[Cite as *State ex rel. Annayan v. Gall*, 2026-Ohio-471.]

COURT OF APPEALS OF OHIO

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

STATE EX REL.DAVID ANNAYAN, :

Relator, :

No. 115966

v. :

THE HONORABLE STEVEN E. GALL, :

Respondent. :

JOURNAL ENTRY AND OPINION

JUDGMENT: COMPLAINT DISMISSED
DATED: February 10, 2026

Writ of Mandamus
Order No. 592136
Motion No. 591622

Appearances:

David Annayan, *pro se*.

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and Craig A. McClelland, Assistant Prosecuting Attorney, *for respondent*.

WILLIAM A. KLATT, J.:

{¶ 1} David Annayan ("Annaya"), the relator, has filed a complaint for a writ of mandamus. Annayan seeks an order from this court that compels Judge Steven E. Gall ("Judge Gall"), the respondent, to render rulings with regard to

multiple pending motions filed in consolidated civil cases *Annayan v. Foxhall, et al.*, Cuyahoga C.P. No. CV-23-981847, and *Annayan v. King, et al.*, Cuyahoga C.P. No. CV-24-104939. The two cases were consolidated under CV-23-981847. Judge Gall has filed a motion to dismiss that is granted.

{¶ 2} Annayan argues that eight different motions are pending and that Judge Gall needs to render rulings with regard to the following eight motions: 1) Nationwide Mutual Insurance Company's motion to quash subpoena and for protective order, filed March 10, 2025, inherited from Judge Russo; 2) plaintiff's motion to compel compliance with subpoena duces tecum — Nationwide Mutual Insurance Company, filed April 14, 2025, inherited from Judge Russo; 3) plaintiff's renewed motion to compel compliance with subpoena duces tecum to nonparty Nationwide Mutal Insurance Company, fully briefed as of May 6, 2025; 4) plaintiff's motion to compel depositions of Safeco Insurance Company of Indiana and Liberty Mutual Insurance witnesses, filed May 28, 2025; 5) plaintiff's motion to compel compliance with Civil Rules and supplementation of deficient discovery responses by defendant Erik King, filed June 3, 2025; 6) plaintiff's motion to compel defendant Safeco Insurance Company of Indiana to supplement discovery responses and produce a privilege log, filed June 9, 2025, to which Safeco filed a response on December 22, 2025, and on which no ruling has been entered; 7) objections and motion to quash or modify subpoena, motion for protective order, and motion for fees filed by Jeffrey W. Krueger, Eric D. Valente, and Krueger & Valente Law, LLC on June 9, 2025, to which no ruling has been entered; 8) defendant Erik King's

motion to compel inspection, deemed filed as of December 16, 2025, with briefing ordered but no merits ruling entered.

{¶ 3} Attached to the motion to dismiss is a copy of a judgment entry, journalized January 15, 2026, which demonstrates that rulings have been made and journalized with regard to the eight pending motions. The duty to issue rulings with regard to the eight pending motions has been performed. *State ex rel. Johnson v. Hunter*, 64 Ohio St.3d 243, 244 (1992).

{¶ 4} Relief is unwarranted because the request for a writ of mandamus is moot. Mandamus will not compel the performance of a duty that has already been performed. *State ex rel. Ames v. Pokorny*, 2021-Ohio-2070, ¶ 6; *Thompson v. Donnelly*, 2018-Ohio-4073, ¶ 5; *State ex rel. S.Y.C. v. Floyd*, 2020-Ohio-5189, ¶ 9 (8th Dist.). *See also State ex rel. Williams v. Croce*, 2018-Ohio-2703, ¶ 7; *State ex rel. Fontanella v. Kontos*, 2008-Ohio-1431, ¶ 6.

{¶ 5} Accordingly, we grant Judge Gall's motion to dismiss. Costs waived. The court directs the clerk of courts to serve all parties with notice of this judgment and the date of entry upon the journal as required by Civ.R. 58(B).

{¶ 6} Complaint dismissed.

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WILLIAM A. KLATT, JUDGE*

EILEEN T. GALLAGHER, P.J., and
MICHAEL JOHN RYAN, J., CONCUR

(*Sitting by assignment: William A. Klatt, J., retired, of the Tenth District Court of Appeals.)