

OHIO COURT OF APPEALS, ELEVENTH APPELLATE DISTRICT

State ex rel. Zoldan v. Giulitto

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

OPINION

State ex rel. Zoldan v. Giulitto

2026 Ohio 787

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

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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.

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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,

concur

JUDGE ROBERT J. PATTON,

concur

JUDGE SCOTT LYNCH,

concur

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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