[Cite as *Foster v. Ravida*, 2026-Ohio-4470.]

STATE OF OHIO	)	IN THE COURT OF APPEALS
	)ss:	NINTH JUDICIAL DISTRICT
COUNTY OF SUMMIT	)	

CHRISTOPHER FOSTER Appellee v. ANTHONY RAVIDA Appellant	C.A. No. 31797 APPEAL FROM JUDGMENT ENTERED IN THE COURT OF COMMON PLEAS COUNTY OF SUMMIT, OHIO CASE No. CV-2025-05-2383

DECISION AND JOURNAL ENTRY

Dated: November 12, 2026

MANNING, Judge.

{¶1} Defendant-Appellant, Anthony Ravida ("Homeowner"), appeals from the judgment of the Summit County Court of Common Pleas. This Court reverses.

I.

{¶2} Homeowner is a resident of Hudson ("the City"). In 2023, he requested a variance to build a fence on his property. The fence he ultimately built did not comply with the City's Codified Ordinances. His refusal to correct the zoning violation led to him being charged with a third-degree misdemeanor. A jury convicted him, and Homeowner appealed.

{¶3} While his appeal was pending, Homeowner began attending meetings of the City Council. Included within each City Council meeting was a segment for Public Comments. This appeal results from comments Homeowner made during those segments, as well as comments he made on a few other occasions. The comments concerned Plaintiff-Appellee, Christopher Foster, who was City Council President ("Council President").

{¶4} At a City Council meeting that occurred on January 21, 2025, Homeowner shared the backstory of his fence and his attempt to comply with the permit procedures. Homeowner indicated that Council President was aware of the situation. He did not offer any criticism of Council President at that time.

{¶5} At a City Council meeting that occurred on February 4, 2025, Homeowner accused the City Manager of wrongdoing in the handling of his fence permit. He also read an email Council President had sent to the City Manager about the fence. Following Homeowner's comments, Council President made comments on the record. Council President defended the City's actions. In doing so, he noted that Homeowner's fence plainly violated the City's zoning code, in part, because Homeowner did not live in an agricultural use district. He also noted that Homeowner had not abided by the terms of his permit, had walked out of the courtroom during his criminal case, and had refused a potential remedy the City had offered in the form of a land lease.

{¶6} At the following City Council meeting held on February 18, 2025, Homeowner responded to Council President's comments from the previous meeting. He noted that he lived in a rural residential area and that even Council President had a barn, bees, and chickens on his property. Homeowner claimed that his permit had been negated at the discretion of the City Manager and Council President. He claimed they had the "discretion whether or not they want to follow the city law" and that Council President had given an inaccurate accounting of the facts. At the conclusion of Homeowner's statement, Council President made comments on the record. Council President encouraged Homeowner to review certain zoning resolutions and restrictions.

{¶7} At a City Council meeting that occurred on March 4, 2025, Homeowner stated that his conviction for violating the zoning code was based on a "false narrative" created by the City Manager and Council President. He also referenced Ohio's Sunshine Laws, suggesting those laws

had been broken when the approval he received for his fence was later retracted off the record. He accused the City of failing to follow the rule of law and instead allowing the City Manager and Council President "to create their own law by false narrative."

{¶8} At a City Council meeting that occurred on March 18, 2025, Homeowner indicated that police officers had come to his home to deliver a "threatening letter[.]" From the letter, Homeowner stated, he learned that Council President wanted to fine him $500 per day for his non-compliant fence unless he signed a land lease with the City. Homeowner stated that, "in [his] opinion, [Council President] believes he's above city law, city ordinance, or anything else." He invited Council President to speak and deny that the Sunshine Laws had not been broken. Homeowner also shared his "[belief] that these guys are bullies or at least want to be bullies . . . ." Following the meeting, the City once again brought criminal charges against Homeowner for violating the zoning code.

