

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, WESTERN DIVISION AT DAYTON

Frank J. Hora, et al. v. Perry Township, Ohio, et al.

Hora · No. 3:22-cv-326 · Decided January 16, 2026

SUMMARY

The United States District Court for the Southern District of Ohio granted Frank J. Hora’s unopposed motion to reopen the action due to settlement issues and denied his request to recuse Magistrate Judge Caroline H. Gentry. The court referred the matter to Judge Gentry for a mediation conference concerning the existence and enforceability of any settlement, potential sanctions, and the effect of an unrepresented plaintiff entity, and denied the defendants’ summary-judgment motions without prejudice.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Western Division at Dayton
WRITING FOR THE COURT	Michael J. Newman
JURISDICTION	United States District Court for the Southern District of Ohio, Western Division at Dayton
DECIDED	January 16, 2026
DOCKET	3:22-cv-326
DISPOSITION	other
PROCEDURAL POSTURE	The district court considered Plaintiff Frank J. Hora's unopposed motion to reopen the action due to settlement issues, his request to recuse the assigned magistrate judge, and Defendants' motions for summary judgment.
PRECEDENTIAL VALUE	nonprecedential district court order

TOPICS

- mediation
- summary judgment
- contracts
- civil procedure

PRACTICE AREAS

- civil procedure
- contracts
- civil rights

QUESTIONS PRESENTED

1. Whether the action should be reopened because of settlement issues.
2. Whether Plaintiff's request to recuse Magistrate Judge Caroline H. Gentry should be granted.
3. Whether the case should be referred to Magistrate Judge Gentry for a mediation conference addressing the existence and enforceability of any settlement agreement.
4. Whether Defendants' motions for summary judgment should be resolved while the settlement issues were being addressed.

HOLDINGS

1. The court granted Frank J. Hora's unopposed pro se motion to reopen the action due to settlement issues.
2. The court denied Plaintiff's request to recuse Magistrate Judge Caroline H. Gentry.
3. The court referred the case to Magistrate Judge Gentry for a mediation conference addressing whether the parties settled, whether any settlement was enforceable, whether sanctions were warranted for failure to comply, and whether Tukens LLC's lack of counsel affected settlement validity.
4. The court denied Defendants' motions for summary judgment without prejudice and subject to renewal.

KEY QUOTATIONS

"The Court REFERS this case to Judge Gentry for a mediation conference to determine:" (Order)

"Finally, given this referral, the Court DENIES WITHOUT PREJUDICE AND SUBJECT TO RENEWAL Defendants' motions for summary judgment." (Order)

FACTUAL BACKGROUND

The parties disputed whether they had reached an enforceable settlement agreement and, if so, whether the agreement's terms had been satisfied. The court also identified potential issues concerning sanctions for noncompliance and whether Tukens LLC's lack of counsel affected the settlement's validity.

PROCEDURAL HISTORY

The action had been closed or otherwise inactive in connection with alleged settlement issues. The court reopened the action, denied the request to recuse Magistrate Judge Caroline H. Gentry, referred the matter to her for a mediation conference and any necessary order or report and recommendation, and denied Defendants' summary-judgment motions without prejudice and subject to renewal.

DISPOSITION

other

CASES CITED

- Erickson v. Pardus, 551 U.S. 89, 94 (2007)

OPINION

Hora

PER CURIAM.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION AT DAYTON

FRANK J. HORA, et al., Plaintiffs, Case No. 3:22-cv-326 vs. PERRY TOWNSHIP, OHIO, et al.,
District Judge Michael J. Newman Magistrate Judge Peter B. Silvain, Jr. Defendants. Magistrate
Judge Caroline H. Gentry (Settlement)

ORDER: (1) GRANTING PLAINTIFF FRANK J. HORA'S PRO SE UNOPPOSED
MOTION TO REOPEN THIS ACTION DUE TO SETTLEMENT ISSUES (Doc. No. 51);
(2) DENYING PLAINTIFF'S PRO SE REQUEST TO RECUSE UNITED STATES
MAGISTRATE JUDGE CAROLINE H. GENTRY FROM THIS CASE (Doc. No. 59); (3)
REFERRING THIS CASE TO JUDGE GENTRY FOR A MEDIATION CONFERENCE;
(4) REQUIRING JUDGE GENTRY TO ISSUE AN ORDER OR REPORT AND
RECOMMENDATION, AS NECESSARY; AND (5) DENYING WITHOUT PREJUDICE
AND SUBJECT TO RENEWAL DEFENDANTS' MOTIONS FOR SUMMARY
JUDGMENT (Doc. Nos. 33, 34)

For good cause shown, and in the absence of opposition, Plaintiff Frank J. Hora's pro se1
unopposed motion to reopen this action due to settlement issues is GRANTED. Doc. No. 51. The
Court DENIES Plaintiff's pro se request to recuse United States Magistrate Judge Caroline H.
Gentry from this case. Doc. No. 59. The Court REFERS this case to Judge Gentry for a mediation
conference to determine:

1. Did the parties settle;
2. Whether there was an enforceable settlement agreement;
3. If there was an enforceable agreement, whether sanctions should be imposed for failure
to satisfy the terms of the agreement; and 1 As with all pro se litigants, Plaintiff's documents and
allegations are liberally construed in his favor. See Erickson v. Pardus, 551 U.S. 89, 94 (2007) (per
curiam).
4. Whether Plaintiff Tukens LLC's lack of counsel impacts the validity of the settlement
agreement. Judge Gentry shall issue an Order or Report and Recommendation, as necessary.
Finally, given this referral, the Court DENIES WITHOUT PREJUDICE AND SUBJECT TO
RENEWAL Defendants' motions for summary judgment. Doc. Nos. 33, 34. IT IS SO ORDERED.
January 16, 2026 s/Michael J. Newman Hon. Michael J. Newman United States District Judge

