[Cite as *Kollar v. Ohio High School Athletic Assn.*, 2026-Ohio-4415.]

IN THE COURT OF APPEALS OF OHIO

SEVENTH APPELLATE DISTRICT
MAHONING COUNTY

ROSS KOLLAR ET AL.,

Plaintiffs-Appellees,

v.

OHIO HIGH SCHOOL ATHLETIC ASSOCIATION,

Defendant-Appellant.

OPINION AND JUDGMENT ENTRY
Case No. 25 MA 0116

Application for Reconsideration

BEFORE:
Katelyn Dickey, Carol Ann Robb, Mark A. Hanni, Judges.

JUDGMENT:
Denied.

Atty. Frank L. Cassese, Betras Kopp, LLC, for Plaintiffs-Appellees and

Atty. Joseph A. Fraley and *Atty. Joshua M. Fraley,* Pencheff & Fraley Co., LPA, for Defendant-Appellant.

Dated: November 6, 2026

PER CURIAM.

{¶1} On August 10, 2026, Appellant, Ohio High School Athletic Association ("OHSAA"), filed an application for reconsideration of our July 30, 2026 opinion and judgment entry finding this appeal of an OHSAA student-athlete eligibility determination is moot, following the student-athlete's graduation from high school and the end of the OHSAA baseball season, which both occurred prior to July 30, 2026. On September 1, 2026, Appellees, Ross and Kate Kollar ("Parents"), as natural guardians and next-of-kin to minor, L.K., filed their opposition brief.

{¶2} The OHSAA contends the controversy is still live as a merits decision in the OHSAA's favor would allow it to impose sanctions on L.K. and Cardinal Mooney High School pursuant to the OHSAA bylaws. In the alternative, the OHSAA contends two exceptions to the mootness doctrine apply to this student-athlete eligibility determination. First, it is a matter capable of repetition yet evading review, and second, it is a matter of great public or general interest. Finally, the OHSAA contends the mootness issue was not fully considered because we raised it sua sponte during oral argument.

{¶3} Parents argue the application identifies no obvious error and merely disagrees with our legal analysis. Parents further argue the OHSAA's central argument predicated upon the application of Bylaw 11-1-4 is speculative as it is discretionary and dependent on future events.

{¶4} "In order to prevail on an application for reconsideration, an appellant must demonstrate an obvious error in our decision or that an issue was raised that was either not dealt with or was not fully considered." *State v. Carosiello*, 2018-Ohio-860, ¶ 12 (7th Dist.). "Mere disagreement with this Court's logic and conclusions does not support an application for reconsideration." *Id. See also Victory White Metal Co. v. Motel Syst., Inc.,* 2005-Ohio-3828, ¶ 2 (7th Dist.) (the purpose of reconsideration is not to reargue one's appeal based on dissatisfaction with the logic used and conclusions reached by an appellate court); *Hampton v. Ahmed*, 2005-Ohio-1766, ¶ 16 (7th Dist.) ("An application for reconsideration may not be filed simply on the basis that a party disagrees with the prior appellate court decision."). Moreover, a reconsideration application is not a chance to present a new argument to the appellate court. *State v. Wellington*, 2015-Ohio-2095, ¶ 9 (7th Dist.).

{¶5} In an October 6, 2025 ruling, the OHSAA rejected the request of Cardinal Mooney High School to apply the adult criminal behavior exception to the OHSAA bylaw that rendered L.K. ineligible to play football and baseball at Cardinal Mooney High School during the 2025-2026 school year, after he withdrew from Ursuline High School and transferred to Cardinal Mooney High School at the beginning of his twelfth-grade year. Parents appealed the October 6, 2025 decision to an OHSAA Appeals Panel and requested an expedited hearing. Following the expedited hearing, the Appeals Panel denied the request for exception on October 8, 2025.

{¶6} In their three-count verified complaint filed in the Mahoning County Common Pleas Court, Parents argued the OHSAA decision was unreasonable, arbitrary, and capricious and the OHSAA bylaws and procedure violated L.K.'s rights to equal protection and due process. Parents requested injunctive and equitable relief.

{¶7} Following an evidentiary hearing on the motion for permanent injunction, the judgment entry on appeal declared the OHSAA's October 6, 2025 ruling to be arbitrary based on violations of due process. As a consequence, the trial court held the October 6, 2025 decision of the OHSAA was "null and void," and prohibited the OHSAA "from taking or enforcing any action or order based upon its October 6, 2025 ruling or any subsequent ruling by its Executive Director declaring L.K. ineligible or in anyway, interfering with, restraining, preventing or precluding L.K. from participating in interscholastic athletics during the 2025-2026 school year at any OHSAA member school." (12/1/25 J.E., p. 7). The OHSAA filed a timely appeal, which was fully briefed and set for oral argument.