{¶9} At a City Council meeting that occurred on April 8, 2025, Homeowner stated that a worker from the City had left him a note, advising him that Council President had the City install an apron and partial driveway at his home without a permit. Homeowner said that he had contacted the City to verify the claim, and a specific employee had assured him there was no permit for the work. Homeowner questioned why he needed to secure a permit for his fence when Council President was not subject to the same requirement and was "basically above the law." He stated that Council President had "volunteered the City" to pay for repaving his street and driveway. He also referenced an alleged statement Council President had made about not wanting to "be in bed" with an adjoining city. Homeowner suggested that phrasing created "some implication that [Council President is] in bed with other cities or that you have to be in bed with [him]" to achieve results.

{¶10} Following Homeowner's remarks, both the City Manager and Council President made comments on the record. The City Manager indicated that the City had repaired Council President's driveway apron due to a sinkhole within the right of way. He indicated that no permit for the work existed because the City never secured permits for its own work. Council President then spoke and accused Homeowner of defamation on several points. He indicated that he "became an enemy for trying to help [Homeowner]" and was concerned about Homeowner's personal interest in him.

{¶11} At the next City Council meeting on April 15, 2025, the owner of a construction company appeared and took responsibility for the apron/driveway work that had been performed at Council President's home. The company owner stated that a combination of personal circumstances and miscommunications had led to her failing to secure a permit for the work. She indicated that she had since secured the permit. She denied that her failure to secure it in a timely manner was the result of any intentional wrongdoing.

{¶12} Following the company owner's comments, Homeowner addressed City Council regarding Council President. He shared the content of an article, noting that Council President had voted against sharing the cost of repairing a road with a neighboring community. He noted that, under Council President's direction, the City had paid more to pave the road than it ordinarily would have. He also noted that he agreed with Council President's statement about him being Council President's enemy. Homeowner stated that the legal actions taken against him by the City were a form of intimidation.

{¶13} Following Homeowner's comments, Council President made comments on the record. He thanked the company owner for attending the meeting and explaining why, initially, there was no permit for the work at his home. He stated: "Yeah, simple issues, blown into

conspiracy theories about taking bribes, getting kickbacks from people for putting sidewalks around the community really is pretty sad but I appreciate you coming out here and straightening that out."

{¶14} On May 1, 2025, the City filed a civil action against Homeowner regarding his fence. Five days later, Homeowner attended a City Council meeting and spoke during the Public Comments segment. He stated that he had researched the City Manager's original claim that the City had performed work at Council President's home due to a sinkhole. He stated that city records showed that was not the truth. Homeowner requested Council President, the City Manager, and another individual be suspended from their positions, investigated by the Ohio Attorney General, and possibly removed from office. He stated that all three individuals had "displayed the suspicion of corruption, coercion, fraud, taking bribes, and breaking City laws[.]" He specifically noted that Council President had failed to correct the City Manager's "blatant lie" about the City performing city work at Counsel President's personal residence. He also noted that, as the property owner, it was Council President's responsibility to secure a permit for any work at his residence. He described the company owner's statements and Council President's response to her statements as "a dog-and-pony show" between Council President and someone "who has a lucrative contract with the City to do millions of dollars['] worth of sidewalks." Homeowner claimed the company owner "knew that the Council President didn't need a permit because this job was done off, allegedly, the books, side job or freebie." He asked the other members of City Council and others to "initiate this investigation into these very serious allegations."

{¶15} On May 7, 2025, Homeowner attended a meeting of the City's Charter Review Commission and spoke during the Public Comments segment. He repeated his request that Council President and others be suspended and investigated. He accused them of "display[ing] [a]

suspicion of corruption, coercion, fraud, taking bribes, and breaking City laws, Sunshine Laws and conflict of interest between a government official and City contractors."

{¶16} On May 13, 2025, Homeowner encountered Council President outside of the City's Town Hall at a time when City Council had a scheduled workshop meeting. According to Council President, Homeowner stood on the street outside Town Hall, videotaped him, and yelled that he was a criminal. According to Homeowner, he was outside because he was photographing a fence for the purposes of using the photograph at an upcoming City Council meeting. Homeowner alleged that Council President directed a comment at him and that he responded by offering an opinion that Council President was corrupt. He also alleged that no one else was present for their exchange.

