

SUPREME COURT OF OHIO

State ex rel. Abraitis v. Gallagher

2016-Ohio-1598 (Ohio 2016) · No. 2015-0907 · Decided April 21, 2016

SUMMARY

The Supreme Court of Ohio affirmed the dismissal of prohibition complaints challenging a probate court judge's jurisdiction to hear a motion to correct an inventory and a concealment-of-assets claim. The court held that the probate court did not patently and unambiguously lack jurisdiction and that the appellant had an adequate remedy through appeal. The court also recognized that probate courts may resolve title questions involving allegedly concealed estate assets.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per curiam; Maureen O'Connor, C.J.; Pfeifer, J.; O'Donnell, J.; Lanzinger, J.; Kennedy, J.; French, J.; O'Neill, J.
JURISDICTION	Ohio
DECIDED	April 21, 2016
DOCKET	2015-0907
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Eighth District Court of Appeals' dismissal of two prohibition complaints challenging the probate judge's jurisdiction to hear a motion to correct inventory and a concealment-of-assets claim.
STANDARD OF REVIEW	A writ of prohibition requires the relator to establish that the respondent is exercising or about to exercise judicial power, that the exercise is unauthorized by law, and that denial of the writ would result in injury for which no adequate remedy exists in the ordinary course of law. Even when an adequate remedy exists, prohibition may issue if the lack of jurisdiction is patent and unambiguous.
PRECEDENTIAL VALUE	Published opinion; precedential decision of the Supreme Court of Ohio
PARTIES	State ex rel. Abraitis, exr., Sarunas V. Abraitis v. Judge Laura J. Gallagher, et al.

TOPICS

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probate

writ of certiorari

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Cuyahoga County Probate Court patently and unambiguously lacked jurisdiction to hear a concealment-of-assets claim and a motion to correct inventory based on state and federal tax determinations.
2. Whether prohibition was available when Abraitis had an adequate remedy by appeal from orders entered in the probate proceedings.

HOLDINGS

1. Prohibition was unavailable because Abraitis had an adequate remedy by appealing any probate-court orders or entries with which he disagreed.
2. The probate judge did not patently and unambiguously lack jurisdiction to hear and decide the concealment-of-assets claim, the motion to correct inventory, or other matters concerning the estate.

KEY QUOTATIONS

“To be entitled to the requested writ of prohibition, Abraitis must establish that (1) Judge Gallagher is about to exercise or has exercised judicial power, (2) the exercise of that power is unauthorized by law, and (3) denying the writ would result in injury for which no other adequate remedy exists in the ordinary course of the law.” (¶ 10)

“Because Abraitis has an adequate remedy in the ordinary course of the law and because Judge Gallagher does not patently and unambiguously lack jurisdiction over the probate court action, we affirm the court of appeals’ dismissals of Abraitis’s complaints in prohibition.” (¶ 16)

FACTUAL BACKGROUND

Abraitis was formerly the executor of his mother Vlada Abraitis's estate, which was being administered in the Cuyahoga County Probate Court. After federal and state tax proceedings involving assets held in Abraitis's name, he moved to correct the estate inventory by deleting seized assets. Vivian, the personal representative of Abraitis's deceased brother's estate, sought to pursue a concealment-of-assets claim and obtain additional financial discovery. Abraitis argued that tax determinations and the absence of objections to a certificate of estate-tax liability divested the probate court of jurisdiction.

PROCEDURAL HISTORY

Abraitis filed multiple prohibition actions in the Eighth District Court of Appeals, asserting that Judge Gallagher lacked jurisdiction because state and federal tax determinations allegedly precluded further probate-court administration of the estate. The court of appeals consolidated and dismissed the later complaints. The Supreme Court of Ohio affirmed those dismissals.

DISPOSITION

affirmed

CASES CITED

- State ex rel. Abraitis v. Gallagher, 143 Ohio St. 3d 439, 2015-Ohio-2312, 39 N.E.3d 491, ¶¶ 3-6
- State ex rel. Abraitis v. Gallagher, 143 Ohio St. 3d 439, 2015-Ohio-2312, 39 N.E.3d 491
- In re Estate of Abraitis, 8th Dist. Cuyahoga No. 102403, 2015-Ohio-4077
- State ex rel. Bell v. Pfeiffer, 131 Ohio St. 3d 114, 2012-Ohio-54, 961 N.E.2d 181, ¶¶ 18, 23
- State ex rel. Miller v. Warren Cty. Bd. of Elections, 130 Ohio St. 3d 24, 2011-Ohio-4623, 955 N.E.2d 379, ¶ 12
- Chesapeake Exploration, L.L.C. v. Oil & Gas Comm., 135 Ohio St. 3d 204, 2013-Ohio-224, 985 N.E.2d 480, ¶ 11
- Abraitis v. United States, N.D. Ohio No. 1:11-cv-2077, 2012 WL 3633073 (June 12, 2012)
- Abraitis v. United States, 709 F.3d 641 (6th Cir. 2013)
- Goldberg v. Maloney, 111 Ohio St. 3d 211, 2006-Ohio-5485, 855 N.E.2d 856, ¶¶ 33, 36
- State ex rel. Lipinski v. Cuyahoga Cty. Common Pleas Court, Probate Div., 74 Ohio St. 3d 19, 22, 655 N.E.2d 1303 (1995)
- In re Beasley's Estate, 70 Ohio App. 2d 131, 137, 435 N.E.2d 91 (4th Dist. 1980)