed had it stated good cause and requested—and we granted—a ten-day extension of time under S.Ct.Prac.R. 3.03(B)(2)(b). Despite the board's apparently deceptive captioning of its "Rule 3.03(B)(2)(a) extension" filing and its patent misreading of the S.Ct.Prac.R. 3.03(B)(2)(a)(ii), we construe the board's filing as a timely request for a ten-day extension under S.Ct.Prac.R. 3.03(B)(2)(b). The filing of such a request automatically extends the time for filing the document for which the extension is sought. S.Ct.Prac.R. 3.03(B)(2)(b)(iii). Accordingly, we deem the board's merit brief timely filed and deny Ames's motion to strike the board's "revised Rule 3.03(B)(2)(a) extension of time" to file its brief.

10. The board's second revised motion for sanctions (Jan. 28, 2026)

{¶ 52} On January 28, 2026, the board filed its second revised motion for sanctions.[7] The board seeks sanctions under R.C. 2747.05(B), S.Ct.Prac.R. 4.03(A), and Civ.R. 11 based on Ames's filing in case No. 2025-1366 of a motion for expedited relief under R.C. Ch. 2747, or the UPEPA, in which he requested the dismissal of the board's purported counterclaims for sanctions and to declare Ames to be a vexatious litigator. The board requests awards of attorney fees, court costs, and other litigation expenses incurred in opposing the motion.

{¶ 53} In *Andover*, we denied the respondent's motion for sanctions because it did not show that Ames's filing of a motion for expedited dismissal under R.C. Ch. 2747 met the standard for sanctions under R.C. 2747.05(B), S.Ct.Prac.R. 4.03(A), or Civ.R. 11. *See* 2026-Ohio-4193 at ¶ 32. The board's second revised motion for sanctions here is nearly identical to the motion for sanctions filed by the respondent in *Andover*, and we deny it for the same reason.

11. The board's motion to strike (Feb. 3, 2026)

{¶ 54} As noted above in Part II(D)(9), on January 26, 2026, the board filed a purported stipulation to an extension of time to file its merit brief, even though Ames had refused to stipulate to the extension. Ames moved to strike the board's filing the next day. On February 3, the board filed a response in opposition to Ames's motion to strike, and it included as part of that filing its own motion to strike parts of Ames's motion to strike. Specifically, the board asks us to strike "as immaterial, impertinent, and scandalous" Part B on pages 2 and 3 of Ames's motion as well as attachment Nos. 6 and 7 to the motion.

{¶ 55} The part of Ames's motion to strike that the board challenges refers to an order in a separate case in which a court of common pleas chided Markling, the board's counsel, for his "ambush litigation strategy to overwhelm a *pro se* party

7. The motion explicitly supersedes the board's January 5 motion for sanctions and, by extension, its January 15 revised motion for sanctions.

substantially all at one time so as to obtain some sort of tactical advantage over the merits of various pending cases." Attachment No. 7 is a copy of that order, and attachment No. 6 is Ames's email responding to Markling's request that Ames clarify whether he was refusing to stipulate to an extension of time; the email includes a screenshot of one of Ames's social-media posts about Markling.

{¶ 56} Although the board is correct that the motion language, social-media post, and court order are "immaterial" to the consolidated actions, the board does not cite any statute, rule of civil procedure, rule of practice, or decision of this court in support of its motion. We have broad discretion in ruling on a motion to strike. *State ex rel. Morgan v. New Lexington*, 2006-Ohio-6365, ¶ 26. Because we may disregard irrelevant material without striking it, *see State ex rel. Repeal the Lorain Cty. Permissive Sales Tax Commt. v. Lorain Cty. Bd. of Elections*, 2017-Ohio-7648, ¶ 7-8, we deny the board's February 3 motion to strike.

12. The board's motion for leave to file revised motion to dismiss for lack of subject-matter jurisdiction (Feb. 6, 2026)

{¶ 57} On February 6, 2026, the board requested leave under S.Ct.Prac.R. 3.13(B)(3) to file a revised motion to dismiss "to fully assert and clarify" its position that this court must dismiss the consolidated cases for lack of subject-matter jurisdiction. The board asserts that because subject-matter jurisdiction is never waived and may be raised at any time, Ames will not be prejudiced if leave is granted.