{¶17} On May 20, 2025, Homeowner attended a City Council meeting and spoke during the Public Comments segment. He stated that he was present "to talk about the corruption and the disgusting actions" of Council President. He indicated that the Council President and others were "crooked" and had "lied from the beginning."

{¶18} One week after the May 20th meeting, Council President filed a complaint against Homeowner for defamation per se and false light invasion of privacy. Homeowner answered the complaint but also moved for expedited relief to dismiss the complaint pursuant to Ohio's new Uniform Public Expression Protection Act ("UPEPA"). Council President filed a brief in opposition to Homeowner's motion for expedited relief, and Homeowner filed a reply. The court then held a hearing on Homeowner's motion and issued a decision.

{¶19} The trial court found that UPEPA did not apply to any statements Homeowner had made before UPEPA's effective date (i.e., April 9, 2025). Rather than applying UPEPA to those

statements, the court applied Civ.R. 12(B)(6). The court denied the motion to dismiss as to any statements Homeowner made before April 9, 2025.

{¶20} Regarding statements Homeowner made after April 9, 2025, the trial court reached several different conclusions. As to the statements Homeowner had allegedly made outside the Town Hall on May 13, 2025, the trial court found that the complaint failed to state a claim upon which relief could be granted. Consequently, it dismissed that aspect of the complaint with prejudice. The court also dismissed Council President's claims to the extent they were "based solely on allegations that [Homeowner] called [Council President] a name, i.e., liar, thief, corrupt, etc." The court found those statements to be statements of opinion, and thus, not actionable. Finally, the court denied Homeowner's motion to dismiss regarding claims "based on allegations that [Homeowner] accused [Council President] of bribery, improper use of city resources, breaking the law and fraud . . . [.]" The court found that, viewing the evidence in light most favorable to Council President, there were triable questions of material fact as to whether those statements constituted defamation per se or false light invasion of privacy.

{¶21} Homeowner now appeals from the trial court's judgment. He raises five assignments of error for review. For ease of review, we reorder and consolidate several of the assignments of error.

II.

ASSIGNMENT OF ERROR II

> THE TRIAL COURT ERRED IN FAILING TO DISMISS THE COMPLAINT UNDER [UPEPA] BECAUSE THE STATEMENTS OF [HOMEOWNER] WERE PROTECTED EXPRESSIONS OF OPINION.

ASSIGNMENT OF ERROR III

THE TRIAL COURT ERRED IN FAILING TO DISMISS THE COMPLAINT UNDER [UPEPA] BECAUSE [HOMEOWNER] HAD IMMUNITY FOR ALL OF HIS STATEMENTS ABOUT [COUNCIL PRESIDENT].

ASSIGNMENT OF ERROR IV

AFTER FINDING THAT [COUNCIL PRESIDENT] WAS A PUBLIC FIGURE, THE TRIAL COURT ERRED IN RULING THAT [COUNCIL PRESIDENT] HAD CREATED A GENUINE ISSUE OF MATERIAL FACT REGARDING [HOMEOWNER'S] ACTUAL MALICE.

ASSIGNMENT OF ERROR V

THE TRIAL COURT ERRED IN FAILING TO DISMISS THE COMPLAINT SINCE [HOMEOWNER'S] STATEMENTS REQUIRE INTERPRETATION TO BE DEFAMATORY AND CONSTITUTE, AT BEST, DEFAMATION PER QUOD, A CLAIM INTENTIONALLY NOT MADE BY [COUNCIL PRESIDENT].

{¶22} In each of the foregoing assignments of error, Homeowner argues that the trial court erred by failing to grant his motion for expedited relief to dismiss. He argues that his statements amounted to nonactionable opinion statements, UPEPA guaranteed him absolute immunity, there was no evidence he acted with actual malice, and, at best, his statements only supported a claim for defamation per quod. He also argues that the trial court failed to address each occurrence of alleged defamation, "simply lumped matters" together, and failed to address several of his arguments. For the following reasons, we sustain his assignments of error.

