

IN THE OHIO COURT OF APPEALS
FIFTH APPELLATE DISTRICT
FAIRFIELD COUNTY, OHIO

STATE EX REL. DAVID E. SMITH,

Relator

-vs-

LAURA B. SMITH, Judge of the
Fairfield County Court of Common
Pleas, Domestic Relations Division,

Respondent

Case No. 2026 CA 00034

Opinion & Judgment Entry

Judgment: Case Dismissed

Date of Judgment: October 19, 2026

BEFORE: Craig R. Baldwin, Robert G. Montgomery, and David M. Gormley, Judges

APPEARANCES: David E. Smith, Pleasantville, Ohio, briefed the case on his own behalf as Relator; R. Kyle Witt (Fairfield County Prosecuting Attorney) and Amy L. Brown-Thompson (Assistant Prosecuting Attorney), Lancaster, Ohio for Respondent.

Gormley, J.

{¶1} Seeking writs of mandamus and prohibition, relator David Smith asks us to (1) compel respondent Judge Laura Smith to remove certain language from a court order that the judge issued in a child-custody case in which Smith was a witness but not a party, and (2) stop the judge from enforcing any similar orders against him in the future. Because Smith's requests are barred by the doctrine of claim preclusion, we dismiss his complaint.

The Key Facts

{¶2} Smith objects to some language in one of the judge's orders in a case entitled *Jason L. Leschinski v. Jacklyn C. Rizer* in the Domestic Relations Division of the Court of Common Pleas of Fairfield County. The respondent judge in our case was the trial judge who heard and decided that underlying domestic-relations case.

{¶3} Smith is now married to the defendant in that trial-court case, in which the plaintiff had asked the trial court to establish the parentage of a minor child and to determine that child’s legal custody. When the judge ruled on the parentage and custody issues in that case, the judge’s order barred the parties from allowing Smith to have any contact with the minor child.

{¶4} Smith’s wife appealed, arguing among other things that the judge should not have included the no-contact order in a case in which Smith was not a party. We affirmed the judge’s decision, concluding that Smith’s wife had no standing to challenge the order on Smith’s behalf. *See Leschinski v. Rizer*, 2026-Ohio-3350, ¶ 14 (5th Dist.).

{¶5} Meanwhile, Smith pursued his own legal challenge to the no-contact provision, filing a petition for a writ of mandamus against the judge at the Supreme Court of Ohio. That court dismissed Smith’s case several months ago. *See State ex rel. Smith v. Smith*, 2026-Ohio-1248.

{¶6} Next, Smith filed this original action here. As he did in the complaint that he filed at the Supreme Court, he asks us to vacate the no-contact order, and he also urges us to limit the judge’s ability to enforce any similar restrictions on him in the future. Both Smith and the judge have now filed evidence in the case, and both of them urge us to grant summary judgment in their favor on Smith’s complaint.

Claim Preclusion Bars Smith from Seeking the Same Relief Here That He Requested from the Supreme Court

{¶7} Under the claim-preclusion doctrine, any claims that “were or might have been litigated in an earlier lawsuit between the parties” are barred where that earlier suit resulted in a “valid final judgment.” *Sheetz, Inc. v. Centerville*, 2026-Ohio-3531, ¶ 8. See also *Lycan v. Cleveland*, 2022-Ohio-4676, ¶ 22 (explaining that under the doctrine of claim preclusion, “an

existing final judgment or decree between the parties to litigation . . . [is] conclusive as to all claims” that were or might have been litigated in the first suit) (quotations omitted).

{¶8} In Ohio, claim preclusion has four elements: “(1) a prior final, valid decision on the merits by a court of competent jurisdiction; (2) a second action involving the same parties, or their privies, as the first; (3) a second action raising claims that were or could have been litigated in the first action; and (4) a second action arising out of the transaction or occurrence that was the subject matter of the previous action.” *Lycan* at ¶ 23, quoting *Hapgood v. Warren*, 127 F.3d 490, 493 (6th Cir. 1997). All four elements are present in this case.

{¶9} To be sure, the Supreme Court, in a one-line order, dismissed the extraordinary action that Smith filed in that court against the judge. Even so, Ohio courts treat that kind of dismissal as a final decision on the merits, so the first of the four claim-preclusion elements is met. *See, e.g.* Civ.R. 41(B)(3) (“A dismissal . . . operates as an adjudication upon the merits unless the court, in its order for dismissal, otherwise specifies”); *Hughes v. Calabrese*, 2002-Ohio-2217, ¶ 13 (“our dismissal of Hughes’s first prohibition action operated as an adjudication on the merits because we did not specify otherwise,” so under the claim-preclusion doctrine, that dismissal “barred Hughes’s second prohibition action”); *State ex rel. O’Donnell v. Vogelgesang*, 91 Ohio App.3d 585, 588 (12th Dist. 1993) (applying the claim-preclusion doctrine and explaining that the “Supreme Court’s dismissal of appellant’s first mandamus complaint operates as an adjudication on the merits).

