[Cite as *State ex rel. Ames v. Andover Village Council*, 2026-Ohio-4649.]

IN THE COURT OF APPEALS OF OHIO
ELEVENTH APPELLATE DISTRICT
ASHTABULA COUNTY

STATE OF OHIO ex rel. BRIAN M. AMES, Relator-Appellee, BRIAN M. AMES, Plaintiff-Appellee, - vs - ANDOVER VILLAGE COUNCIL, Respondent/Defendant-Appellant.	**CASE NO. 2026-A-0020** Civil Appeal from the Court of Common Pleas Trial Court No. 2025 CV 00173

OPINION AND JUDGMENT ENTRY

Decided: November 23, 2026
Judgment: Affirmed

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

Matthew John Markling, McGown & Markling, Co., L.P.A., 1894 North Cleveland-Massillon Road, Akron, OH 44333 (For Respondent/Defendant-Appellant).

MATT LYNCH, P.J.

{¶1} Appellant, Andover Village Council ("the Village"), appeals from two judgments of the Ashtabula County Court of Common Pleas striking and denying motions for sanctions filed in an action brought by appellee, Brian M. Ames ("Ames"), who has not filed an answer brief on appeal. For the reasons that follow, we affirm the judgments of the trial court.

{¶2} Our opinion in *State ex rel. Ames v. Andover Village Council*, 2026-Ohio-____ (11th Dist.) ("*Ames I*"), issued simultaneously with the opinion herein, includes a recitation of the procedural history in this matter. The trial court issued the final judgment in this matter on October 24, 2025. Thereafter, the parties continued with motion practice on the issue of sanctions for alleged frivolous conduct. Only the filings relevant to disposition of this appeal are addressed below.

{¶3} On January 12, 2026, the Village filed a "Motion for Sanctions" against Ames. On the same date, the Village filed an affidavit of disqualification with the Ohio Supreme Court, demanding the disqualification and removal of the trial judge from these proceedings.

{¶4} On February 25, 2026, the Village filed a "Revised Motion for Protective Order and Sanctions." This motion addressed Ames's post-appeal service of 187 pages of discovery on the Village, including requests for admissions, interrogatories, and requests for the production of documents.

{¶5} On February 27, 2026, the Chief Justice denied the Village's demand for the trial judge's disqualification. The judgment entry and decision was filed in the common pleas court on March 3, 2026.

{¶6} On March 18, 2026, Ames filed a "Motion for an Award of Expenses and to Strike Pursuant to Civ.R. 11, Motion for an Award of Attorney Fees, Court Costs, and Expenses Pursuant to R.C. 2323.51."

{¶7} On March 23, 2026, the Village filed a "Response in Opposition to the Motion to Strike and for Sanctions, Motion to Strike, and Motion for Sanctions."

{¶8} On or about March 24, 2026, the trial court issued four judgment entries:

> [1.] "Order Granting [the Village's February 20, 2026] Motion for Protective Order and Sanctions." The court awarded the Village attorney fees and expenses, finding as follows: "None of the discovery requests involve the multitudinous sanctions requests in this case, or any post judgment or post appeal matters that could be cognizable under Civil Rule 69. These discovery requests mostly involve issues and litigation from Summit County or other places and issues that have nothing to do with Andover or Ashtabula County. A notice of appeal has been filed from this case, thus, there is no pending action as contemplated by Civil Rule 26. There is no basis for Ames to have propounded this discovery in a post appeal matter."
>
> [2.] "Order Striking [Ames's March 18, 2026] Motion for Award of Expenses, Etc." The court struck Ames's motion, finding it lacked jurisdiction to address the issues raised by Ames and that the motion should have been brought in the court of appeals.
>
> [3.] "Order Re [the Village's] March 23, 2026 Filing." The court denied the Village's request for sanctions pertaining to Ames's March 18 motion because the court had struck Ames's motion for lack of jurisdiction.
>
> [4.] "Order Striking and Denying [the Village's January 12, 2026] Motion for Sanctions." The court ordered the Village's motion stricken pursuant to Loc.R. 5.1(B)(1) and Civ.R. 11; found the motion otherwise not well taken; and advised that any further motions or briefings relative to the topic of sanctions shall be stricken sua sponte and sanctions imposed on the offending party.