{¶23} UPEPA, codified in R.C. 2747.01, *et seq.*, is an anti-strategic litigation against public participation ("anti-SLAPP") law. Anti-SLAPP laws "are designed to prevent powerful actors from using meritless defamation actions to chill . . . citizens' exercise of their rights to free expression and to petition governments for redress of grievances." 1 Restatement of the Law 3d, Torts, Elements of Defamation, § 1 (2026). The General Assembly intended for UPEPA "to confer substantive immunity from suit, and not merely immunity from liability, for any cause of action

described" in R.C. 2747.01(B). R.C. 2747.01(E). When applicable, it allows a party to move for expedited relief to dismiss a civil action or claim within a civil action. R.C. 2747.02. The denial of a motion for expedited relief is a final order from which the movant may immediately appeal. R.C. 2747.05(C).

{¶24} A court's review of a motion for expedited relief is subject to a burden-shifting framework. *See* R.C. 2747.04(C). The moving party bears the initial burden of establishing that the cause of action or claim he seeks to dismiss is based on a type of communication or action described in R.C. 2747.01(B). R.C. 2747.04(C)(1). That subsection provides that UPEPA applies to:

> (1) The person's communication in a legislative, executive, judicial, administrative, or other governmental proceeding;
>
> (2) The person's communication on an issue under consideration or review in a legislative, executive, judicial, administrative, or other governmental proceeding;
>
> (3) The person's exercise of the right of freedom of speech and of the press, the right to assemble and petition, and the right of association, guaranteed by the United States Constitution or the Ohio Constitution, on a matter of public concern.

R.C. 2747.01(B)(1)-(3). If the moving party satisfies his initial burden, the burden shifts to the responding party. *See* R.C. 2747.04(C)(2)-(3).

{¶25} The responding party can prevent a dismissal with prejudice if he proves that one of several enumerated exceptions to UPEPA applies. R.C. 2747.04(C)(2). Those exceptions are contained in R.C. 2747.01(C). *Id.* That subsection provides that UPEPA does not apply to:

> (1) A legal action against a governmental unit or an employee or agent of the governmental unit who was acting or purporting to act in an official capacity;
>
> (2) An enforcement action that is brought in the name of a governmental unit to protect against an imminent threat to public health or safety;
>
> (3) A legal action brought against a person primarily engaged in the business of selling or leasing goods or services, if the cause of action arises out of communication related to the person's sale or lease of the goods or services;

> (4) A survivorship claim or a legal action seeking recovery for bodily injury or wrongful death, or statements made regarding that claim or legal action.

R.C. 2747.01(C)(1)-(4). If no exception applies, the court's analysis proceeds to the final step. *See* R.C. 2747.04(C)(3).

{¶26} Under the final step, a dismissal with prejudice is required if the court finds that *any* of the following apply: (1) the responding party failed "to establish a prima-facie case for each essential element of the cause of action"; (2) the moving party established that the responding party did not state a cause of action upon which relief could be granted; or (3) the moving party established that there was "no genuine issue as to any material fact" and that he was "entitled to judgment as a matter of law" on the action or claim. R.C. 2747.04(C)(3)(a)-(b). A trial court must conduct a hearing before ruling on a motion for expedited relief. R.C. 2747.04(A)(1). In ruling on the motion, the court must consider "the pleadings, the motion, any response to the motion, and any evidence that could be considered in ruling on a motion for summary judgment under [Civ.R. 56]." R.C. 2747.04(B).

{¶27} As previously noted, the trial court conducted a bifurcated analysis when it issued its decision. That is because it found, as a matter of law, that UPEPA did not apply to any statements Homeowner made before the law's effective date (i.e., April 9, 2025). Homeowner has challenged that aspect of the trial court's ruling in a separate assignment of error. *See* Discussion of First Assignment of Error, *infra*. Accordingly, in this portion of our analysis, we confine our review to the court's ruling on statements postdating April 9, 2025.