{¶ 58} S.Ct.Prac.R. 3.13(B)(3) permits a party to file a motion for leave to file a revised document when the time for filing the original document has expired. However, a motion for leave to amend may be denied when the proposed amendment would be futile. *State ex rel. McDougald v. Greene*, 2020-Ohio-2782, ¶ 14. Here, in its proposed revised motion to dismiss, the board argues that dismissal is required for the same reasons it sets forth in its merit brief and in its

January 27 motion to dismiss.[8] As explained above in Part II(A) of this opinion, the board's argument in favor of dismissal—that Ames's alleged failure to comply with the procedural requirements of R.C. 149.43(C)(1) and (2) deprives this court of subject-matter jurisdiction—lacks merit. Thus, the board's proposed revisions to its motion to dismiss would be futile, and we deny its February 6 motion for leave to file a revised motion to dismiss.

13. The board's motion for leave to file second revised evidence (volume one) (Feb. 12, 2026)

{¶ 59} On February 12, 2026, the board filed a motion for leave to file its "second revised evidence."[9] The board previously had sought leave to file revised evidence to add personal-knowledge and competency language to Gould's and Molnar's affidavits that were included with its evidence. In the present motion, the board requests leave to add an "Exhibit H" to its first volume of evidence, apparently as an attachment to Gould's affidavit (although the proposed Exhibit H is not mentioned in the affidavit, which is dated January 21, 2026, and is identical to the affidavit submitted as part of the board's proposed revised evidence on that date). The proposed Exhibit H, titled "Supplemental Exhibits," consists of 200 pages of additional evidence, including what appear to be results of searches for affidavits of disqualification, 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 board's counsel. The

8. In pertinent part, the board argues in its proposed revised motion to dismiss that jurisdiction is lacking because (1) no "safe harbor" complaint (i.e., pre-suit complaint) was filed in case No. 2025-1424, (2) no pre-suit complaint was served in that case, (3) the pre-suit complaints filed in case Nos. 2025-1366 and 2025-1474 were not served as required under Civ.R. 4, (4) the mandamus complaints were filed before the three-business-day cure period expired, (5) the mandamus complaints are not identical to the pre-suit complaints, and (6) separate written affirmations were not filed in conjunction with the mandamus complaints.

9. This filing was docketed as a "revised motion for leave to file revised evidence volume one," but it is not, in fact, a revised motion and thus does not supersede the board's January 21 motion for leave to file a revised volume one of its evidence.

board 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 its motion for leave is granted because it had not (at that time) filed its merit brief and Ames therefore would have the opportunity to respond to any arguments incorporating this evidence in his reply brief.

{¶ 60} The board'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 board knew that it intended to seek sanctions and a vexatious-litigator declaration when filing its answers on November 7, 2025, and most of the additional evidence the board seeks leave to submit existed well before the January 13 deadline. Moreover, at the time the board requested leave, Ames had already filed his revised merit brief. *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).

{¶ 61} Moreover, "[e]vidence 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 H" is styled as an attachment to Gould's affidavit, 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, 2026, while certain parts of the proposed exhibit purport to have been created after that date. The proposed Exhibit H is therefore unauthenticated. *See State ex rel. Johnson v. Higgins*, 2024-Ohio-5174, ¶ 18 (deeming document properly authenticated by affidavit when the affiant had sworn personal knowledge, referred to the document, and described the document and actions taken related to the document).

{¶ 62} For the foregoing reasons, we deny the board's motion for leave to file its second revised evidence (volume one).

14. The board's motion for leave to serve requests for admissions on Ames (Feb. 12, 2026)

{¶ 63} On February 12, 2026, the board also 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 board sought leave to file in its February 12 motion for leave to file second revised evidence—i.e., evidence regarding Ames's filings in this court (including affidavits of disqualification, appeals, and original actions), his social-media posts, and emails exchanged between Ames and the board's counsel. The board asserts that this evidence is relevant to its requests for sanctions and to declare Ames to be a vexatious litigator.

