

Bond Case Briefs

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State ex rel. Casey v. Brown

Supreme Court of Ohio - July 6, 2023 - N.E.3d - 2023 WL 4356527 - 2023-Ohio-2264

Captain of city fire department brought mandamus action against city officials, seeking promotion to rank of battalion chief, award of associated compensation and employment benefits, and awards of attorney fees and costs.

The Seventh District Court of Appeals dismissed captain's complaint. Captain appealed and filed motion to strike portions of officials' brief and motion for oral argument.

The Supreme Court held that:

- Documents attached to captain's complaint would not be stricken;
- Documents not attached to captain's complaint and officials' references to them would be stricken;
- Oral argument was unwarranted;
- Captain had adequate remedy by way of grievance procedure under collective bargaining agreement (CBA);
- Statutes governing promotion did not impact adequacy of remedy under CBA;
- Abandonment of captain's grievance by firefighters' union did not impact adequacy of remedy under CBA; and
- Grievance procedure under CBA was not rendered inadequate for not being complete, beneficial, or speedy.