

OHIO COURT OF APPEALS, ELEVENTH APPELLATE DISTRICT

State ex rel. Zoldan v. Giulitto

2026-Ohio-787 · No. 2025-P-0083 · Decided March 9, 2026

SUMMARY

The Eleventh District Court of Appeals dismissed Ron J. Zoldan’s petition for a writ of procedendo against Judge Paula C. Giulitto. The court held that the action was moot because the judge had ruled on the underlying motions for reconsideration and a new trial while the procedendo action was pending.

CASE DETAILS

COURT	Ohio Court of Appeals, Eleventh Appellate District
WRITING FOR THE COURT	Per Curiam; John J. Eklund; Robert J. Patton; Scott Lynch
JURISDICTION	Ohio Court of Appeals, Eleventh Appellate District, Portage County
DECIDED	March 9, 2026
DOCKET	2025-P-0083
DISPOSITION	dismissed
PROCEDURAL POSTURE	Original action for a writ of procedendo; respondent moved to dismiss on mootness grounds after ruling on the motions that relator sought to have decided.
STANDARD OF REVIEW	The court reviewed the motion to dismiss in the original procedendo action and determined whether the requested judicial duty had already been performed, rendering the action moot.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Ron J. Zoldan, Relator v. The Honorable Paula C. Giulitto, Respondent

TOPICS

- mootness
- motions to dismiss
- appellate procedure
- motion for reconsideration
- motion for new trial

PRACTICE AREAS

- civil procedure
- appellate procedure
- family law procedure
- remedies

QUESTIONS PRESENTED

1. Whether a procedendo action seeking an order compelling a judge to rule on pending motions becomes moot when the judge rules on those motions during the proceeding.
2. Whether the court could rely on the attached judgment entry and docket, despite the lack of certification, where the relator did not dispute that the rulings had been entered.

HOLDINGS

1. A procedendo action becomes moot when the respondent court performs the duty that the relator seeks to compel; procedendo does not lie to compel further action after judgments ruling on the relevant motions have been issued.
2. The court may find an original procedendo action moot based on an attached judgment entry and docket reference when the relator does not contest the respondent's assertion that the judgment was entered, even if the attached copy is not certified.

KEY QUOTATIONS

“A writ of procedendo is appropriate when a court has either refused to render a judgment or has unnecessarily delayed in proceeding to judgment.” (¶ 4)

“An action in procedendo becomes moot when the court performs the duty requested.” (¶ 4)

“procedendo will not issue to compel the performance of a duty that has already been performed” (¶ 4)

FACTUAL BACKGROUND

Zoldan had pending in the Portage County Court of Common Pleas, Domestic Relations Division, a motion for reconsideration filed July 16, 2025, and a motion for a new trial filed July 25, 2025. He filed the procedendo complaint on December 9, 2025, alleging that Judge Giulitto had unduly delayed ruling on those motions. Judge Giulitto subsequently denied both motions on January 7, 2026, supported by a judgment entry and the court docket.

PROCEDURAL HISTORY

Zoldan filed a verified complaint for procedendo requesting an order compelling Judge Giulitto to rule on his July 16, 2025 motion for reconsideration and July 25, 2025 motion for a new trial in a domestic-relations case. After the complaint was filed, Judge Giulitto denied both motions on January 7, 2026, and moved to dismiss the procedendo action as moot. The Eleventh District granted the motion and dismissed the complaint.

DISPOSITION

dismissed

CASES CITED

- State ex rel. Weiss v. Hoover, 84 Ohio St.3d 530, 532 (1999)

- State ex rel. Roberts v. Hatheway, 2021-Ohio-4097, ¶ 5
- State ex rel. Clay v. Gee, 2014-Ohio-48, ¶ 5
- State v. Hines, 2019-Ohio-1298, ¶ 11 (11th Dist.)
- State ex rel. Grove v. Nadel, 84 Ohio St.3d 252, 253 (1998)
- State ex rel. Davies v. Schroeder, 2014-Ohio-973, ¶¶ 6-8 (11th Dist.)
- State ex rel. Mitchell v. Pittman, 2024-Ohio-3246, ¶ 3 (11th Dist.)

OPINION

PER CURIAM.

