

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
January 23, 2026

These case summaries are issued for the convenience of the public, the bench, and the bar. They are a brief statement of the court's holdings and are not to be considered headnotes or syllabi. Copies of opinions are available from the particular county's clerk of courts. The full text of each opinion will be available on the Ohio Supreme Court's website at <http://www.supremecourt.ohio.gov/rod/docs/?source=2>.

Case Name: *Colleen M. Reilly v. Farbod Rastegar, M.D., et al.*
Case No: Montgomery C.A. No. 30464; T.C. Case No. 2023 CV 02320
Panel: Tucker, Huffman, Hanseman
Author: Mary K. Huffman
Summary: The trial court erred in granting summary judgment in favor of appellee-hospital on appellant's respondeat superior claim in her medical negligence action. Expert testimony is not required in a negligence action involving conduct within the common knowledge and experience of jurors, which includes a hospital staff member failing to follow orders of a physician. Genuine issues of material fact precluding summary judgment remained where there was evidence that defendant-surgeon had instructed defendant-surgical scrub technician not to place a particular instrument on his surgical tray, and the surgical scrub technician failed to follow the order, ultimately handing the wrong instrument to the surgeon during appellant's surgery. The surgeon used the instrument, and appellant was injured. Judgment reversed and remanded.

Case Name: *State of Ohio v. Patrice Coleman*
Case No: Montgomery C.A. No. 30479; T.C. Case No. 2025-TRC-0007
Panel: Lewis, Huffman, Hanseman
Author: Mary K. Huffman
Summary: The trial court erred in overruling appellant's motion to suppress because the arresting officer lacked reasonable, articulable suspicion to stop appellant for a red-light violation. Appellant's argument regarding her ALS appeal—which the trial court never ruled on—is moot because upon reversal and remand for the suppression issue, this matter is restored to its pre-plea status. Judgment reversed and remanded.

Case Name: *Richard I. Geisenfeld v. Diane R. Geisenfeld, etc., et al.*
Case No: Montgomery C.A. No. 30487; T.C. Case No. 2022 CV 02376
Panel: Lewis, Huffman, Hanseman
Author: Robert G. Hanseman
Summary: The trial court did not err in finding that appellant had fraudulently induced appellee to sign a settlement agreement. The agreement was ambiguous, and therefore the court was allowed to hear extrinsic evidence. Upon consideration of that evidence, the court found that appellant acted maliciously and violated her fiduciary duty by failing to disclose that the items for which appellee had bargained under the agreement were wholly meaningless, worthless, or non-existent. No error occurred in that regard. The court also did not abuse its discretion in awarding damages and attorney fees to appellee. Judgment affirmed.

Case Name: *State of Ohio v. Danzel Leon Johnson*
Case No: Montgomery C.A. No. 30536; T.C. Case No. 2022 CR 00689
Panel: Lewis, Tucker, Huffman
Author: Michael L. Tucker
Summary: The trial court did not err in overruling appellant's motion to dismiss his indictment on statutory and constitutional speedy trial grounds. Judgment affirmed.

Case Name: *State of Ohio v. Diahntae Bell*
Case No: Montgomery C.A. No. 30545; T.C. Case No. 2007 CR 00802
Panel: Lewis, Tucker, Huffman
Author: Mary K. Huffman
Summary: Appellant's motion to preserve biological evidence is not necessary or justiciable, and it is barred by res judicata. Judgment affirmed.

Case Name: *John McManus, as Treasurer of Montgomery County, Ohio v. Carlos Leon Villalva, et al.*
Case No: Montgomery C.A. No. 30551; T.C. Case No. 2025 CV 00511
Panel: Lewis, Tucker, Huffman
Author: Michael L. Tucker
Summary: Appellant's claim that he is redeeming real estate subject to foreclosure proceedings is unrelated to the judgment on appeal, which granted foreclosure on the subject property. Although appellant may redeem the property by paying delinquent taxes after foreclosure but prior to confirmation of a sheriff's sale, the post-foreclosure redemption process is separate from the foreclosure order itself. Judgment affirmed.

Case Name: *Credit Service International v. Derrick Armstrong*
Case No: Montgomery C.A. No. 30616; T.C. Case No. 2025 CV 02177
Panel: Lewis, Tucker, Huffman
Author: Michael L. Tucker
Summary: The trial court did not err by failing to provide analysis in support of its summary judgment ruling in favor of appellee. The record does not reflect that the trial court did anything to preclude appellant from conducting discovery or being heard in opposition to summary judgment. A Dayton ordinance limiting the late fees that a landlord may charge had no applicability to appellant's lease of an apartment in Moraine. Judgment affirmed.