{¶ 64} Here, assuming without deciding that requests for admissions are proper in mandamus actions originating in this court, *see State ex rel. Brown v. Sackett*, 2025-Ohio-2080, ¶ 8, we deny the board's motion for leave to serve them. As noted above, the board's deadline to submit evidence in the three consolidated cases was January 13, 2026, *see* 2025-Ohio-5682, and the board 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 7, 2025 answers. Yet, even had requests for admissions been served the day the board filed its motion for leave, Ames's responses would not have been due until March 12, 2026, 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).

{¶ 65} Moreover, the board'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.) This court "view[s] 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, the underlying cases are mandamus actions seeking writs compelling the board to provide records under the Public Records Act and to amend its meeting minutes. When viewed through this lens, the board's requests for sanctions and to declare Ames to be a vexatious litigator 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).

{¶ 66} For these reasons, we deny the board's motion for leave to serve requests for admissions on Ames.

15. The board's revised motion to dismiss for lack of jurisdiction and to strike all documents filed by Ames (Mar. 23, 2026)

{¶ 67} On March 20, 2026, the board filed a motion to dismiss the three consolidated cases for lack of jurisdiction and to strike all documents filed by Ames. On March 23, the board filed a revised motion explicitly superseding the earlier one. The board argues that this court lacks jurisdiction over the consolidated cases because Ames "is a non-attorney who initiated and prosecuted the instant consolidated action on behalf of the State of Ohio in violation of R.C. 4705.01 and applicable laws." The board also asks us to strike from the record all documents filed by Ames in the consolidated cases. We deny the board's March 23 motion for the reasons stated in Part II(A) above.

16. Ames's motion to disqualify the board's counsel (Apr. 2, 2026)

{¶ 68} Ames filed a motion to disqualify Markling, the board's counsel, "from any further proceedings" because of his alleged continuing violations of the Rules of Professional Conduct. Although the motion is difficult to follow, Ames

appears to argue that Markling violated Prof.Cond.R. 3.3(a) ("Candor toward the tribunal") by failing to inform this court about another court's adjudication of an issue Markling raised before it and asserting meritless arguments regarding Ames's alleged unauthorized practice of law. Ames attaches to his motion over 200 pages of documents, including a grievance that Markling filed with the Office of Disciplinary Counsel against Ames based on Markling's theory that Ames had engaged in the unauthorized practice of law, numerous motions challenging this court's subject-matter jurisdiction based on Ames's alleged unauthorized practice of law that Markling has filed on behalf of other clients in other cases involving Ames, an affidavit of disqualification Markling filed against a judge in another case involving Ames, the chief justice's decision denying that affidavit of disqualification, and various decisions issued by other courts in other cases involving Ames.

{¶ 69} Courts possess the inherent power to disqualify an attorney from a case when the attorney cannot or will not comply with the Rules of Professional Conduct while representing a client. *See Mentor Lagoons, Inc. v. Rubin*, 31 Ohio St.3d 256, 259 (1987). "Disqualification of an attorney is a drastic measure that should not be imposed unless it is absolutely necessary." *Reid v. Reid*, 2023-Ohio-3140, ¶ 24 (6th Dist.). "The burden of proving that disqualification is necessary is upon the moving party." *Horen v. Toledo Pub. School Dist. Bd. of Edn.*, 2007-Ohio-6883, ¶ 22 (6th Dist.).

{¶ 70} Here, Ames asserts that Markling violated Prof.Cond.R. 3.3(a), which provides that a lawyer shall not knowingly "make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer," Prof.Cond.R. 3.3(a)(1), or "fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel," Prof.Cond.R. 3.3(a)(2). However, although Ames refers to, and

has attached to his motion to disqualify, numerous motions filed by Markling, he does not set forth any argument demonstrating how those motions and other filings include false statements of fact or law or constitute legal authority that must be disclosed to this court. We are "not obligated to search the record or formulate legal arguments on behalf of the parties." *State v. Quarterman*, 2014-Ohio-4034, ¶ 19. Because Ames does not develop his legal argument about Markling's alleged violations of Prof.Cond.R. 3.3(a), Ames has failed to meet his burden to prove that the "drastic measure" of disqualification is necessary, *Reid* at ¶ 24. *See Rover Pipeline*, 2025-Ohio-2806, at ¶ 62. Accordingly, we deny Ames's motion to disqualify the board's counsel.

