

**COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT,
CUYAHOGA COUNTY**

Orlove v. Bringht

2026-Ohio-1656 (8th Dist.) · No. 115571 · Decided May 7, 2026

SUMMARY

The Eighth District Court of Appeals held that service of the money-damages claim was not perfected on the defendant under the Ohio Rules of Civil Procedure. Because service was not completed within the applicable time limits and the defendant preserved his insufficiency-of-service defense, the trial court lacked personal jurisdiction over the claim. The appellate court vacated the judgment on Count 2 and remanded with instructions to dismiss that count without prejudice.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
WRITING FOR THE COURT	Deena R. Calabrese; Michelle J. Sheehan; Anita Laster Mays
JURISDICTION	Ohio Court of Appeals, Eighth Appellate District, Cuyahoga County
DECIDED	May 7, 2026
DOCKET	115571
DISPOSITION	vacated
PROCEDURAL POSTURE	Defendant appealed the Parma Municipal Court's denial of his motion to quash service of process and motion to dismiss the complaint's money-damages claim.
STANDARD OF REVIEW	The validity of service of process is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Gregory Bringht v. Nicole Orlove

TOPICS

- service of process
- personal jurisdiction
- civil procedure
- appellate procedure
- landlord tenant

PRACTICE AREAS

- civil procedure
- landlord-tenant litigation
- appellate practice

QUESTIONS PRESENTED

1. Whether the trial court erred by denying Bringht's motion to quash service and motion to dismiss Count 2 when service was not perfected within the time required by Ohio Civ.R. 3(A) and 4(E).
2. Whether Bringht waived his insufficiency-of-service defense through his appearance at the forcible-entry-and-detainer hearing and subsequent participation in the litigation.
3. Whether the judgment on Count 2 was void because the trial court lacked personal jurisdiction over Bringht.
4. Whether the assignments of error challenging the amount of damages and late fees were moot after the judgment was vacated.

HOLDINGS

1. Orlove did not perfect service of Count 2 on Bringht under Ohio Civ.R. 4, because service directed to or completed on Bringht's counsel was insufficient to serve Bringht personally.
2. Because service was not perfected within six months and Orlove did not show good cause, Count 2 was subject to dismissal without prejudice under Civ.R. 4(E); the action also was not commenced within one year as required by Civ.R. 3(A).
3. Bringht did not waive his insufficiency-of-service defense by appearing at the forcible-entry-and-detainer hearing or participating in the litigation because he properly raised and preserved the defense.
4. The judgment on Count 2 was void because the trial court lacked personal jurisdiction over Bringht in the absence of perfected service.

KEY QUOTATIONS

“Without proper service, a trial court lacks personal jurisdiction over the defendant and cannot enter a valid judgment against them.” (§ 14)

“It is well-established that service upon a defendant’s counsel is insufficient to perfect service of process upon that defendant.” (§ 21)

“Civ.R. 4(E) ‘clearly intends that where service is not perfected within six months of the date of the filing of the complaint, the action shall be dismissed without prejudice.’” (§ 22)

FACTUAL BACKGROUND

The parties entered into a residential lease in Parma, Ohio, in January 2023. Orlove filed a complaint on May 5, 2023, asserting forcible entry and detainer and a money-damages claim for more than \$6,875. Bringht was served for the forcible-entry-and-detainer proceeding, but certified-mail service for Count 2 was returned or directed to counsel rather than Bringht and was never perfected on him. Despite Bringht's repeated challenges to service, the trial court held a trial and entered a money judgment against him.

PROCEDURAL HISTORY

Orlove filed a complaint asserting forcible entry and detainer and a separate claim for money damages. Although Bringht was served for the forcible-entry-and-detainer proceeding, Orlove made three unsuccessful attempts to serve him with Count 2. The trial court denied Bringht's motions to quash and dismiss, proceeded to trial, and

entered an \$11,185.79 judgment against him. The Court of Appeals vacated the judgment and remanded with instructions to dismiss Count 2 without prejudice.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The trial court must vacate the judgment against Bringht on Count 2 and dismiss Count 2 of the complaint without prejudice.

CASES CITED

- SPP Props., L.L.C. v. Jones, 2025-Ohio-4375 (8th Dist.)
- Banyan Living Ohio, LLC v. Vourliotis, 2025-Ohio-2361 (8th Dist.)
- Midland Funding, L.L.C. v. Cherrier, 2020-Ohio-3280 (8th Dist.)
- GGNLC Lima, L.L.C. v. LMOP, L.L.C., 2018-Ohio-1298 (8th Dist.)
- Johnson v. Abdullah, 2021-Ohio-3304 (8th Dist.)
- Kerby v. Zerick, 2024-Ohio-5665 (10th Dist.)
- Williams v. Gray Guy Group, L.L.C., 2016-Ohio-8499 (10th Dist.)
- Johnson v. State Farm Mut. Auto. Ins. Co., 2024-Ohio-3187 (8th Dist.)
- State v. Moore, 2020-Ohio-3459
- Ackman v. Mercy Health W. Hosp., L.L.C., 2024-Ohio-3159
- Gliozzo v. Univ. Urologists of Cleveland, Inc., 2007-Ohio-3762
- Thomas v. Freeman, 79 Ohio St.3d 221 (1997)
- Harrell v. Guest, 33 Ohio App.3d 163 (8th Dist. 1986)
- Boggs v. Denmead, 2018-Ohio-2408 (10th Dist.)
- McAbee v. Merryman, 2013-Ohio-5291 (7th Dist.)
- Patton v. Diemer, 35 Ohio St.3d 68 (1988)

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