[Cite as State ex rel. Zoldan v. Giulitto, 2026-Ohio-787.] IN THE COURT OF APPEALS OF OHIO ELEVENTH APPELLATE DISTRICT PORTAGE COUNTY STATE OF OHIO ex rel. CASE NO. 2025-P-0083 RON J. ZOLDAN, Relator, Original Action for Writ of Procedendo - vs - THE HONORABLE PAULA C. GIULITTO, Respondent. PER CURIAM OPINION AND JUDGMENT ENTRY Decided: March 9, 2026 Judgment: Dismissed Jorge Luis Pla and Erika Molnar, Raslanpla & Company, L.L.C., 1701 East 12th Street, Suite 3GW, Cleveland, OH 44114 (For Relator).

Connie J. Lewandowski, Portage County Prosecutor, and Christopher J. Meduri, Assistant Prosecutor, 241 South Chestnut Street, Ravenna, OH 44266 (For Respondent). PER CURIAM. {¶1} Pending before this court is relator, Ron J. Zoldan’s, verified complaint for an original action in procedendo. Respondent, Judge Paula Giulitto, has filed a motion to dismiss.

For the following reasons, we grant Judge Giulitto’s motion and dismiss Zoldan’s complaint. {¶2} Zoldan filed his complaint on December 9, 2025. Therein, he requests that this court order Judge Giulitto to issue judgments ruling on his July 16, 2025 motion to reconsider and July 25, 2025 motion for a new trial, in a case pending before her, Zoldan v. Zoldan, Portage County Court of Common Pleas, Domestic Relations Division, Case No. 2020 DR 00416.

He contends that a ruling on these motions is required given the passage of time since they were filed. {¶3} As grounds for dismissal, Judge Giulitto argues that she ruled upon the two motions on January 7, 2026, rendering the present action moot. Attached to her motion to dismiss is a copy of the judgment entry denying the motions. Zoldan has not responded to this motion. {¶4} “A writ of procedendo is appropriate when a court has either refused to render a judgment or has unnecessarily delayed in proceeding to judgment.” State ex rel.

Weiss v. Hoover, 84 Ohio St.3d 530, 532 (1999). “An action in procedendo becomes moot when the court performs the duty requested.” State ex rel. Roberts v. Hatheway, 2021-Ohio-4097, ¶ 5; State ex rel. Clay v. Gee, 2014-Ohio-48, ¶ 5 (“procedendo will not issue to compel the performance of a duty that has already been performed”). {¶5} In the present case, Judge Giulitto

asserts that she has performed the action requested by ruling on the motions for reconsideration and a new trial.

This is supported by an attached judgment entry and by reference to the court's docket. *State v. Hines*, 2019-Ohio-1298, ¶ 11 (11th Dist.), citing *State ex rel. Grove v. Nadel*, 84 Ohio St.3d 252, 253 (1998) ("the court of appeals properly took judicial notice of docket entries to determine that a procedendo action should be dismissed as moot"). Further, while the copy of the entry attached by Giulitto is not certified, Zoldan has not disputed the entry of this judgment or the allegation of mootness raised in the motion to dismiss.

State ex rel. Davies v. Schroeder, 2014-Ohio-973, ¶ 6-8 (11th Dist.) ("although the submission of PAGE 2 OF 4 Case No. 2025-P-0083 certified copies may be the best method for establishing the existence of such a judgment, we have also indicated that a finding of mootness can be made in an original action when the relator does not contest the respondent's contention" that a judgment on the pending matter has been rendered) (citation omitted).

Since a judgment has been issued ruling upon Zoldan's motions, procedendo does not lie to compel further action and this matter is moot. *State ex rel. Mitchell v. Pittman*, 2024-Ohio-3246, ¶ 3 (11th Dist.). {¶6} Accordingly, Judge Giulitto's motion to dismiss is granted and the verified complaint for an original action in procedendo is dismissed. JOHN J. EKLUND, J., ROBERT J. PATTON, J., SCOTT LYNCH, J., concur.

PAGE 3 OF 4 Case No. 2025-P-0083 JUDGMENT ENTRY For the reasons stated in the Per Curiam Opinion of this court, respondent's motion to dismiss is granted and relator's verified complaint for an original action in procedendo is dismissed. Costs to be taxed against relator. JUDGE JOHN J. EKLUND, concurs JUDGE ROBERT J. PATTON, concurs JUDGE SCOTT LYNCH, concurs THIS DOCUMENT CONSTITUTES A FINAL JUDGMENT ENTRY A certified copy of this opinion and judgment entry shall constitute the mandate pursuant to Rule 27 of the Ohio Rules of Appellate Procedure.

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