
EMINENT DOMAIN - OHIO

State ex rel. Gideon v. Page

Supreme Court of Ohio - October 10, 2024 - N.E.3d - 2024 WL 4454448 - 2024-Ohio-4867

After Court of Common Pleas granted city's motion to vacate its dismissal of eminent domain action without prejudice due to parties purportedly having reached settlement agreement, and city moved to enforce settlement, property owner brought original action in Court of Appeals for writ of prohibition to prevent trial court judge from conducting any further proceedings in underlying case.

City and Judge filed motions to dismiss. Property owner filed objections to magistrate's report and recommendations. The Court of Appeals overruled the objections, granted the motions to dismiss, and denied the writ of prohibition. Property owner appealed, and filed motion for oral argument.

The Supreme Court held that:

- Court would deny motion for oral argument, and
- Judge did not patently and unambiguously lack jurisdiction to hear city's motion.

Supreme Court would deny property owner's motion for oral argument on direct appeal from the denial of property owner's writ of prohibition alleging that trial court judge lost jurisdiction over eminent domain case and could not schedule hearing on whether to enforce settlement agreement with city, as case did not involve complex issues, a matter of great public importance, a substantial constitutional issue, or a conflict among courts of appeals.

Court of common pleas judge did not patently and unambiguously lack jurisdiction to hear city's motion for relief from judgment and vacate dismissal without prejudice of eminent domain action; no statute removed the court's jurisdiction, at a minimum, judge had jurisdiction to determine whether grounds for relief from judgment existed, and, while motion did not cite rule governing relief from judgment, city argued at hearing that judge could vacate the dismissal under rule or her inherent authority.

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