[Cite as *Kallgren v. Danbury Westerville by Storypoint Group*, 2026-Ohio-4596.]

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

MELISSA KALLGREN, AS THE ADMINISTRATOR OF THE ESTATE OF FRANKLIN D. MEADOWS (DECEASED) Plaintiff - Appellant -vs- DANBURY WESTERVILLE BY STORYPOINT GROUP, ET AL. Defendants - Appellees	Case No. 26 CAE 06 0061 Opinion And Judgment Entry Appeal from the Court of Common Pleas, Case No. 25 CVA 11 1379 Judgment: Reversed and Remanded Date of Judgment Entry: November 19, 2026

BEFORE: Andrew J. King; Craig R. Baldwin; Kevin W. Popham, Judges

APPEARANCES: WILLIAM P. CAMPBELL, for Plaintiff-Appellant; CATHERINE BREITWEISER-HURST, EDWARD HEARN, for Defendants-Appellees.

King, J.

{¶ 1} Plaintiff-Appellant, Melissa Kallgren, as the Administrator of the Estate of Franklin D. Meadows (Deceased), appeals the June 3, 2026 judgment entry of the Delaware County Common Pleas Court granting a Civ.R. 12(C) motion for judgment on the pleadings filed by Defendants-Appellees, Danbury Westerville by Storypoint Group, Danbury Senior Living – Westerville, Westerville Senior Development, LTD., and Storypoint Group ("Danbury Group"). We reverse the trial court.

FACTS AND PROCEDURAL HISTORY

{¶ 2} On December 3, 2024, the decedent resided in Danbury Group's assisted living facility. The decedent died on December 4, 2024.

{¶ 3} On November 26, 2025, Administrator filed a complaint against Danbury Group and ten "John Does," alleging negligence, medical negligence, recklessness, breach of contract, wrongful death, and violations of Ohio's Resident's Bill of Rights (R.C. 3721.12 and 3721.13). Administrator alleged the actions of Danbury Group "directly and proximately resulted in an incident and/or fall, serious injuries and death." Administrator further alleged Danbury Group failed to properly instruct, educate, and/or train its staff which caused the decedent's injuries. On February 5, 2026, Administrator filed an affidavit of merit of David Seignious, MD, FACP, who opined Danbury Group deviated from the appropriate standard of care and were negligent in caring for the decedent, and the negligence caused the decedent's death. When the complaint was filed, the trial court judge was Judge James P. Schuck.

{¶ 4} The record indicates service was perfected by December 8, 2025. Instead of filing a timely answer, Danbury Group filed a consent to plead on January 15, 2026, wherein the parties stipulated that Danbury Group's time to file a responsive pleading was extended to February 13, 2026.

{¶ 5} On February 3, 2026, Judge Richard A. Frye was assigned to preside over Judge Schuck's docket from March 2, to June 1, 2026.

{¶ 6} On February 20, 2026, a magistrate accepted the filing of the affidavit of merit and ordered Danbury Group to file an answer within twenty-eight days as they did not file their answer by February 13, 2026; Danbury Group filed their answer later in the afternoon.

{¶ 7} On April 20, 2026, the trial court (Judge Frye) filed a pretrial order, ordering "more detailed initial disclosures that comply with Civ.R. 26(B)(3)." The trial court sought supplemental disclosures specifically identifying all medical or nursing home employees involved in the decedent's care, a preliminary computation on damages, specific identification

of the "John Does," and what specific claims of negligence are claimed against each anticipated defendant. The trial court also ordered Danbury Group to submit supplemental disclosures in relation to their affirmative defenses.

{¶ 8} On April 29, 2026, Judge Guy L. Reece, II was assigned to preside over Judge Schuck's docket from June 2, to June 30, 2026.

{¶ 9} On April 30, 2026, Danbury Group filed a Civ.R. 12(C) motion for judgment on the pleadings, arguing the complaint was "devoid of any underlying facts that relate to or support any of the alleged claims" and "simply asserts a variety of legal conclusions." Danbury Group also argued the affidavit of merit made blanket and vague assertions.

{¶ 10} On April 30, 2026, Administrator filed supplemental disclosures pursuant to the pretrial order. On May 14, 2026, Administrator filed a brief in opposition to the Civ.R. 12(C) motion and argued in the alternative, she should be permitted to amend the complaint. Danbury Group filed their supplemental disclosures on May 15, 2026. On May 29, 2026, Administrator identified Brandy Heath, BSN, RN, as an expert witness and filed her expert report.

{¶ 11} On June 3, 2026, the trial court (Judge Reece) granted Danbury Group's Civ.R. 12(C) motion and dismissed the complaint. This date was one day after Judge Reece assumed the docket.

{¶ 12} On June 11, 2026, Administrator filed a motion for clarification as to whether the dismissal was with or without prejudice and if with prejudice, relief from that judgment. By judgment entry filed June 12, 2026, the trial court clarified that the dismissal was with prejudice and denied relief from judgment.

