

**IN THE COURT OF APPEALS OF OHIO
ELEVENTH APPELLATE DISTRICT
PORTAGE COUNTY**

STATE OF OHIO ex rel.
BRIAN M. AMES,

Relator,

- v -

HONORABLE THOMAS J.
POKORNY,

Respondent.

CASE NO. 2022-P-0007

Original Action for Writ of Procedendo

PER CURIAM
OPINION

Decided: March 31, 2022
Judgment: Petition granted

Brian M. Ames, pro se, 2632 Ranfield Road, Mogadore, OH 44260 (Relator).

Victor V. Vigluicci, Portage County Prosecutor, and *Christopher J. Meduri*, Assistant Prosecutor, 241 South Chestnut Street, Ravenna, OH 44266 (For Respondent).

PER CURIAM.

{¶1} Relator, Brian M. Ames, filed this petition for a writ of procedendo seeking an order from this court ordering respondent Judge Thomas J. Pokorny to enter final judgment on trial court case number 2019CV00878. Mr. Ames argued that Judge Pokorny had unjustifiably delayed entering judgment in this case. Though not a party to the instant petition, the respondent in the trial court case, the Portage County Board of Commissioners (the “Board”), filed a response to Mr. Ames’ petition. The Board’s response simply provided a copy of its July 2021 filing in the lower court opposing Mr.

Ames' motion for summary judgment. In response, Mr. Ames moved to strike the Board's response and moved for sanctions against the Board for filing a response despite not being party to the instant action. The Board opposed the motion by moving to strike Mr. Ames' motion, noting that it made clear in its response that it was a party to the underlying matter, not a party in the instant action.

{¶2} Thereafter, Judge Pokorny moved to dismiss Mr. Ames' petition on the grounds that the underlying matter has proceeded to judgment and a final order has been issued in regard to Mr. Ames' motion for summary judgment. A copy of that judgment entry was attached. Mr. Ames opposed this motion, arguing the entry is not reviewable because it is "barebones" and does not provide the reasons for its decision. His opposition to Judge Pokorny's motion seeks an order instructing Judge Pokorny to issue a final order which provides the basis of its decision.

{¶3} However, the trial court need not enunciate any definitive statement concerning the court's rationale for ruling on a motion for summary judgment but need only issue "a clear and concise pronouncement of the judgment" and "a sufficient pronouncement of its decision upon which to review the issues raised by appellants' appeal." *Rogoff v. King*, 91 Ohio App.3d 438, 449 (8th Dist. 1993). *See also* Civ.R. 52, *Urda v. Buckingham, Doolittle & Burroughs, LLP*, 9th Dist. Summit No. 22547, 2005-Ohio-5949, at ¶13; *Powers v. Ferro Corp.*, 8th Dist. Cuyahoga No. 79383, 2002-Ohio-2612, at ¶30. As such, the court's entry sufficiently addresses Mr. Ames' motion for summary judgment.

{¶4} However, the underlying case remains open and has been pending since November 2019. In addition to Mr. Ames' initial complaint and prayer for relief, the docket

shows an unresolved motion for a preliminary injunction, pending since November 2019, and an unresolved motion to dismiss counterclaims, pending since January 2020. The recent judgment of the lower court resolves only the motion for summary judgment. Given that the issue Mr. Ames complained of in his writ—the lack of final judgment in the underlying case—has not been resolved by the January 22, 2022 judgment issued by the Portage County Court of Common Pleas, Judge Pokorny’s motion to dismiss is denied. We hereby grant Mr. Ames’ petition for a writ of procedendo to compel Judge Pokorny to rule on the pending motions and to proceed to final judgment in case number 2019CV878. The two outstanding motions to strike and Mr. Ames’ motion for sanctions, as related to the petition at bar, are denied. Respondent’s January 18, 2022 motion is granted as to the request to deny relator’s motion for sanctions and is overruled as to the motion to strike.

{¶5} Petition for writ of procedendo is granted.

THOMAS R. WRIGHT, P.J., CYNTHIA WESTCOTT RICE, J., MATT LYNCH, J., concur.