{¶8} The OHSAA is a voluntary, unincorporated, not-for-profit, private organization that has been regulating high-school sports competitions in Ohio for 119 years. The conduct of the OHSAA is governed by its constitution and bylaws. Article 8 of the constitution sets forth specific procedures by which the constitution and bylaws may be amended, that is, through "a referendum vote of the member schools in which the principal of the member school shall cast the vote for the school." (2025-2026 OHSAA Handbook, Art. 8-1-2). The OHSAA's constitution further provides "[a]ny proposed amendment shall be adopted if it receives a majority of the votes cast" and that "[v]oting

on referendums to amend the constitution shall be conducted between May 1 and May 15." (*Id.*, Arts. 8-1-4, 8-1-8).

{¶9} OHSAA members in 2025-2026 include 815 high schools. Member schools execute written resolutions as a consequence of membership in which they agree to be bound by the bylaws of the OHSAA. (Hrg. Tr., p. 115-117). Further, member schools agree to delegate certain duties and authority to the Executive Director's Office. According to the constitution, "[t]he Executive Director or another administrat[ive] staff member designated by the Executive Director shall decide all questions and interpretations of the Constitution, Bylaws, and Regulations, and shall impose and enforce penalties." (OHSAA Handbook, Art. 6-1-4). Bylaw 1-1-6 reads that "these bylaws cannot be waived, modified or amended by mutual consent between or among contesting schools" and they "cannot be waived, modified or amended by the Executive Director's Office."

{¶10} This matter was briefed in February and March of 2026, after the football season concluded and shortly after the baseball season began. At oral argument on June 3, 2026, we sua sponte raised the issue of mootness, as L.K. had graduated from Cardinal Mooney High School on May 24, 2026 and the OHSAA Division IV championship tournament was scheduled to conclude on June 14, 2026. The OHSAA argued the appeal would not be rendered moot by the foregoing events.

{¶11} Because a student-athlete's eligibility to compete in high school sports is necessarily tied to enrollment and active participation, Ohio intermediate appellate courts have uniformly held graduation extinguishes any live dispute between the student-athlete and the OHSAA. *See Lewis v. Ohio High School Athletic Assn*., 2015-Ohio-3459, ¶ 31 (5th Dist.)*; Paige v. Ohio High School Athletic Assn.,* 2013-Ohio-4713 (1st Dist.); *Dankoff v. Ohio High School Athletic Assn.,* 2008-Ohio-4559, ¶ 4 (9th Dist.); *Ulliman v. Ohio High School Athletic Assn.,* 2009-Ohio-3756, ¶ 28 (2d Dist.).

{¶12} For instance, the First District in *Paige* opined:

> [I]t is undisputed that Paige has graduated from Winton Woods High School and will play no more high school basketball games. Thus, the power of the OHSAA to adversely affect her rights to play interscholastic athletics has ended. Consequently, there is no live controversy regarding the transfer rule

> or her participation in athletics at Winton Woods. As a result, we agree with Paige that the portion of the trial court's injunction which permitted her to participate in interscholastic athletics at Winton Woods is moot.

Paige at ¶ 9.

{¶13} The Ninth District in *Dankoff* similarly reasoned "the trial court's order accomplished a single purpose: it enjoined OHSAA and Archbishop Hoban from preventing [Dankoff] from participating on the bowling team during his senior year. [Dankoff] has now graduated, and there is no live controversy surrounding his participation in high school athletics." *Dankoff* at ¶ 4.

{¶14} The OHSAA's argument that this appeal presents a live controversy is predicated upon Bylaw 11-1-4, which reads in its entirety:

> If a lawsuit is commenced against the OHSAA seeking to enjoin the OHSAA from enforcing any or all of its Constitution, bylaws, sports regulations, decisions of the OHSAA, and an Order from a Court of proper jurisdiction is subsequently either voluntarily vacated, or stayed, or reversed or otherwise determined by the Courts that the equitable relief sought is not or was not justified, the Executive Director may impose any one or more of the following in the interest of restitution and fairness to other member school's athletes:
>
> (a) Require that individual or team records and performances achieved during such participation be vacated or stricken.
>
> (b) Require that team victories be forfeited to opponent.
>
> (c) Require that team or individual awards earned during such participation be returned to the Association.
>
> (d) Require the return of any financial receipts realized from tournament participation.

(e) Impose a monetary penalty commensurate with the expense to the OHSAA for the litigation.

(f) Require that the ruling be imposed the immediately following school year/sports season.

{¶15} The OHSAA cites *Ulliman v. Ohio High School Athletic Assn*., 2009-Ohio-3756 (2d Dist.), in which the Second District found the appeal from the trial court's injunction in that case was not moot because the trial court's injunction barred the OHSAA from taking action against both the student and the high school for allowing the student to participate. The OHSAA contends the *Ulliman* rule should be applied here because it is without discretion to sanction L.K. and Cardinal Mooney High School in the absence of a favorable merits decision.

