

COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT,
CUYAHOGA COUNTY

Anthony J. Gingo, Jr., M.D. v. Jane Hanak

Gingo v. Hanak, 2026-Ohio-1452 (8th Dist. 2026) · No. 115341 · Decided April 23, 2026

SUMMARY

The Ohio Court of Appeals, Eighth Appellate District, affirmed judgment in favor of Anthony J. Gingo, Jr., M.D., in a defamation action arising from Jane Hanak’s Yelp review. The court upheld summary judgment on defamation per se, the compensatory and punitive damages awards, the exclusion or quashing of certain witness subpoenas, and Hanak’s designation as a vexatious litigator.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
WRITING FOR THE COURT	Michael John Ryan; Emmanuella D. Groves; Timothy W. Clary
JURISDICTION	Ohio Court of Appeals, Eighth Appellate District, Cuyahoga County
DECIDED	April 23, 2026
DOCKET	115341
DISPOSITION	affirmed
PROCEDURAL POSTURE	Jane Hanak appealed by leave from a Cuyahoga County Court of Common Pleas judgment granting Anthony Gingo summary judgment on his defamation-per-se claim, awarding compensatory and punitive damages, awarding attorney fees, and declaring Hanak a vexatious litigator.
STANDARD OF REVIEW	Summary judgment is reviewed de novo. Rulings on motions to quash subpoenas and decisions to exclude witness testimony are reviewed for abuse of discretion. An unpreserved challenge to damages is reviewed for plain error.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Jane Hanak v. Anthony J. Gingo, Jr., M.D.

TOPICS

- defamation
- summary judgment
- punitive damages
- damages
- appellate procedure

PRACTICE AREAS

defamation

civil procedure

appellate procedure

damages

health law

QUESTIONS PRESENTED

1. Whether the trial court properly granted summary judgment to Gingo on the defamation-per-se claim when Hanak disputed the falsity of statements in her Yelp review.
2. Whether Gingo was required to prove actual damages or actual malice for the Yelp statements.
3. Whether Hanak's statements were protected by qualified privilege because they concerned public health and safety.
4. Whether the trial court improperly considered portions of Hanak's deposition and unauthenticated exhibits in deciding summary judgment.
5. Whether the trial court abused its discretion by quashing subpoenas and excluding testimony from proposed nonparty witnesses.
6. Whether the compensatory and punitive damages awards constituted plain error.
7. Whether the trial court properly addressed Hanak's vexatious-litigator status.

HOLDINGS

1. Statements accusing a physician of rape, sexual predation, insurance fraud, surgical misconduct, and participation in hate crimes and human-rights abuses constituted defamation per se because they imported indictable criminal offenses involving moral turpitude and tended to injure the physician in his profession.
2. When statements constitute defamation per se, damages and actual malice are presumed; therefore, Gingo was not required to prove actual damages or actual malice to establish liability.
3. Hanak failed to establish qualified privilege because she presented no evidence that the statements were made in good faith, were limited in scope, or were published in a proper manner to proper parties.
4. Summary judgment was proper because Gingo met his initial burden and Hanak failed to present admissible Civ.R. 56 evidence creating a genuine issue of material fact.
5. The trial court did not abuse its discretion in quashing the subpoenas or excluding Irene Fox's testimony because the proposed witnesses lacked personal knowledge of Gingo's damages, and the truth of the statements was no longer at issue at the damages hearing.
6. The compensatory and punitive damages awards did not constitute plain error.
7. Hanak could not use this appeal to challenge her vexatious-litigator designation because she had already been declared a vexatious litigator in a different case and was required to appeal that earlier decision.