{¶10} The second claim-preclusion element is also surely met, as this case’s two parties — Smith and the judge — were the parties, as well, in the extraordinary action that Smith pursued at the Supreme Court.

{¶11} The third element, too, lines up in the judge’s favor, as the claims that Smith brings against the judge here are virtually identical to the ones that he brought against her at the Supreme Court. In both cases, Smith has focused his attack on the no-contact order issued by the judge, and he has asked us — as he asked the Supreme Court — to invalidate that order.

{¶12} The fact that Smith seeks writs of prohibition and mandamus here, whereas his Supreme Court suit sought mandamus relief alone, does not change our view that the two cases involve the same claims. Because Smith could have sought a writ of prohibition in his Supreme Court case, claim preclusion bars him from raising the same claim here, under whatever label he attaches to it. *See Sheetz*, 2026-Ohio-3531, at ¶ 22 (“a party who is asserting res judicata as a defense must show, in addition to the other three claim-preclusion elements, that the second action raises claims that were or might have been litigated in the first action”); *Grava v. Parkman Twp.*, 73 Ohio St.3d 379, 382 (1995) (“That a number of different legal theories casting liability on an actor may apply to a given episode does not create multiple transactions and hence multiple claims”) (quotations and citation omitted).

{¶13} Finally, the fourth element of a valid claim-preclusion defense — a common transaction or occurrence linking both cases — is also present, given that Smith’s focus in this extraordinary action, as in his earlier Supreme Court extraordinary action, is on the outcome of the trial-court case in which the no-contact order was issued. In both writ cases, the same facts underlie Smith’s claims, and that is all that the fourth element of the claim-preclusion doctrine requires. *See State ex rel. Hicks v. Adams Cty. Bd. of Elec.*, 2026-Ohio-1274, ¶ 33 (“Under claim preclusion, . . . ‘transaction’ ” is defined as a common nucleus of operative facts”) (quotations omitted); *Lam v. Cleveland*, 2021-Ohio-205, ¶ 55 (8th Dist.) (“Causes of action

share an identity if they are based on substantially the same operative facts, regardless of the relief sought in each suit”) (quotations omitted).

{¶14} Smith nonetheless argues that claim preclusion does not bar him from seeking the same relief here that he sought from the Supreme Court, and he points us to two Supreme Court decisions that he says support his view that the judge acted beyond the scope of her authority by issuing the no-contact order: *State ex rel. Richland Cty. Children Serv. v. Richland Cty. Court of Common Pleas*, 2017-Ohio-9160, ¶ 18 (“The domestic-relations court’s only recourse, upon suspicion of abuse, neglect, or dependency, is to transfer the matter to the juvenile court”); *State ex rel. Ballard v. O’Donnell*, 50 Ohio St.3d 182, 184 (1990) (“a trial court is without jurisdiction to render a judgment or to make findings against a person who was not served summons, did not appear, and was not a party in the court proceedings”).

{¶15} Any concerns that the judge had about Smith’s past conduct with minors should have been addressed, Smith says, not through a no-contact order issued by a judge in a domestic-relations court but instead through proceedings overseen by a juvenile-court judge. And because he was not a party to the trial-court case in which the no-contact order was issued, the judge, Smith says, had no authority to issue an order that applied to him.

{¶16} Whatever the merits may be of Smith’s arguments about the judge having acted beyond the scope of her authority, Smith had an opportunity to cite those cases and present his arguments in his first extraordinary action. Under the claim-preclusion doctrine, he cannot take a second bite at the same apple here now.

{¶17} In short, claim preclusion bars Smith from seeking the writs of prohibition and mandamus that he asks us to issue. We therefore grant the judge’s summary-judgment motion on Smith’s complaint, and we deny Smith’s cross-motion for summary judgment. A

motion from the judge asking us to strike Smith's cross-motion for summary judgment is now moot. Our judgment today means that this case is dismissed.

{¶18} Any costs must be paid by Relator David Smith. The clerk of courts should serve a copy of this judgment on all parties in accordance with Civ.R. 58(B).

By: Gormley, J.;

Baldwin, P.J. and

Montgomery, J. concur.