{¶16} However, the OHSAA ignores a significant difference between the permanent injunction in this appeal and the permanent injunction in *Ulliman* – the permanent injunction in *Ulliman* prohibited the OHSAA from sanctioning the student-athlete and the member school. The same is not true here.

{¶17} Prior to undertaking an analysis of the merits, the Second District recognized Ulliman had undergone surgery after suffering a "season ending injury," which raised the question of whether the appeal was moot. The Second District provided the following analysis:

> In *Dankoff v. Ohio High School Athletic Assn*., Summit App. No. 24076, 2008-Ohio-4559, 2008 WL 4150285, the Ninth District Court of Appeals dismissed OHSAA's appeal of an order enjoining OHSAA from prohibiting a student from participating in athletics during his senior year. The Ninth District held that the appeal was moot, since the student had graduated, and there was no longer a live controversy regarding his participation in high school athletics. *Id.* at ¶ 4, relying on *Sandison v. Michigan High School Athletic Assn.* (C.A.6, 1995), 64 F.3d 1026.
>
> In *Sandison*, the Sixth Circuit Court of Appeals held that issues pertaining to the student plaintiffs were moot and did not fit within the

"capable of repetition yet evading review" exception to mootness. The Sixth Circuit's holding was based on the fact that track season had ended, and the students' graduation from high school had eliminated any reasonable possibility that they would be subject to the same action again. 64 F.3d at 1030. This is the reasoning that was applied in *Dankoff*.

The Sixth Circuit also concluded, however, that the case was not moot with regard to the second branch of the preliminary injunction, which prohibited the Michigan High School Athletic Association from penalizing the high school for allowing the students to compete. *Id.* Based on provisions in the association bylaws that allow victories to be forfeited and individual performances to be erased, the Sixth Circuit concluded that the students still had an interest in preventing the association from erasing from the records both their team victories and their individual performances. *Id.*

In *Dankoff*, the Ninth District distinguished *Sandison*, because the trial court's injunction had only restrained OHSAA from preventing a student from bowling on the high school team. 2008-Ohio-4559, 2008 WL 4150285, at ¶ 4, and fn. 1. Although OHSAA argued that penalties could be imposed on the school as well, the Ninth District noted that OHSAA's bylaws in their entirety were not in the record. *Id.* The Ninth District, therefore, dismissed the case as moot.

The injunction in the present case is like the one granted in *Sandison*, because the trial court enjoined OHSAA from taking action against either Ulliman or [Catholic Central High School]. OHSAA also submitted a complete copy of its bylaws, which provide for forfeitures of all athletic contests where ineligible players have been used. Other sanctions are also available, including forfeiture of championship status, fines, and return of financial receipts. *See* Bylaws 11-2-1 and 11-2-3, and Bylaws 12-1-1 through 12-1-4. Accordingly, this matter is not moot, and we will consider OHSAA's argument that the trial court erred in issuing the injunction.

Ulliman at ¶ 29-33.

{¶18} More pointedly, the Sixth Circuit in *Sandison* opined:

> Before reviewing the preliminary injunction, we point out that the controversy over the first part of the preliminary injunction – requiring the defendants to permit Sandison and Stanley to participate in track meets – is moot. The 1995 track season has ended, and thus the plaintiffs will have no more races to run. The "capable of repetition yet evading review" exception to mootness does not apply to these plaintiffs because the exception requires not only that " 'the challenged action was in its duration too short to be fully litigated prior to its cessation or expiration,' " but also that " 'there was a reasonable expectation that the same complaining party would be subjected to the same action again.' " *Murphy v. Hunt*, 455 U.S. 478, 482, 102 S.Ct. 1181, 1183, 71 L.Ed.2d 353 (1982) (per curiam) (emphasis added) (quoting *Illinois State Bd. of Elections v. Socialist Workers Party*, 440 U.S. 173, 187, 99 S.Ct. 983, 992, 59 L.Ed.2d 230 (1979)). At oral argument, we learned that Sandison and Stanley graduated from high school in June 1995, which precludes the repetition of another controversy over whether these same plaintiffs may run on their high school teams.
>
> However, the second part of the preliminary injunction – ordering the MHSAA to refrain from penalizing the high schools for permitting the plaintiffs to compete – is not moot. When an age-ineligible player competes on a high school team, MHSAA Regulation 5 § 4(B), (D) provide for penalties such as forfeiture of team victories and erasure of individual performances. Sandison and Stanley of course still have an interest in preventing the MHSAA from erasing their teams' victories and their own performances. Accordingly, this controversy remains live.

Sandison at 1029-1030.

