

COURT OF APPEALS OF OHIO, TENTH APPELLATE DISTRICT

State ex rel. Liquidation Dealz, LLC v. Hummer

2026-Ohio-193 · No. 25AP-488 · Decided January 22, 2026

SUMMARY

The Tenth District Court of Appeals of Ohio dismissed Liquidation Dealz, LLC’s action seeking writs of mandamus and prohibition against a Franklin County Municipal Court judge. The court adopted the magistrate’s decision, concluding that the municipal court had not patently and unambiguously lacked jurisdiction and that Liquidation Dealz had an adequate remedy through appeal. The underlying dispute involved an alleged breach of a leasing agreement and the reopening of a case previously dismissed without prejudice after an asserted settlement.

CASE DETAILS

COURT	Court of Appeals of Ohio, Tenth Appellate District
WRITING FOR THE COURT	Beatty Blunt, J.; Mentel, J.; Edelstein, J.
JURISDICTION	Ohio Court of Appeals, Tenth Appellate District
DECIDED	January 22, 2026
DOCKET	25AP-488
DISPOSITION	dismissed
PROCEDURAL POSTURE	Original action in mandamus and prohibition arising from a pending Franklin County Municipal Court case. Respondent moved to dismiss the petition under Civ.R. 12(B)(6), and the appellate court adopted the magistrate's recommendation to grant the motion and dismiss the action.
STANDARD OF REVIEW	On a Civ.R. 12(B)(6) motion, the court tests the sufficiency of the petition, presumes factual allegations to be true, and draws all reasonable inferences in favor of the nonmoving party; unsupported legal conclusions are not presumed true. The appellate court reviewed the magistrate's decision for error of law or other defect evident on its face because no objections were filed.
PRECEDENTIAL VALUE	published
PARTIES	State ex rel. Liquidation Dealz, LLC, relator v. The Honorable Mark A. Hummer, Judge of the Franklin County Municipal Court, respondent

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QUESTIONS PRESENTED

1. Whether the petition stated a claim for a writ of prohibition by alleging that the municipal-court judge patently and unambiguously lacked jurisdiction over the underlying case.
2. Whether Liquidation Dealz had an adequate remedy in the ordinary course of law that defeated its prohibition claim.
3. Whether the petition stated a claim for a writ of mandamus when Liquidation Dealz could challenge the municipal court's rulings by appeal.
4. Whether dismissal under Civ.R. 12(B)(6) was proper.

HOLDINGS

1. The petition failed to state a claim for prohibition because the Franklin County Municipal Court had statutory subject-matter jurisdiction over the underlying breach-of-contract action, and the respondent did not patently and unambiguously lack jurisdiction to consider the motion to reopen or proceed in the case.
2. Liquidation Dealz could challenge any adverse ruling by direct appeal, and expense, inconvenience, or the absence of immediate relief did not make an appeal inadequate; therefore, the prohibition claim failed.
3. The mandamus claim failed because Liquidation Dealz had an adequate remedy at law through an appeal from any final judgment in the underlying case.
4. Dismissal under Civ.R. 12(B)(6) was proper because, accepting the petition's factual allegations as true and drawing reasonable inferences for Liquidation Dealz, it could prove no set of facts entitling it to relief in mandamus or prohibition.

KEY QUOTATIONS

“expense and inconvenience do not render an appeal an inadequate remedy for purposes of seeking an extraordinary writ.” (¶ 26)

“Courts may recast irregular motions into whatever category necessary to identify and establish the criteria by which the motion should be judged.” (¶ 33)

“Presuming the factual allegations contained in the petition to be true and making all reasonable inferences in favor of relator, it is beyond doubt from the petition that relator can prove no set of facts entitling it to relief in prohibition or mandamus.” (¶ 40)

FACTUAL BACKGROUND

Liquidation Dealz was the defendant in a Franklin County Municipal Court action brought by Same T. Husein for monetary damages allegedly arising from a breach of a leasing agreement. The municipal court dismissed the action without prejudice after the parties represented that they had settled, but later granted Husein's motion to reopen the case to determine the validity, scope, and alleged breach of the settlement. After the municipal court denied Liquidation Dealz's motion to dismiss and scheduled the matter for trial, Liquidation Dealz sought extraordinary writs in the Tenth District.

PROCEDURAL HISTORY

Liquidation Dealz filed a petition seeking mandamus to require the municipal-court judge to dismiss an underlying breach-of-lease case for lack of jurisdiction and prohibition to stop further proceedings. The respondent moved to dismiss for failure to state a claim. The magistrate recommended dismissal, concluding that the municipal court had subject-matter jurisdiction, the respondent did not patently and unambiguously lack jurisdiction, and Liquidation Dealz had an adequate remedy by appeal. No objections were filed, and the appellate court adopted the magistrate's decision and dismissed the action.

DISPOSITION

dismissed

CASES CITED

- State ex rel. Hanson v. Guernsey Cty. Bd. of Commrs., 1992-Ohio-73
- Assn. for the Defense of the Washington Local School Dist. v. Kiger, 42 Ohio St.3d 116, 117 (1989)
- State ex rel. Gordon v. Summit Cty. Court of Common Pleas, 2025-Ohio-2927
- Mitchell v. Lawson Milk Co., 40 Ohio St.3d 190, 192 (1988)
- State ex rel. Martre v. Reed, 2020-Ohio-4777
- State ex rel. Tubbs Jones v. Suster, 1998-Ohio-275
- State ex rel. Durrani v. Ruehlman, 2016-Ohio-7740
- State ex rel. Henry v. Britt, 67 Ohio St.2d 71, 73 (1981)
- State ex rel. Taylor v. Glasser, 50 Ohio St.2d 165, 166 (1977)
- State ex rel. Russell v. Klatt, 2020-Ohio-875
- State ex rel. Alford v. Willoughby Civ. Serv. Comm., 58 Ohio St.2d 221, 224 (1979)
- Cheap Escape Co. v. Haddox, L.L.C., 2008-Ohio-6323
- Urbana ex rel. Newlin, 43 Ohio St.3d 109, 110 (1989)
- State ex rel. Samarghandi v. Ferenc, 2017-Ohio-1413
- State ex rel. Roush v. Montgomery, 2018-Ohio-2098 (10th Dist.)
- State ex rel. Tri Eagle Fuels, L.L.C. v. Dawson, 2019-Ohio-2011
- Pratts v. Hurley, 2004-Ohio-1980
- State ex rel. Huntington Natl. Bank v. Kontos, 2015-Ohio-5190

- State ex rel. Gideon v. Page, 2024-Ohio-4867
- State v. Schlee, 2008-Ohio-545
- In re Hess, 2009-Ohio-7010 (7th Dist.)
- Fredebaugh Well Drilling, Inc. v. Brower Contracting, Inc., 2005-Ohio-6084 (11th Dist.)
- HSBC Bank USA v. Rao, 2021-Ohio-3745 (10th Dist.)
- State ex rel. Mahajan v. State Med. Bd. of Ohio, 2010-Ohio-5995
- State ex rel. Van Dyke v. Pub. Emp. Retirement Bd., 2003-Ohio-4123
- State ex rel. Rashada v. Pianka, 2006-Ohio-6366

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