

OHIO COURT OF APPEALS, EIGHTH APPELLATE DISTRICT

Painter v. Graley, 106 Ohio App. 3d 770

667 N.E.2d 78 (Ohio Ct. App. 1995) · Decided October 16, 1995

SUMMARY

The Ohio Court of Appeals affirmed the denial of Shirley Painter’s motion to reopen the case or partially vacate an earlier appellate judgment in favor of Charles L. Graley. The court held that res judicata barred relitigation of Painter’s claims concerning her discharge from Cleveland municipal employment and the applicability of the Ohio Administrative Code. The court also concluded that the law-of-the-case doctrine did not apply to an argument that had not been presented in the prior appeal.

CASE DETAILS

COURT	Ohio Court of Appeals, Eighth Appellate District
WRITING FOR THE COURT	Matia, P.J.; Porter, J.; O'Donnell, J.
JURISDICTION	Ohio
DECIDED	October 16, 1995
DISPOSITION	affirmed
PROCEDURAL POSTURE	Painter appealed the trial court's denial of her motion to reopen the case or partially vacate an earlier appellate judgment entered in favor of Graley.
STANDARD OF REVIEW	De novo review of whether the doctrines of law of the case and res judicata preclude relitigation; appellate review of the trial court's legal ruling on the motion.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Shirley Painter v. Charles L. Graley

TOPICS

- res judicata
- appellate procedure
- civil procedure
- employment law
- municipal law

PRACTICE AREAS

- civil procedure
- appellate procedure
- employment law
- municipal law
- constitutional law

QUESTIONS PRESENTED

1. Whether the prior appellate judgment, affirmed by the Ohio Supreme Court, barred Painter from relitigating her constitutional and Ohio Administrative Code claims under the doctrine of res judicata.
2. Whether the law-of-the-case doctrine applied to Painter's uniformity-of-laws argument even though that argument had not been presented in the prior appeal.
3. Whether res judicata was inapplicable because Painter filed a motion in the same action rather than a new lawsuit.
4. Whether applying res judicata impermissibly extinguished Painter's constitutional right to a remedy under Section 16, Article I of the Ohio Constitution.

HOLDINGS

1. The law-of-the-case doctrine did not apply to the uniformity-of-laws argument because the appellate court had not previously decided that issue.
2. Res judicata barred Painter's claims because a final judgment on the merits between the parties precluded claims and grounds for relief that were or could have been litigated in the prior action.
3. Res judicata may apply to collateral proceedings brought within the same action and is not limited to a newly filed lawsuit.
4. Applying res judicata did not violate Painter's right to a remedy because she had exercised that right by litigating her claim through the state's highest court and receiving a final judgment.

KEY QUOTATIONS

“The doctrine of the law of the case prevents an inferior court from varying an order issued by a superior court on a matter of law.” (at 773)

“To conclude otherwise would permit claimants to continually reopen final judgments based on arguments not previously presented.” (at 775)

FACTUAL BACKGROUND

In 1985, Shirley Painter, Chief Deputy Clerk of the Cleveland Municipal Court, sought a leave of absence to campaign for Cleveland City Council. Charles L. Graley denied the leave, requested her resignation, and dismissed her when she did not resign, while advising that she could reapply if she lost the campaign. Painter sued, alleging that her discharge violated constitutional rights and the Ohio Administrative Code; after the original appellate judgment and Ohio Supreme Court affirmance, she sought to reopen the case based on an argument that had not previously been presented.

PROCEDURAL HISTORY

Painter's original employment action resulted in trial-court summary judgment in her favor. The Court of Appeals reversed and entered judgment for Graley, and the Ohio Supreme Court affirmed. Painter then moved in the trial court to reopen the case or partially vacate the appellate judgment; the trial court denied the motion on res judicata grounds, and Painter appealed.

DISPOSITION

affirmed

CASES CITED

- N. Olmsted v. Eliza Jennings, Inc., 91 Ohio App.3d 173, 183, 631 N.E.2d 1130, 1136 (1993)
- State ex rel. Potain v. Mathews, 59 Ohio St.2d 29, 32, 13 O.O.3d 17, 18-19, 391 N.E.2d 343, 345 (1979)
- Norwood v. McDonald, 142 Ohio St. 299, 27 O.O. 240, 52 N.E.2d 67 (1943)
- Stromberg v. Bratenahl Bd. of Edn., 64 Ohio St.2d 98, 100, 18 O.O.3d 343, 344, 413 N.E.2d 1184, 1186 (1980)
- Covington Cincinnati Bridge Co. v. Sargent, 27 Ohio St. 233, paragraph one of the syllabus (1875)
- Johnson's Island, Inc. v. Danbury Twp. Bd. of Trustees, 69 Ohio St.2d 241, 244, 23 O.O.3d 243, 245, 431 N.E.2d 672, 674 (1982)
- Grava v. Parkman Twp., 73 Ohio St.3d 379, 382, 653 N.E.2d 226, 229 (1995)
- Natl. Amusements, Inc. v. Springdale, 53 Ohio St.3d 60, 62, 558 N.E.2d 1178, 1180 (1990)
- Rogers v. Whitehall, 25 Ohio St.3d 67, 69-70, 25 OBR 89, 90-91, 494 N.E.2d 1387, 1388-1389 (1986)
- Painter v. Graley, 84 Ohio App.3d 65, 71, 616 N.E.2d 285, 289 (1992)
- Ohio Supreme Court decision, 70 Ohio St.3d 377, 639 N.E.2d 51 (1994)