

# 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.)

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