17. Ames's motion for expedited consideration (Apr. 2, 2026)

{¶ 71} In his April 2, 2026 filing, Ames also moves for expedited consideration of his motion to disqualify Markling. Other than asserting that "[j]udicial economy requires the expeditious disqualification of [Markling]," Ames fails to explain why we should expedite consideration of his motion to disqualify. We therefore deny Ames's motion for expedited consideration.

18. The board's motion to strike Ames's motions to disqualify its counsel and for expedited consideration (Apr. 3, 2026)

{¶ 72} On April 3, 2026, the day after Ames filed his motions to disqualify Markling and for expedited consideration, the board filed a motion to strike both motions. The board asserts that Ames's two April 2 motions are "wholly insufficient, redundant, immaterial, impertinent, and scandalous." The board refers to numerous parts of Ames's 219-page filing that purportedly fall within this broad ambit of impermissibility, including Ames's allegations that Markling has committed professional misconduct. With respect to each of these categories, the board merely states without analysis that the material is insufficient, redundant, immaterial, impertinent, and/or scandalous.

{¶ 73} Because Ames's allegations that Markling has committed professional misconduct are part of a motion to disqualify based on alleged violations of the Rules of Professional Conduct, those statements—even if seeming "scandalous" and "impertinent" to Markling—are relevant to the core issue raised in that motion. Ames's references to Markling's frequently repeated and meritless argument that Ames's alleged unauthorized practice of law deprives this court of subject-matter jurisdiction are related to the issue of Markling's candor to the tribunal. Ames's references to the voluminous motions on the same topics that Markling has filed in other cases involving Ames may be redundant but only to the extent that Markling's motions are themselves redundant. Regardless, in its motion to strike, the board does not cite any authority that requires us to strike the challenged motions. We have broad discretion in ruling on a motion to strike. *Morgan*, 2006-Ohio-6365, at ¶ 26. Because we may disregard irrelevant material without striking it, *see Repeal the Lorain Cty. Permissive Sales Tax Commt.*, 2017-Ohio-7648, at ¶ 7-8, we deny the board's April 3 motion to strike Ames's April 2 motions to disqualify Markling and for expedited consideration.

19. The board's motion for sanctions and vexatious-litigator declaration for Ames's April 2, 2026 filings (Apr. 3, 2026)

{¶ 74} On April 3, 2026, the board also filed a motion for sanctions and to declare Ames to be a vexatious litigator for his April 2 motions to disqualify Markling and for expedited consideration. The board requests awards of attorney fees, court costs, and expenses incurred in responding to Ames's April 2 filings and in filing its motion for sanctions. The board also seeks an order declaring Ames a vexatious litigator under S.Ct.Prac.R. 4.03(B) because "his frivolous conduct in the instant consolidated mandamus action is further evidence of his habitual and persistent frivolous conduct before this Honorable Court."

{¶ 75} The board does not explain why Ames's filing of his April 2 motions warrants sanctions or a vexatious-litigator declaration. Like numerous other

motions to strike and for sanctions the board has filed in these three consolidated cases, the present motion asserts without analysis that Ames's April 2 motions are "insufficient, redundant, immaterial, impertinent, and scandalous." Although the board refers to several other cases before this court involving Ames—including *Andover*, 2026-Ohio-4193; *W. Geauga Local School Dist. Bd. of Edn.*, 2026-Ohio-4076; and 2026-0211, *State ex rel. Ames v. W. Geauga Local School Dist. Bd. of Edn.*—it presents no evidence or authority indicating that he has engaged in frivolous or other improper conduct warranting sanctions in those cases or in the present consolidated actions.

{¶ 76} Accordingly, we deny the board's April 3 motion for sanctions and a vexatious-litigator declaration based on Ames's April 2 filings.

