

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

In re Florjancic

442 U.S. 127 · No. 116030 · Decided June 18, 2026

SUMMARY

The Ohio Eighth District Court of Appeals reversed the denial of Dawn Marie Florjancic’s application to change her surname. The court held that the probate court erred by sua sponte applying res judicata without notice or an opportunity to be heard, particularly because the record did not contain information about any prior name-change application. The case was remanded for further proceedings.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
WRITING FOR THE COURT	Lisa B. Forbes, Presiding Judge; Deena R. Calabrese, Judge; Sean C. Gallagher, Judge
JURISDICTION	Ohio Court of Appeals, Eighth Appellate District
DECIDED	June 18, 2026
DOCKET	116030
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Florjancic appealed the Cuyahoga County Court of Common Pleas, Probate Division's denial of her application to change her name.
STANDARD OF REVIEW	De novo review applies to a trial court's application of res judicata.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Dawn Marie Florjancic

TOPICS

- probate procedure
- probate
- res judicata
- appellate procedure
- civil procedure

PRACTICE AREAS

- probate
- civil procedure
- appellate procedure
- name-change proceedings

QUESTIONS PRESENTED

1. Whether the probate court erred by sua sponte denying Florjancic's name-change application on res judicata grounds without notice or an opportunity to be heard.
2. Whether the probate court could determine from the face of the application that res judicata barred the requested name change when the record contained no prior application or evidence concerning the earlier proceeding.

HOLDINGS

1. The probate court erred by sua sponte dismissing the name-change application without notice and an opportunity for Florjancic to address the asserted res judicata bar because the application was not plainly frivolous.
2. The probate court erred in determining that res judicata applied because the application and record did not establish the facts or issues adjudicated in any prior name-change proceeding.

KEY QUOTATIONS

“Dismissals without notice are fundamentally unfair to the parties and should be reserved for the plainly frivolous case.” (Section A)

“We find that the court erred in determining that res judicata applied at this stage of the case.” (Section B)

FACTUAL BACKGROUND

On December 10, 2025, Florjancic applied to change her surname to Barna so that she, her long-term partner, and her teenage stepdaughter could present themselves as a family with the same surname without marrying. The application identified the requested name and the reason for the change. The probate court denied the application, stating that an apparently identical application filed on March 26, 2025, had already been denied, although the record contained no prior application or supporting evidence.

PROCEDURAL HISTORY

Florjancic filed an application to change her surname to Barna. The probate court denied the application sua sponte on the ground that res judicata barred the requested relief, apparently relying on an earlier application that was not included in the record. The Court of Appeals reversed and remanded, sustaining the first assignment of error and finding the second assignment moot.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The probate court must conduct further proceedings consistent with the opinion. If it seeks to dismiss the case sua sponte on remand, it must first provide Florjancic notice of its intent and an opportunity to be heard. Costs were waived.

CASES CITED

- State v. Priest, 2014-Ohio-1735, ¶ 1
- AJZ's Hauling, L.L.C. v. Trunorth Warranty Programs of N. Am., 2023-Ohio-3097, ¶¶ 15-16
- Brown v. Felsen, 442 U.S. 127, 131 (1979)
- Kobal v. Kobal, 2022-Ohio-812, ¶ 8 (8th Dist.)
- Hempstead v. Cleveland Bd. of Edn., 2008-Ohio-5350, ¶ 6 (8th Dist.)
- Torres v. Concrete Designs, Inc., 2019-Ohio-1342, ¶ 48 (8th Dist.)
- Gateway Consultants Group, Inc. v. Premier Physicians Ctrs., Inc., 2017-Ohio-1443, ¶ 22 (8th Dist.)
- Melling v. Scott, 2016-Ohio-112, ¶ 7 (8th Dist.)
- X-S Merchandise, Inc. v. Wynne Pro, L.L.C., 2012-Ohio-2315, ¶¶ 16-17
- Dresher v. Summers, 30 Ohio App.3d 271 (8th Dist. 1986)
- In re Bicknell, 2002-Ohio-3615, ¶¶ 1, 4, 8
- Pierce v. Brushart, 153 Ohio St. 372, 380 (1950)
- Jefferson v. Bunting, 2014-Ohio-3074, ¶ 10
- Siniscalchi v. K Hovnanian Meadow Lakes, LLC, 2026-Ohio-177, ¶¶ 11, 16 (8th Dist.)
- Bykova v. Cleveland, 2025-Ohio-3285, ¶¶ 17-18 (8th Dist.)
- Pfalzgraf v. Miley, 2019-Ohio-4920, ¶¶ 12-14 (7th Dist.)
- Wells v. Hudson, 2007-Ohio-1955, ¶ 6
- Potts v. Rose, 2003-Ohio-5102, ¶ 4
- King v. Cuyahoga Cty. Court of Common Pleas, 2002-Ohio-5860, ¶ 1 (8th Dist.)
- Snyder v. Old World Classics, L.L.C., 2025-Ohio-1875, ¶ 4
- In re J.D., 2026-Ohio-1310, ¶ 13 (1st Dist.)

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