

OHIO COURT OF APPEALS, NINTH JUDICIAL DISTRICT

Anderson v. Bonnema

2026-Ohio-771 · No. 25CA012203 · Decided March 9, 2026

SUMMARY

The Ninth District Court of Appeals of Ohio reversed the Lorain County Court of Common Pleas’ dismissal of Douglas Anderson’s complaint with prejudice on res judicata grounds. The appellate court held that the defendants had not sought dismissal on that basis in their Civ.R. 12(B)(6) motion, and remanded the matter for further proceedings; another assignment of error was deemed moot.

CASE DETAILS

COURT	Ohio Court of Appeals, Ninth Judicial District
WRITING FOR THE COURT	Donna J. Carr, Presiding Judge; Donna J. Carr; Hensal; Sutton
JURISDICTION	Ohio Court of Appeals, Ninth Judicial District
DECIDED	March 9, 2026
DOCKET	25CA012203
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Douglas Anderson appealed the Lorain County Court of Common Pleas' dismissal of his complaint with prejudice under Civ.R. 12(B)(6) on the ground of res judicata.
STANDARD OF REVIEW	A Civ.R. 12(B)(6) motion tests the sufficiency of the complaint. Review is limited to the complaint's factual allegations and materials incorporated into it, with those allegations construed in the plaintiff's favor.
PRECEDENTIAL VALUE	Published precedential Ohio Court of Appeals opinion
PARTIES	Douglas Anderson v. Kevin Bonnema, Lorain County Speedway, Lori Bonnema Blume, Cara Bonnema, Randy Maggio, Denise Maggio, Raceway Concessions LLC, Randy Maggio, Jr.

TOPICS

- motions to dismiss
- res judicata
- civil procedure
- appellate procedure
- mootness

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court erred by dismissing the complaint with prejudice on res judicata grounds when the moving defendants had not raised res judicata in their motion to dismiss.
2. Whether the trial court erred in failing to notify Anderson that one defendant was no longer represented by a particular attorney.

HOLDINGS

1. The trial court erred by dismissing the complaint on res judicata grounds because the moving defendants did not ask the court to dismiss on that basis, and courts should ordinarily decide cases based on issues raised by the parties.
2. The second assignment of error was moot in light of the reversal on the other assignments, so the court declined to address it.

KEY QUOTATIONS

“A motion to dismiss under Civ.R. 12(B)(6) for failure to state a claim is a procedural motion that tests the sufficiency of the plaintiff’s complaint.” (¶ 6)

“our judicial system relies on the principle of party presentation, and courts should ordinarily decide cases based on issues raised by the parties.” (¶ 8)

FACTUAL BACKGROUND

Anderson alleged that the defendants illegally obtained the Lorain County Speedway and Rock and Racing LLC from him. Several defendants moved to dismiss, asserting that the complaint was not in proper form, that the fraud claim was impermissibly vague, and that Anderson had previously initiated another action making the current matter repetitive and frivolous. The trial court nevertheless dismissed the complaint with prejudice on res judicata grounds.

PROCEDURAL HISTORY

Anderson and Rock and Racing LLC filed a complaint against multiple defendants. Several defendants moved to dismiss or for a more definite statement, and later renewed the motion. The trial court dismissed the complaint with prejudice based on res judicata, although the moving defendants had not expressly asserted res judicata as a ground for dismissal. Anderson appealed; the appellees did not file a brief.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The matter was remanded to the Lorain County Court of Common Pleas for proceedings consistent with the decision.

CASES CITED

- Haven v. Lodi, 2022-Ohio-3957, ¶ 7 (9th Dist.)
- State v. Boychi, 2023-Ohio-3134, ¶ 15 (9th Dist.)
- State ex rel. Gordon v. Summit Cty. Court of Common Pleas, 2024-Ohio-3174, ¶ 5
- State ex rel. Peterson v. Miday, 2024-Ohio-2693, ¶ 13
- Epcon Communities Franchising, L.L.C. v. Wilcox Dev. Group, L.L.C., 2024-Ohio-4989, ¶¶ 15-16
- Greenlaw v. United States, 554 U.S. 237, 243 (2008)

OPINION

Anderson v. Bonnema

2026 Ohio 771

PER CURIAM.

[Cite as Anderson v. Bonnema, 2026-Ohio-771.]

STATE OF OHIO) IN THE COURT OF APPEALS

)ss: NINTH JUDICIAL DISTRICT

COUNTY OF LORAIN)

DOUGLAS ANDERSON C.A. No. 25CA012203

Appellan

v. APPEAL FROM JUDGMENT

ENTERED IN THE

KEVIN BONNEMA, et al. COURT OF COMMON PLEAS

COUNTY OF LORAIN, OHIO

Appellees CASE No. 23CV209327

DECISION AND JOURNAL ENTRY

Dated: March 9, 2026 CARR, Presiding Judge. {¶1} Plaintiff-Appellant Douglas Anderson appeals, pro se, the judgment of the Lorain County Court of Common Pleas. This Court reverses and remands the matter for proceedings consistent with this decision. I. {¶2} In May 2024, Mr. Anderson, appearing pro se, and Rock and Racing LLC filed a complaint against Defendants-Appellees Kevin Bonnema, Lorain County Speedway, Lori Bonnema Blume, Cara Bonnema, Randy Maggio, Denise Maggio, Raceway Concessions LLC, and Randy Maggio, Jr. The complaint essentially alleged that the Defendants illegally obtained the Lorain County Speedway and Rock and Racing LLC from Mr. Anderson. {¶3} On May 21, 2024, several of the Defendants-Appellees filed a motion to dismiss or for a more definite statement. On June 10, 2024, Mr. Anderson filed what he labeled a “Revised Formal Complaint for a More Definite Statement[.]” That document listed only Mr. Anderson as 2 a Plaintiff. On June 20, 2024, the same group of

