

OHIO COURT OF APPEALS, NINTH JUDICIAL DISTRICT

A. Morgan Bldg. Group, L.L.C. v. Owners Ins. Co.

2026-Ohio-1129 · No. C.A. No. 31415 · Decided March 31, 2026

SUMMARY

The Ninth District Court of Appeals of Ohio dismissed Owners Insurance Group Company’s attempted appeal from an interlocutory order denying a protective order concerning the deposition of its attorney. The majority held that the order was not final and appealable because it did not specifically compel disclosure of privileged communications. A dissent would have treated the order as final and appealable and concluded that the trial court failed to follow the in-camera review and prima-facie showing requirements of R.C. 2317.02(A)(2).

CASE DETAILS

COURT	Ohio Court of Appeals, Ninth Judicial District
WRITING FOR THE COURT	Donna J. Carr; Hensal, J.; Flagg Lanzinger, P.J.
JURISDICTION	Ohio Court of Appeals, Ninth Judicial District, Summit County
DECIDED	March 31, 2026
DOCKET	C.A. No. 31415
DISPOSITION	dismissed
PROCEDURAL POSTURE	Owners attempted an interlocutory appeal from the denial of its motion for a protective order concerning the deposition of its attorney and claimed attorney-client privileged communications.
STANDARD OF REVIEW	The appellate court independently reviewed its subject-matter jurisdiction. The opinion did not reach the merits of the protective-order ruling.
PRECEDENTIAL VALUE	published
PARTIES	Owners Insurance Co. v. The A. Morgan Building Group, LLC

TOPICS

- interlocutory appeal
- appellate jurisdiction
- discovery dispute
- attorney client privilege
- insurance

PRACTICE AREAS

- appellate procedure
- civil procedure
- insurance
- commercial litigation
- evidence

QUESTIONS PRESENTED

1. Whether the trial court's denial of Owners' motion for a protective order was a final, appealable order under Ohio law.
2. Whether the Ninth District had subject-matter jurisdiction over Owners' attempted interlocutory appeal.

HOLDINGS

1. An order that merely denies a motion for a protective order and permits questioning about an attorney's role in a company's decision-making process is not final and appealable when it does not specifically compel disclosure of particular privileged communications or answers to particular questions.
2. Because Owners failed to demonstrate that the challenged interlocutory order was final and appealable, the Ninth District lacked subject-matter jurisdiction and was required to dismiss the attempted appeal.

KEY QUOTATIONS

“This Court has jurisdiction to hear appeals only from final judgments.” (§ 7)

“Orders regarding discovery are considered interlocutory and, in general, are not immediately appealable.” (§ 8)

“A trial court’s order is final and appealable to the extent it compels production of claimed privileged materials.” (§ 8)

“In our view, an order that allows questions about counsel’s role in a company’s decision-making process is far different than an order that compels counsel to answer specific questions about his communications with his client.” (§ 10)

FACTUAL BACKGROUND

A. Morgan purchased a building and added it to an insurance policy issued by Owners. The building was vandalized and later damaged by fire before Owners inspected the initial damage, leading A. Morgan to submit two claims. Owners initially advanced some remediation funds but eventually denied the claims, and A. Morgan alleged breach of contract, unjust enrichment, breach of fiduciary duty, and bad faith. The discovery dispute concerned whether A. Morgan could depose an Owners attorney about the attorney's role in the claim-denial process.

PROCEDURAL HISTORY

A. Morgan sued Owners in the Summit County Court of Common Pleas after Owners delayed and then denied insurance claims arising from vandalism and fire damage. After an earlier appeal concerning production of claims-file notes, A. Morgan sought to depose one of Owners' attorneys. The trial court denied Owners' motion for a protective order and permitted questioning concerning the attorney's role in the claim-denial process. The Ninth District dismissed Owners' attempted appeal for lack of a final, appealable order.

DISPOSITION

dismissed

CASES CITED

- A. Morgan Bldg. Group, LLC v. Owners Ins. Co., 2023-Ohio-3133, ¶¶ 2-4, 23-24 (9th Dist.)
- Whitaker–Merrell Co. v. Geupel Constr. Co., Inc., 29 Ohio St. 2d 184, 186 (1972)
- Peppeward v. Summit Cty., 2010-Ohio-2862, ¶¶ 9-12 (9th Dist.)
- State v. Glenn, 2021-Ohio-3369, ¶ 22
- State v. Hendon, 2017-Ohio-352, ¶ 19 (9th Dist.)
- DMS Constr. Ents., L.L.C. v. Homick, 2020-Ohio-4919, ¶ 43 (8th Dist.)
- Byrd v. U.S. Xpress, Inc., 2014-Ohio-5733, ¶ 12 (1st Dist.)
- State ex rel. Leslie v. Ohio Hous. Fin. Agency, 2005-Ohio-1508, ¶ 20
- Upjohn Co. v. United States, 449 U.S. 383, 389 (1981)
- Moskovitz v. Mt. Sinai Med. Ctr., 69 Ohio St. 3d 638, 660 (1994)
- A. Morgan Building Group, LLC v. Owners Ins. Co., 2023-Ohio-3133, ¶ 26 (9th Dist.)
- Li v. Du, 2022-Ohio-917, ¶ 7 (9th Dist.)
- State v. Consilio, 2006-Ohio-649, ¶ 4

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