{¶28} The trial court's judgment entry cited UPEPA and quoted the entirety of R.C. 2747.01(B) and 2747.04(C). It also cited law pertaining to dismissals under Civ.R. 12(B)(6), the elements of defamation, the elements of false light invasion of privacy, law on public figures and actual malice, and law on the defense of qualified and absolute privilege. As explained below, it

is unclear to this Court how the trial court applied UPEPA and whether its ruling adhered to UPEPA's framework and/or fully addressed the arguments before it and claims set forth in the complaint. Because UPEPA is a newly enacted law in the State of Ohio and its application is a matter of first impression for our Court, we find it appropriate to remand the matter for the trial court to perform the correct analysis in the first instance.

{¶29} As the moving party, it was Homeowner's initial burden to show that the complaint was based on a communication or action described in R.C. 2747.01(B). *See* R.C. 2747.04(C)(1). The trial court found that any statements Homeowner made at meetings of City Council or the Charter Review Commission were communications in a legislative proceeding under R.C. 2747.01(B)(1). Although the court did not frame its conclusion in terms of Homeowner having met his initial burden, it nevertheless found that R.C. 2747.01(B)(1) applied. Council President never argued that his complaint was exempt from UPEPA's application under R.C. 2747.01(C). Nor has he appealed from the trial court's determination that R.C. 2747.01(B)(1) applied to the allegations in his complaint. As such, for purposes of our review, we accept that UPEPA applied to Homeowner's statements.

{¶30} Because UPEPA applied to Homeowner's statements, the trial court was required to dismiss with prejudice the complaint or any portion of the complaint for which: (1) Council President failed to establish a prima-facie case as to each essential element, (2) Homeowner established that Council President failed to state a cause of action upon which relief could be granted, or (3) Homeowner established that there were no genuine issues of material fact and that he was entitled to judgment as a matter of law. R.C. 2747.04(C)(3)(a)-(c). The trial court set forth the elements of defamation and false light invasion of privacy. Yet, it addressed Council President's claims in summary fashion. It did not analyze the claims in conjunction with the

specific allegations in the complaint or clearly link its analysis to the standards set forth in R.C. 2747.04(C)(3)(a), (b), or (c).

{¶31} The complaint described Homeowner's actions on eleven different dates, all of which this Court detailed in its statements of the facts. The trial court dismissed one specific portion of the complaint, citing the paragraph numbers in the complaint. That portion of the complaint addressed Homeowner's conduct outside the City's Town Hall on May 13, 2025. As to the remainder of the allegations in the complaint, the court noted that they concerned statements Homeowner made at either City Council meetings or a Charter Review Commission meeting. The court collectively summarized the City Council meeting statements as follows:

> [Council President] alleges that [Homeowner] made statements indicating that [Council President] and the City Manager were creating a false narrative; [Council President] and the City Manager were breaking the law; challenged [Council President] to admit that he had broken Sunshine laws; referred to [Council President] as a bully; claimed that [Council President] had repaired his personal driveway without obtaining a permit using a contractor paid by the City; accused [Council President] of corruption, coercion, fraud, taking bribes, breaking city laws, suborning perjury, using city police for his own personal reasons; and called [Council President] a liar.

As to the Charter Review Commission statements, the court noted that the complaint alleged Homeowner had "requested that [Council President] be suspended, removed from City Council and investigated" and "accused [him] of corruption, coercion, fraud, taking bribes and breaking city laws."

{¶32} The trial court's analysis was brief. First, it found that Council President was a public figure, and thus, had to prove Homeowner acted with actual malice. Second, it found that Homeowner was not entitled to an absolute privilege for statements made in a legislative proceeding. Following those two findings, the court set forth its ruling.

{¶33} A portion of the trial court's ruling favored Homeowner. The court found that Council President failed to set forth a prima facie case as to any claims "based solely on allegations that [Homeowner] called [Council President] a name, i.e., liar, thief, corrupt, etc." The court explained that those statements were opinion statements, and thus, not actionable. It dismissed the complaint "as to those claims." It did not, however, cite any specific paragraph numbers in the complaint, the exact statements to which its decision applied, or the dates on which those alleged statements occurred.