{¶19} The judgment entry in this appeal reads in relevant part:

> This Order prohibits the [OHSAA] from taking or enforcing any action or order based upon its October 6, 2025 ruling or any subsequent ruling by its Executive Director declaring L.K. ineligible or in any way, interfering with, restraining, preventing or precluding L.K. from participating in interscholastic athletics during the 2025-2026 school year at any [OHSAA] member-school. In addition, the ruling issued by the Defendant, [OHSAA] on October 2, 2025 [sic] is hereby declared null and void. Costs shall be taxed to the administrative agent of [the OHSAA].

(12/1/25 J.E., p. 7).

{¶20} The permanent injunction does not prohibit the OHSAA from sanctioning Cardinal Mooney High School. In the parlance of the Sixth Circuit in *Sandison*, only the first branch of the preliminary injunction, which the Sixth Circuit found was moot, is presented for our review. The second branch, which prohibited the Michigan High School Athletic Association from penalizing the high school for allowing the students to compete, is not before us because the permanent injunction did not foreclose the OHSAA from sanctioning Cardinal Mooney High School. Accordingly, we find no obvious error in our opinion and judgment entry.

{¶21} Next, the OHSAA contends two exceptions to the mootness doctrine apply. First, the OHSAA argues student-eligibility determinations are capable of repetition, yet evading review. An issue is capable of repetition yet evading review if " '(1) the challenged action is in its duration too short to be fully litigated prior to its cessation or expiration, and (2) there is a reasonable expectation that the same complaining party will be subjected to the same action again.' " *M.R. v. Niesen*, 2022-Ohio-1130, ¶ 11, quoting *United States v. Sanchez-Gomez*, 584 U.S. 381, 391.

{¶22} While we agree student-eligibility determinations may meet the first requirement, the issue must be capable of repetition between the same parties. *Id*. For instance, in *Dankoff,* 2008-Ohio-4559 (9th Dist.), the Ninth District concluded that the student's graduation foreclosed any possibility of further litigation between the specific parties. *Id.* at ¶ 4. In *Paige,* 2013-Ohio-4713 (1st Dist.), the First District agreed that athletic seasons are short enough to satisfy the first prong, but rejected the second

because the student-athlete had graduated and neither the student-athlete nor her parent could reasonably be expected to again be subjected to OHSAA's eligibility determination. *Id.* at ¶ 16-17. We agree.

{¶23} Next, the OHSAA contends student-athlete eligibility determinations are a matter of great public or general interest. If a case involves a matter of great public or general interest, the court is vested with the jurisdiction to hear the appeal, even though the case is moot. *Franchise Developers, Inc. v. Cincinnati*, 30 Ohio St.3d 28, 30 (1987).

{¶24} The OHSAA cites *In re Suspension of Huffer from Circleville High School*, 47 Ohio St.3d 12 (1989), in support of its argument that student eligibility determinations are a matter of great public or general interest. However, the Ohio Supreme Court held in *Huffer* that "[t]he issue of the authority of local school boards to make rules and regulations is of 'great general interest.' " *Id.* at 14. To the extent the OHSAA attempts to liken its Bylaws to the rules and regulations of school boards, the OHSAA is not a state actor, but instead a voluntary, unincorporated, not-for-profit, private organization that regulates high-school sports competitions.

{¶25} Moreover, the Tenth District has opined the exception for a case that concerns a matter of great public or general interest should be used with caution and only on rare occasions, and ordinarily should be taken only by the highest court in the state, rather than an intermediate appellate court. *In re L.W.,* 2006-Ohio-644, ¶ 13 (10th Dist.). Accordingly, we find the exception to the mootness doctrine does not apply here.

{¶26} Finally, the OHSAA contends the issue was not fully considered because we raised it sua sponte. However, " '[t]he doctrine of mootness is rooted in the "case" or "controversy" language of Section 2, Article III of the United States Constitution and in the general notion of judicial restraint.' " *Pernick v. Dallas*, 2021-Ohio-4635, ¶ 51 (7th Dist.), quoting *Croce v. Ohio State Univ., Bd. of Trustees*, 2021-Ohio-2242, ¶ 16 (10th Dist.). It is well-established law in Ohio that a court does not have jurisdiction over a moot question. *Pernick* at ¶ 51. Further, the OHSAA did not request time for additional briefing after oral argument and an application for reconsideration is not a proper vehicle to raise new arguments.

{¶27} For the foregoing reasons, the OHSAA's application for reconsideration is denied.

JUDGE KATELYN DICKEY

JUDGE CAROL ANN ROBB

JUDGE MARK A. HANNI

NOTICE TO COUNSEL

This document constitutes a final judgment entry.

TO THE CLERK: PLEASE SERVE COPIES OF THIS ORDER TO ALL COUNSEL OF RECORD AND ANY SELF-REPRESENTED PARTIES.