{¶ 13} Administrator filed an appeal with the following assignments of error:

I

{¶ 14} "THE TRIAL COURT ERRED IN GRANTING DEFENDANTS-APPELLEES' MOTION FOR JUDGMENT ON THE PLEADINGS BECAUSE PLAINTIFF'S PLEADINGS SATISFIED OHIO'S NOTICE PLEADING REQUIREMENTS AND STATED CLAIMS UPON WHICH RELIEF COULD BE GRANTED."

II

{¶ 15} "THE TRIAL COURT ABUSED ITS DISCRETION IN DENYING PLAINTIFF-APPELLANT'S FIRST REQUEST FOR LEAVE TO AMEND AND DISMISSING HER COMPLAINT WITH PREJUDICE AFTER SHE COMPLIED WITH THE TRIAL COURT'S ORDER TO SUPPLEMENT THE PLEADINGS, HAD NEVER PREVIOUSLY AMENDED, AND ANY ALLEGED PLEADING DEFICIENCIES WERE CURABLE."

III

{¶ 16} "THE TRIAL COURT ERRED TO THE EXTENT IT DISMISSED PLAINTIFF-APPELLANT'S CASE BASED ON AN ALLEGED DEFICIENCY IN HER AFFIDAVIT OF MERIT BECAUSE THE AFFIDAVIT COMPLIED WITH CIV.R. 10(D)(2) OR, ALTERNATIVELY, SHE WAS ENTITLED TO CURE ANY DEFICIENCY BEFORE DISMISSAL."

I, III

{¶ 17} In Administrator's first assignment of error, she claims the trial court erred in granting Danbury Group's Civ.R. 12(C) motion for judgment on the pleadings and dismissing

her complaint because her complaint satisfied Ohio's notice pleading requirements. We agree.

{¶ 18} Our standard of review is de novo. *Columbus v. Sanders,* 2012-Ohio-1514 (5th Dist.); *Grafton v. Ohio Edison Co.,* 77 Ohio St.3d 102, 105 (1996). Under a de novo analysis, we must accept all factual allegations of the complaint as true and all reasonable inferences must be drawn in favor of the nonmoving party. *Kramer v. Installations Unlimited, Inc.,* 2002-Ohio-1844 (5th Dist.). De novo review requires an independent review of the trial court's decision without any deference to the trial court's determination. *Brown v. Scioto County Board of Commissioners,* 87 Ohio App.3d 704, 711 (4th Dist. 1993).

{¶ 19} Civ.R. 12(C) governs judgment on the pleadings and states: "After the pleadings are closed but within such time as not to delay the trial, any party may move for judgment on the pleadings." Under the rule, "dismissal is appropriate where a court (1) construes the material allegations in the complaint, with all reasonable inferences to be drawn therefrom, in favor of the nonmoving party as true, and (2) finds beyond doubt, that the plaintiff could prove no set of facts in support of his claim that would entitle him to relief." *State ex rel. Midwest Pride IV, Inc. v. Pontious,* 75 Ohio St.3d 565, 570 (1996). The rule allows the court to consider the complaint and any answers and any attached materials to the pleadings. *Crenshaw v. Howard,* 2022-Ohio-3914, ¶ 13 (8th Dist.). Civ.R. 12(C) motions are specifically for resolving questions of law; therefore, the rule requires a determination that no material factual issues exist and that the movant is entitled to judgment as a matter of law. *Peterson v. Teodosio,* 34 Ohio St.2d 161, 165-166 (1973).

{¶ 20} Administrator filed her complaint against Danbury Group and ten "John Does" on November 26, 2025, with an affidavit of merit on February 5, 2026. In paragraph five of

the complaint, Administrator particularly alleged Danbury Group "provided care, treatment and supervision to Plaintiff/Decedent FRANKLIN D. MEADOWS, which directly and proximately resulted in an incident and/or fall, serious injuries and death." We note Danbury Group failed to file a timely answer on two occasions, but was given leeway in pleading by both Administrator and the trial court.

{¶ 21} On April 20, 2026, the trial court ordered Administrator to submit "more detailed initial disclosures that comply with Civ.R. 26(B)(3)." The trial court sought supplemental disclosures specifically identifying all medical or nursing home employees involved in the decedent's care, a preliminary computation on damages, specific identification of the "John Does," and what specific claims of negligence were claimed against each anticipated defendant. The trial court deemed the affidavit of merit to be "singularly uninformative," and stated, even assuming the affidavit is enough to satisfy Civ.R. 10(D)(2), "it does not help the Court to understand the factual issues likely to be tried." The trial court also ordered Danbury Group to submit supplemental disclosures in relation to their affirmative defenses.