{¶34} The remainder of the trial court's ruling did not favor Homeowner. The court found that he was not entitled to dismissal regarding allegations that he "accused [Council President] of bribery, improper use of city resources, breaking the law and fraud . . . ." The court wrote that Homeowner was not entitled to summary judgment on those claims because there were "triable questions of material fact remaining in dispute." Yet, the court did not set forth the summary judgment standard, apply that burden-shifting scheme to the evidence, or explain what element or elements of Council President's causes of action posed triable questions of material fact. Nor did it cite any specific paragraph numbers in the complaint, any of the exact statements to which its decision applied, or any of the exact dates on which those statements occurred.

{¶35} "Where a trial court's judgment is not sufficiently detailed, a reviewing court may be left in the unfortunate position of being unable to provide meaningful review." *Zemla v. Zemla*, 2012-Ohio-2829, ¶ 19 (9th Dist.). "'[O]ur role as an appellate court is not to act as a fact-finder in the first instance. Nor should this Court speculate as to what the trial court found or did not find . . . else we exceed our jurisdiction as an appellate court." *N.H. v. Soisson*, 2025-Ohio-2285, ¶ 10 (9th Dist.)., quoting *In re T.C.*, 2008-Ohio-2249, ¶ 11-12 (9th Dist.). When confronted with a judgment entry that is lacking in sufficient detail, this Court has reversed and remanded the matter

"so that the trial court can set forth an analysis that permits our review." *Steven A. Ettinger, Inc. v. Kramer*, 2021-Ohio-2219, ¶ 17 (9th Dist.).

{¶36} It is not clear to this Court that the trial court properly applied UPEPA's provisions or engaged in the analysis required under that statute. It is also unclear whether the trial court considered each of Homeowner's arguments, including that statements beyond mere name calling were opinion-based statements, that the evidence did not demonstrate actual malice, and that, if anything, Council President's claims only demonstrated defamation per quod. Finally, apart from the one instance where the trial court cited paragraph numbers in the complaint, it is unclear to this Court what specific portions of the complaint the trial court intended to dismiss. The complaint contained a significant number of allegations regarding numerous statements Homeowner made on multiple dates. On remand, it is incumbent upon the trial court to issue a sufficiently detailed judgment entry that allows for meaningful appellate review. For the foregoing reasons, Homeowner's second, third, fourth, and fifth assignments of error are sustained.

ASSIGNMENT OF ERROR I

> THE TRIAL COURT ERRED IN RULING THAT [UPEPA] DID NOT APPLY TO ALL OF [COUNCIL PRESIDENT'S] CLAIMS.

{¶37} In his first assignment of error, Homeowner argues that the trial court erred when it found that UPEPA did not apply to any statements he made before its effective date. He argues that the court's ruling violated the party presentation principle and contravened UPEPA's plain language. For the following reasons, we sustain the assignment of error.

{¶38} Appellate courts review questions of statutory interpretations de novo. *Kohn v. Glenmede Trust Co., N.A.*, 2026-Ohio-4001, ¶ 9 (9th Dist.). Statutory interpretation begins with a plain language review. *Kresevic v. Kimmel*, 2026-Ohio-3095, ¶ 11 (9th Dist.). "[I]f the meaning

of the statute is unambiguous and definite, further interpretation is not necessary and a court must apply the statute as written." *Frye v. Am. Honda Motor Co., Inc.*, 2022-Ohio-878, ¶ 7 (9th Dist.).

{¶39} Council President filed his complaint on May 27, 2025. As noted, the complaint alleged that Homeowner was liable for statements he made before and after April 9, 2025. The trial court offered the following analysis regarding any pre-April 9, 2025, statements:

> [UPEPA] did not become effective until April 9, 2025. Therefore, the Court finds that any allegations set forth in the Complaint that occurred prior to April 9, 2025 are not subject to [UPEPA]. The Court shall review these allegations pursuant to a Civ.R. 12(B)(6) (failure to state a claim upon which relief can be granted) standard.

Homeowner claims the court's ruling violated the party presentation principle because Council President never argued that UPEPA did not apply to allegations predating its effective date. Homeowner also argues that the court erred in its ruling because, by its plain language, UPEPA applies to any civil action filed after its effective date.