KEY QUOTATIONS

“Where the statement constitutes defamation per se, damages and actual malice are presumed.” (2026-Ohio-1452, ¶ 30)

“Hanak’s statements that Dr. Gingo, an OB/GYN, committed rape and insurance fraud, surgically altered Hanak’s body for fetishistic purposes, and participated in hate crimes, crimes against humanity, and human rights abuses were allegations that import indictable criminal offenses involving moral turpitude and, for Dr. Gingo in particular, were injurious to his work providing intimate healthcare to women.” (2026-Ohio-1452, ¶ 35)

FACTUAL BACKGROUND

Anthony Gingo, a board-certified obstetrician and gynecologist, performed surgery on Jane Hanak in April 2017. Between June and August 2022, Hanak published a Yelp review accusing Gingo of being a sexual predator and rapist, committing insurance fraud, lacking hospital privileges, altering her consent, and committing other criminal and professional misconduct. Gingo testified that the review harmed his medical practice, reputation, relationships, and plans to continue practicing medicine, and his wife corroborated the impact on the practice and their marriage.

PROCEDURAL HISTORY

Hanak previously sued Gingo and another physician for alleged negligent medical care; that action was dismissed and the dismissal was affirmed. Hanak later posted a Yelp review accusing Gingo of rape, sexual predation, insurance fraud, and other misconduct. Gingo sued Hanak and her husband for defamation and related claims. The trial court granted summary judgment to Gingo on defamation per se, dismissed the remaining defamation-by-implication claim, declared the Hanaks vexatious litigators, awarded \$245,000 in compensatory damages, \$100,000 in punitive damages, and later awarded attorney fees. Hanak appealed, and the appellate court affirmed.

DISPOSITION

affirmed

CASES CITED

- Hanak v. Kraus, 2022-Ohio-1941 (8th Dist.)
- Grafton v. Ohio Edison Co., 77 Ohio St.3d 102, 105 (1996)
- Hollins v. Shaffer, 2009-Ohio-2136, ¶ 12 (8th Dist.)
- State ex rel. Cassels v. Dayton City School Dist. Bd. of Edn., 69 Ohio St.3d 217 (1994)
- Dresher v. Burt, 75 Ohio St.3d 280, 292-293 (1996)
- Kanjuka v. MetroHealth Med. Ctr., 2002-Ohio-6803, ¶¶ 15-16 (8th Dist.)
- Am. Chem. Soc. v. Leadscope, Inc., 2012-Ohio-4193, ¶ 77
- Pollock v. Rashid, 117 Ohio App.3d 361 (1st Dist. 1996)
- Montgomery v. Greater Cleveland Regional Transit Auth., 2021-Ohio-1198, ¶¶ 29-30, 33 (8th Dist.)
- Natl. Medic Servs. Corp. v. E. W. Scripps Co., 61 Ohio App.3d 752, 755 (1st Dist. 1989)
- Ed Schory & Sons v. Francis, 75 Ohio St.3d 433 (1996)

- A & B-Abell Elevator Co. v. Columbus/Cent. Ohio Bldg. & Constr. Trades Council, 73 Ohio St.3d 1, 7 (1995)
- Hahn v. Kotten, 43 Ohio St.2d 237 (1975)
- Mallory v. Ohio Univ., 2001 Ohio App. LEXIS 5720, *21-22 (10th Dist. Dec. 20, 2011)
- Austin v. Peterson, 1999 Ohio App. LEXIS 27 (9th Dist. Jan. 13, 1999)
- Hopper v. Landen Auto Mart, LLC, 2025-Ohio-2275, ¶ 25 (12th Dist.)
- State ex rel. Varnau v. Wenninger, 2011-Ohio-3904, ¶ 7 (12th Dist.)
- Wilson v. AIG, 2008-Ohio-5211, ¶ 29 (12th Dist.)
- HDDA, LLC v. Vasani, 2025-Ohio-2000, ¶ 5 (10th Dist.)
- Evans v. Ohio Dept. of Rehab. & Corr., 2018-Ohio-1035 (10th Dist.)
- State v. Thompson, 2010-Ohio-1680, ¶ 65 (2d Dist.)
- Urbana ex rel. Newlin v. Downing, 43 Ohio St.3d 109 (1989)
- Goldfuss v. Davidson, 79 Ohio St.3d 116, 122-123 (1997)

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