{¶9} The Village noticed the instant appeal from the latter two judgment entries, asserting two assignments of error for our review.

{¶10} We first address the trial court's decision pertaining to the Village's January 12, 2026 Motion for Sanctions. In its first assignment of error, the Village contends the trial court erred in striking and denying the motion and refusing to rule on the merits of the same. In its second assignment of error, the Village contends the trial court erred in sua sponte striking the motion as a sanction under Civ.R. 11 without first conducting a sanctions hearing.

{¶11} The trial court gave alternative reasons for its decision, one being that the Village failed to comply with the 10-page limit for post-pleading filings set forth in

Ashtabula County Court of Common Pleas Local Rule 5.1(B)(1). The Village maintains that the court "denied the Village its due process rights and day in court by striking the motion, which complies with all local rules had it [ ] been filed by mail or in person but, because it was fax filed, the motion was two-pages too long for fax filing and, therefore, the Trial Court sua sponte struck the same 71 days after the motion was filed and docketed by the Clerk and without any authority to do so pursuant to Ashtabula Loc.R. 5(B)(1)."

{¶12} The Village's position on this matter is unsustainable.

{¶13} Courts of this state are entitled to adopt rules of local practice so long as they are not inconsistent with any rule governing procedure or practice promulgated by the Supreme Court of Ohio, including the Rules of Civil Procedure. *Vance v. Roedersheimer*, 64 Ohio St.3d 552, 554 (1992), citing Section 5(B), Article IV of the Ohio Constitution, Civ.R. 83 and Sup.R. 9(C). Therefore, a local rule is enforceable only to the extent that it is consistent with the Civil Rules. *Id*.

{¶14} Ashtabula C.P. Loc.R. 5.1(B)(1) states:

> The body or text of any document filed after the Complaint, Answer, Cross-Claim, Counterclaim, and responses thereto, shall not exceed 10 pages in length. Do not attach exhibits or appendages that are not absolutely necessary to pleadings or motions. *Filings that exceed this 10 page limit may be stricken*. The page limit may be exceeded for good cause shown, and any filing exceeding the page limit without leave of Court may be stricken.

(Emphasis added.) *See also* Ashtabula C.P. Loc.R. 1 (stating the court's local rules "are adopted in accordance with Rule 83 of the Ohio Rules of Civil Procedure and, in case of conflict, shall be subordinate to the Ohio Rules of Civil Procedure, Ohio Rules of Criminal Procedure, and Ohio Rules of Superintendence, which are incorporated herein").

{¶15} A local rule requirement that parties shall not exceed a 10-page limit when filing motions is within the authority provided local courts under Civ.R. 83(A), and the Village does not argue that the page limit incorporated in Loc.R. 5.1(B)(1) is inconsistent with the Ohio Rules of Civil Procedure. Accordingly, adopting and publishing the local rule is the process due to litigants and their counsel in this regard.

{¶16} Moreover, contrary to the Village's argument, the motion at issue was 11 pages in length, excluding the certificate of service page and any fax filing pages. The motion clearly exceeded the page limit, the Village did not request leave of court to do so, and the rule explicitly states that a filing in violation of the rule may be stricken.

{¶17} The trial court's decision to strike this filing should not be viewed in a vacuum. As stated in the court's entry, "context is everything." The court explained,