{¶40} Council President asks this Court to reject Homeowner's arguments for two reasons. First, he argues that no violation of the party presentation principle occurred. According to Council President, by arguing that UPEPA applied, Homeowner placed any issues regarding its application squarely before the trial court for review. Second, Council President argues that any error in the court's ruling was harmless. According to Council President, Homeowner "did not sustain his burden with respect to the statements the trial court deemed defamatory."

{¶41} "It is axiomatic that 'our judicial system relies on the principle of party presentation, and courts should ordinarily decide cases based on issues raised by the parties.'" *Eddy v. Farmers Property Cas. Ins. Co.*, 2026-Ohio-626, ¶ 41, quoting *Epcon Communities Franchising, L.L.C. v. Wilcox Dev. Group, L.L.C.*, 2024-Ohio-4989, ¶ 15. "Under the principle of party presentation, 'we rely on the parties to frame the issues for decision and assign to courts the role of neutral arbiter of matters the parties present.'" *Snyder v. Old World Classics, L.L.C.*, 2025-

Ohio-1875, ¶ 4, quoting *Greenlaw v. U.S.*, 554 U.S. 237, 243 (2008). Only in limited circumstances is "'a modest initiating role for a court is appropriate.'" *State ex rel. Gatehouse Media Ohio Holdings II, Inc. v. Columbus Police Dept.*, 2025-Ohio-5243, ¶ 41, quoting *U.S. v. Sineneng-Smith*, 590 U.S. 371, 376 (2020). For example, cases in which there has been supplemental briefing, cases involving "a single unargued antecedent issue with a clear answer," and cases in which there is "an unargued jurisdictional issue that [the court] must analyze before getting to the merits . . . ." *Gatehouse Media Ohio Holdings II, Inc.* at ¶ 41.

{¶42} Assuming without deciding that the party presentation principle did not apply herein due to the application of at least one of the limited circumstances discussed above, *see id.*, we nevertheless must conclude that the court erred when it refused to apply UPEPA to any pre-April 9, 2025 allegations. R.C. 2747.06(A) expressly provides that UPEPA applies "to a civil action filed or any claim asserted in a civil action on or after" April 9, 2025. Council President filed his civil action on May 27, 2025. Thus, by its plain language, UPEPA applied to the civil action he filed after April 9, 2025. *See Kresevic*, 2026-Ohio-3095, at ¶ 11 (9th Dist.). The trial court erred when it concluded that UPEPA did not apply to a portion of that civil action.

{¶43} We have already determined that this matter must be remanded for the trial court to issue a sufficiently detailed judgment entry. *See* Discussion of Assignments of Error Two, Three, Four, and Five, *supra*. We, therefore, find it appropriate to include in that remand an instruction that the trial court apply UPEPA to the pre-April 9, 2025 allegations set forth in the complaint and include those allegations in the sufficiently detailed judgment entry it must issue in accordance with the foregoing opinion. Homeowner's first assignment of error is sustained on that basis.

III.

{¶44} Homeowner's assignments of error are sustained. The judgment of the Summit County Court of Common Pleas is reversed, and the cause is remanded for further proceedings consistent with the foregoing opinion.

Judgment reversed,
and cause remanded.

There were reasonable grounds for this appeal.

We order that a special mandate issue out of this Court, directing the Court of Common Pleas, County of Summit, State of Ohio, to carry this judgment into execution. A certified copy of this journal entry shall constitute the mandate, pursuant to App.R. 27.

Immediately upon the filing hereof, this document shall constitute the journal entry of judgment, and it shall be file stamped by the Clerk of the Court of Appeals at which time the period for review shall begin to run. App.R. 22(C). The Clerk of the Court of Appeals is instructed to mail a notice of entry of this judgment to the parties and to make a notation of the mailing in the docket, pursuant to App.R. 30.

Costs taxed to Appellee.

NATHAN MANNING
FOR THE COURT

HENSAL, P. J.
CONCURS.

FLAGG LANZINGER, J.
CONCURS IN JUDGMENT ONLY.

APPEARANCES:

HAMILTON DESAUSSURE, JR., Attorney at Law, for Appellant.

KERRI L. KELLER, Attorney at Law, for Appellee.