Defendants-Appellees moved to renew their prior motion to dismiss. Mr. Anderson opposed the motion with two separate filings. {¶4} On December 30, 2024, the trial court granted the motion to dismiss concluding that the matter was barred by res judicata. The trial court dismissed the complaint with prejudice. Mr. Anderson has appealed, raising three assignments of error for our review. Some of his arguments will be consolidated and addressed out of sequence to facilitate our analysis. Defendants-Appellees have not filed a brief. See App.R. 18(C). II.

ASSIGNMENT OF ERROR I

THE RULING IN FAVOR OF THE DEFENDANT[S'] MOTION TO DISMISS
FOR RES JUDICATA WAS AGAINST [CIV.R. 19.]

ASSIGNMENT OF ERROR III

BY GRANTING PREJUDICE IN FAVOR OF DEFENDANTS ATTORNEY.

(SIC)

{¶5} When taken together, Mr. Anderson essentially argues in his first and third assignments of error that the trial court erred in dismissing the complaint with prejudice on the basis of res judicata. {¶6} The group of Defendants-Appellees that filed the motion to dismiss did so pursuant to Civ.R. 12(B)(6). “A motion to dismiss under Civ.R. 12(B)(6) for failure to state a claim is a procedural motion that tests the sufficiency of the plaintiff’s complaint.” (Internal quotations and citations omitted.) *Haven v. Lodi*, 2022-Ohio-3957, ¶ 7 (9th Dist.). “A court’s consideration of a Civ.R. 12(B)(6) motion to dismiss is limited to the complaint’s factual allegations and any materials incorporated into the complaint. A court may not assume as true or even consider facts alleged in a party’s brief or attachments thereto.” (Internal quotations and citations omitted.) *Id.* 3 And “while trial courts may take judicial notice of proceedings in the immediate case, they cannot take judicial notice of proceedings in other cases, even if the same judge presided or if the case involves the same parties.” *State v. Boychi*, 2023-Ohio-3134, ¶ 15 (9th Dist.). Additionally, “it is generally inappropriate to grant a motion to dismiss based on res judicata because it is an affirmative defense.” *State ex re. Gordon v. Summit Cty. Court of Common Pleas*, 2024-Ohio-3174, ¶ 5 (9th Dist.), quoting *State ex rel. Peterson v. Miday*, 2024-Ohio-2693, ¶ 13. {¶7} Here, the motion to dismiss, which was later renewed by the group of Defendants- Appellees, argued only the following grounds for dismissal: (1) that the complaint was not in the proper form; (2) that the claim for fraud was impermissibly vague; and (3) that Mr. Anderson had previously initiated an action in another case rendering the instant matter “repetitive and frivolous[.]” Nowhere in the motion to dismiss or entry renewing the motion to dismiss did the group of Defendants-Appellees mention res judicata. {¶8} “[O]ur judicial system relies on the principle of party presentation, and courts should ordinarily decide cases based on issues raised by the parties.” *Epcon Communities Franchising, L.L.C. v. Wilcox Dev. Group, L.L.C.*, 2024-Ohio-4989, ¶ 15, citing *Greenlaw v. United States*, 554 U.S. 237, 243 (2008). The group of Defendants-Appellees that filed the motion to dismiss and later renewed it did not ask the trial court to dismiss the case on the basis of res judicata. Because the trial court nonetheless did so anyway, we conclude that

the trial court erred. See *id.* at ¶ 16. {¶9} Mr. Anderson's first and third assignments of error are sustained.

ASSIGNMENT OF ERROR II

SECTION 1925.05 SERVICE OF NOTICE FILING[.] (SIC)

4 {¶10} Mr. Anderson appears to argue in his second assignment of error that the trial court erred in failing to notify him that one of the Defendants-Appellees was no longer represented by a particular attorney. In light of our ruling on Mr. Anderson's other assignments of error, this assignment of error has been rendered moot, and we decline to address it. See App.R. 12(A)(1)(c). III. {¶11} Mr. Anderson's first and third assignments of error are sustained. His second assignment of error is moot. The judgment of the Lorain County Court of Common Pleas is reversed, and the matter is remanded for proceedings consistent with this decision. Judgment reversed, and cause remanded. There were reasonable grounds for this appeal. We order that a special mandate issue out of this Court, directing the Court of Common Pleas, County of Lorain, State of Ohio, to carry this judgment into execution. A certified copy of this journal entry shall constitute the mandate, pursuant to App.R. 27. Immediately upon the filing hereof, this document shall constitute the journal entry of judgment, and it shall be file stamped by the Clerk of the Court of Appeals at which time the period for review shall begin to run. App.R. 22(C). The Clerk of the Court of Appeals is instructed to mail a notice of entry of this judgment to the parties and to make a notation of the mailing in the docket, pursuant to App.R. 30. Costs taxed to Appellees.

DONNA J. CARR

FOR THE COURT

5 HENSAL, J. CONCURS. SUTTON, J. DISSENTS. APPEARANCES: DOUGLAS ANDERSON, pro se, Appellant. DAVID M. GAREAU, Attorney at Law, for Appellees.