20. Ames's motion to strike the board's March 23, 2026 revised motion to dismiss for lack of jurisdiction and to strike all documents filed by Ames (Oct. 6, 2026)

{¶ 77} On October 6, 2026, Ames filed a motion to strike the board's March 23, 2026 revised motion to dismiss the three consolidated cases for lack of jurisdiction and to strike all documents filed by Ames. As explained above in Part II(B)(15) of this opinion, the board argues in its revised motion to dismiss that this court lacks jurisdiction over the consolidated mandamus actions because Ames engaged in the unauthorized practice of law. Ames contends that we must strike the board's revised motion as "sham and false" under Civ.R. 11 because there is no good ground to support its claim that he engaged in the unauthorized practice of law.

{¶ 78} As exhibits to his motion to strike, Ames includes the March 22, 2026 grievance that Markling filed with the Office of Disciplinary Counsel alleging that Ames had engaged in the unauthorized practice of law, a June 30, 2026 letter to Ames from the Ohio State Bar Association ("OSBA") notifying him that an investigation into the allegation had been opened, and a September 29, 2026 letter

to Markling from counsel for the OSBA. The September 29 letter indicates that the OSBA's Unauthorized Practice of Law Committee had reviewed Markling's allegations and "determined that it [did] 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 closed its file on the matter. Ames argues in his October 6 motion to strike that the question of his alleged unauthorized practice of law was "determined" by the OSBA's dismissal of the case and thus that the board had no good grounds to support its revised motion to dismiss for lack of jurisdiction on that basis.

{¶ 79} Ames's motion does not establish that the board's revised motion to dismiss is "sham and false" under Civ.R. 11. The OSBA notified Markling about its determination on September 29—months after the board filed the revised motion to dismiss on March 23. Regardless, the OSBA's resolution of a complaint alleging the unauthorized practice of law 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 motion to strike the board's revised motion to dismiss for lack of jurisdiction and to strike all documents filed by Ames.

21. The board's motion to strike Ames's October 6, 2026 motion to strike (Oct. 7, 2026)

{¶ 80} On October 7, 2026, the board filed a motion to strike Ames's October 6 motion to strike the board's March 23, 2026 revised motion to dismiss and to strike all documents filed by Ames. The board argues that we must strike Ames's motion because (1) it is based solely on unauthenticated, confidential documents that are insufficient, immaterial, and impertinent to the underlying motion to dismiss and (2) the motion was not properly served on the board. Neither argument requires that we strike Ames's motion.

{¶ 81} The board is correct that the documents attached to Ames's motion to strike are not authenticated by affidavit. Nevertheless, we are not required to

strike the motion to which they are attached. These documents—the grievance Markling filed against Ames, the OSBA's notification to Ames about the grievance, and the OSBA's letter informing Markling that it dismissed the case—are irrelevant to our merits determination. We have broad discretion in ruling on a motion to strike, *Morgan*, 2006-Ohio-6365, at ¶ 26, and may disregard irrelevant material without striking it, *see Repeal the Lorain Cty. Permissive Sales Tax Commt.*, 2017-Ohio-7648, at ¶ 7-8.

{¶ 82} Moreover, the board has not shown that Ames's motion to strike was improperly served. Noting that the certificate of service identifies the board's counsel, Markling, as "Counsel for Ohio School Plan," the board asserts that we should strike Ames's motion "for want of a proper certificate of service pursuant to S.Ct.Prac.R. 3.11(E) and applicable rules." However, the applicable rules do not support the board's argument. 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). That provision of the rule provides 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). 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." The certificate of service at issue here states that Ames's motion 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. The fact that the certificate of service mistakenly identifies Markling as counsel for the Ohio School Plan is immaterial. Therefore, the certificate of service in Ames's motion to strike satisfies S.Ct.Prac.R. 3.11(D)(1).

{¶ 83} For the foregoing reasons, we deny the board's October 7 motion to strike Ames's October 6 motion to strike.

III. CONCLUSION

{¶ 84} We sua sponte dismiss the complaints for writs of mandamus in case Nos. 2025-1366 and 2025-1474; deny the writ and relator's requests for awards of statutory damages, attorney fees, and court costs in case No. 2025-1424; and deny all motions pending in the three cases.

Causes dismissed in case Nos. 2025-1366 and 2025-1474;
writ denied in case No. 2025-1424.

Brian M. Ames, pro se.

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