{¶ 22} On April 30, 2026, Danbury Group filed a Civ.R. 12(C) motion for judgment on the pleadings, arguing the complaint was "devoid of any underlying facts that relate to or support any of the alleged claims" and "simply asserts a variety of legal conclusions." Danbury Group also argued the affidavit of merit made blanket and vague assertions. On May 14, 2026, Administrator filed a brief in opposition to the Civ.R. 12(C) motion and argued in the alternative, she should be permitted to amend the complaint. The parties filed their supplemental disclosures as ordered. By judgment entry filed June 3, 2026, the trial court granted Danbury Group's Civ.R. 12(C) motion and dismissed the complaint; the judgment

entry is a blanket dismissal and is completely devoid of any analysis or comment about the complaint.

{¶ 23} On June 11, 2026, Administrator filed a motion for clarification as to whether the dismissal was with or without prejudice and if with prejudice, relief from that judgment. By judgment entry filed June 12, 2026, the trial court clarified that the dismissal was with prejudice and denied relief from judgment, again, without any analysis or comment about the complaint. Given that the trial court ordered supplemental disclosures, we note the trial court did state, under a Civ.R. 12(C) analysis, it was permitted to "only consider the complaint and answer and must construe all material allegations in the complaint as true and make all reasonable inferences from the allegations in favor of the nonmoving party." Whether the trial court considered the supplemental disclosures as extensions to the complaint and answer is a mystery. We can only presume the trial court did not consider the supplemental disclosures in reaching its decision to dismiss the complaint, but we have no way of knowing the trial court's reasoning for the dismissal or why the trial court did not give Administrator the opportunity to amend the complaint as requested. We will not consider the supplemental disclosures.

{¶ 24} In reviewing the sixty paragraphs of the complaint, Administrator included as many allegations as possible surrounding some nebulous "incident and/or fall" that is not specifically identified. But we note Ohio is a notice-pleading state, and so "a plaintiff is not required to prove his or her case at the pleading stage." *York v. Ohio State Highway Patrol,* 60 Ohio St. 3d 143, 144-145 (1991). A complaint need not "contain anything more than brief and sketchy allegations of fact to survive a motion to dismiss under the notice pleading rule." *Id.* at 146 (Moyer, C.J., concurring). "This simplified notice pleading standard relies on liberal

discovery rules and summary judgment motions to define disputed facts and issues and to dispose of unmeritorious claims." (Citations omitted.) *Duff v. Coshocton County,* 2004-Ohio-3713, ¶ 32 (5th Dist.).

{¶ 25} Civ.R. 8 governs general rules of pleading. Subsection (A) states a complaint shall contain "a short and plain statement of the claim showing that the party is entitled to relief" and "a demand for judgment for the relief to which the party claims to be entitled." Administrator did this. As argued by Administrator, she plead the "when," "where," "what," and "by whom." Appellant's Brief at 18. Administrator also filed an affidavit of merit in compliance with Civ.R. 10(D)(2) from a medical doctor who opined Danbury Group deviated from the appropriate standard of care and were negligent in caring for the decedent, and the negligence caused the decedent's death. The affidavit contained the requirements under Civ.R. 10(D)(2)(a)(i)-(iii). The trial court determined the affidavit of merit was "singularly uninformative" without saying whether the affidavit was defective in any way. If the trial court believed the affidavit was defective under Civ.R. 10(D)(2)(a), then the trial court "shall grant the plaintiff a reasonable time, not to exceed sixty days, to file an affidavit of merit intended to cure the defect." Civ.R. 10(D)(2)(e). We cannot find the trial court committed error in relation to the affidavit because the trial court did not specifically rule that the affidavit was defective. We find the affidavit to be compliant.

{¶ 26} After the initial pleadings were filed, Danbury Group filed a Civ.R. 12(C) motion for judgment on the pleadings. As stated above, Civ.R. 12(C) motions are specifically for resolving questions of law. The rule requires a determination that no material factual issues exist; dismissal would be appropriate if Administrator could prove no set of facts in support of her claim that would entitle her to relief. Here, we have no such determination by

the trial court. The judgment entry is devoid of any findings on the absence of material facts or what questions of law were considered. Administrator alleged in part the actions of Danbury Group "directly and proximately resulted in an incident and/or fall, serious injuries and death" and "with all reasonable inferences to be drawn therefrom," at this early stage, it is not certain that material factual issues do not exist. *State ex rel. Midwest Pride IV, Inc.,* 75 Ohio St.3d at 570.

{¶ 27} Upon review, we find the trial court erred in granting Danbury Group's Civ.R. 12(C) motion for judgment on the pleadings.

{¶ 28} Assignment of Error I is granted; Assignment of Error II is moot; Assignment of Error III is denied.

{¶ 29} For the reasons stated in our accompanying Opinion, the judgment of the Delaware County Common Pleas Court is REVERSED and the matter is REMANDED for further proceedings.

{¶ 30} Costs to Appellant.

By: King, J.

Baldwin, P.J. and

Popham, J. concur.