> As of the date of this order, this Court, and the Court of Appeals, have been treated to no less than ELEVEN separate sanctions related filings by [the Village's] counsel, exclusive of proffered findings of fact and conclusions of law, and motions to remand at the Court of Appeals. There have been local rule violations in many of these "unending" sanctions motions, all of which are wildly disproportionate to the narrow substantive legal issues presented in only a portion of the verified complaint. Throughout the motion currently at issue, [the Village's] counsel continues his attacks on this Judge and this Court's Magistrate by mocking and disparaging this Court's orders and opinions as "pure obiter dicta." As such, this attempted motion would add nothing new to the record in this cause other than to manifest counsel's ongoing scorn for the Ashtabula County Common Pleas Court. Such impertinent material is barred by Civil Rule 11.
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> This Court has explained in detail in previous orders and decisions as to why it has not sanctioned Mr. Ames, beyond the order sanctioning him for improper discovery requests. This Court will not repeat these reasons. . . .
>
> This Court granted the partial motion to dismiss partially on the basis that Mr. Ames could not bring a mandamus action and that this Court lacked subject matter jurisdiction on some allegations. This issue will be one for the Court of Appeals to sort and determine [in *Ames I*, 2026-Ohio-____ (11th Dist.)]. However, [aspects of the court of appeals' recent decision in

> *State ex rel. Ames v. Kinsman Twp. Bd. of Trs*., 2026-Ohio-605 (11th Dist.)] at least partially suggest that the verified complaint was not brought in bad faith. Accordingly, sanctions in this case would be inappropriate, especially mindful of the fact that [the Village] *settled* other aspects of the complaint.

(Emphasis in original.)

{¶18} "[I]t is well-established that the trial court's authority to determine whether there has been compliance with its rules is great." *Iacampo v. Oliver-Iacampo*, 2012-Ohio-1790, ¶ 39 (11th Dist.), citing *Pang v. Minch,* 53 Ohio St.3d 186, 194 (1990). "It is also well-settled that the enforcement of local rules is a matter within the discretion of the court promulgating the rules, and a violation of a local rule is generally insufficient support for a reversal." *Id*.; *see also Sandberg v. John T. Crouch Co., Inc.*, 2007-Ohio-7154, ¶ 24 (2d Dist.) ("Decisions regarding these procedural matters are within the discretion of each trial court, and a trial court is under no obligation to accept a motion that fails to comply with the rules.").

{¶19} We discern no abuse of discretion with the trial court's decision to strike the Village's noncompliant Motion for Sanctions for failure to comply with the court's local rules.

{¶20} The Village further contends, under its first assignment of error, that the trial court erred in denying the Village's request for sanctions included in its March 23, 2026 "Response in Opposition to the Motion to Strike and for Sanctions, Motion to Strike, and Motion for Sanctions." In this filing, the Village requested sanctions related to Ames's March 18, 2026 "Motion for an Award of Expenses and to Strike Pursuant to Civ.R. 11, Motion for an Award of Attorney Fees, Court Costs, and Expenses Pursuant to R.C. 2323.51." However, the trial court struck Ames's motion for lack of jurisdiction, indicating that Ames's requests would be properly brought before this court.

{¶21} Again, considering the context—which includes the striking of Ames's motion and, as the trial court described, the Village's "non-stop cavalcade of breathless sanctions demands"—we discern no abuse of discretion with the trial court's decision to deny the Village's request for sanctions as included in its March 23, 2026 filing.

{¶22} Any other issues raised by the Village under its assignments of error are rendered moot by our finding that the trial court's decisions to strike and deny these particular requests for sanctions were within its sound discretion.

{¶23} The Village's assignments of error are without merit.

{¶24} The judgments of the Ashtabula County Court of Common Pleas are affirmed.

JOHN J. EKLUND, J.,

SCOTT LYNCH, J.,

concur.

JUDGMENT ENTRY

For the reasons stated in the opinion of this court, it is the judgment and order of this court that the judgments of the Ashtabula County Court of Common Pleas are affirmed.

All pending motions, including the appellant's motion for sanctions, are overruled.

Costs to be taxed against appellant.

PRESIDING JUDGE MATT LYNCH

JUDGE JOHN J. EKLUND,
concurs

JUDGE SCOTT LYNCH,
concurs

THIS DOCUMENT CONSTITUTES A FINAL JUDGMENT ENTRY

A certified copy of this opinion and judgment entry shall constitute the mandate pursuant to Rule 27 of the Ohio Rules of Appellate Procedure.