

COURT OF APPEALS OF OHIO, SECOND APPELLATE DISTRICT,
MONTGOMERY COUNTY

In re Disinterment of Irene J. Glass, Deceased; In re Disinterment of
Marion J. Glass, Deceased

In re Disinterment of Glass, 2025-Ohio-5433 (2d Dist.) · No. 30565 · Decided December 5, 2025

SUMMARY

The Second District Court of Appeals of Ohio reversed the probate court’s denial of Larry Mullins’s motion to modify a stipulated protective order. The court held that the motion sought modification of the protective order rather than relief from a final judgment under Civ.R. 60(B), and directed the probate court to permit the specified deposition materials to be filed under seal in related stock litigation.

CASE DETAILS

COURT	Court of Appeals of Ohio, Second Appellate District, Montgomery County
WRITING FOR THE COURT	Michael L. Tucker; Lewis, J.; Hanseman, J.
JURISDICTION	Court of Appeals of Ohio, Second Appellate District, Montgomery County
DECIDED	December 5, 2025
DOCKET	30565
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appellant appealed the Montgomery County Common Pleas Court, Probate Division's denial of his motion to modify a stipulated protective order so that specified deposition testimony could be used in separate litigation concerning the disposition of estate-related stock.
STANDARD OF REVIEW	Abuse of discretion
PRECEDENTIAL VALUE	published
PARTIES	Larry Mullins, as executor of the estate of Roger S. Glass v. Carol Pollack, Kathleen Glass, Carol Pollack's two daughters

TOPICS

discovery dispute

probate procedure

standard of review

appellate procedure

civil procedure

PRACTICE AREAS

civil procedure

probate

discovery and protective orders

appellate procedure

QUESTIONS PRESENTED

1. Whether the probate court applied the correct legal standard when it treated a motion to modify a stipulated protective order as a motion for relief from judgment under Civ.R. 60(B).
2. Whether, under the applicable abuse-of-discretion standard, the protective order should be modified to permit specified deposition testimony to be filed under seal and used in related stock-disposition litigation.

HOLDINGS

1. A motion seeking modification of a protective order is not a motion to vacate a final judgment under Civ.R. 60(B); modification of the protective order is committed to the trial court's discretion.
2. On the record presented, any decision denying modification of the protective order to permit the specified deposition testimony to be filed under seal in the pending stock litigation would be unreasonable and therefore an abuse of discretion.
3. The appellate court did not decide the ultimate relevance, use, or admissibility of the deposition testimony; those issues remain for the court handling the stock-disposition case.

KEY QUOTATIONS

“Mullins was seeking modification of the protective order, not vacation of a final judgment.” (¶ 10)

“These factors convince us that any decision that would deny modification of the protective order so the deposition testimony can be filed under seal in the pending stock litigation would be unreasonable and an abuse of discretion.” (¶ 14)

FACTUAL BACKGROUND

The underlying consolidated actions concerned Roger Glass's request to disinter his deceased parents, Marion and Irene Glass, for reinterment in a family mausoleum. Roger and Carol Pollack gave depositions, and the parties entered a stipulated protective order covering litigation materials, including the deposition testimony. In related litigation concerning ownership and disposition of Roger's shares in Marene, Inc., Mullins sought to use specified deposition excerpts regarding Roger's estate planning and stock ownership, while the probate court denied modification of the protective order.

PROCEDURAL HISTORY

The parties entered a stipulated protective order in the consolidated disinterment actions. After Roger Glass died and his executor was substituted as a party, Mullins sought to modify the order to use specified deposition excerpts in related stock-disposition litigation. The probate court treated the request as seeking Civ.R. 60(B)

relief and denied it. The Court of Appeals reversed and remanded with instructions to permit the requested material to be filed under seal.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The probate court's judgment is reversed and the matter is remanded with instructions to permit Mullins to file, under seal, the requested deposition material with the general division of the Montgomery County Common Pleas Court. The appellate court left relevance, use, and admissibility for determination by the court in the stock-disposition case.

CASES CITED

- In re Disinterment of Glass, 2023-Ohio-3509 (2d Dist.)
- In re Disinterment of Glass, 2024-Ohio-163
- Pollock v. Mullins, 2024-Ohio-3423 (2d Dist.)
- Brigadier Constr. Servs. L.L.C. v. JLP Glass Prods., Inc., 2013-Ohio-825, ¶ 25 (8th Dist.)
- Abrams v. Abrams, 2017-Ohio-4319, ¶ 19 (2d Dist.)
- AAAA Ents., Inc. v. River Place Community Urban Redevelopment Corp., 65 Ohio St.2d 10, 11 (1981)