

**THE COURT OF APPEALS OF OHIO**  
**SECOND APPELLATE DISTRICT**  
**CASE SUMMARIES**  
**November 1, 2024**

These case summaries are issued for the convenience of the public, the bench, and the bar. They are a brief statement of the court's holdings and are not to be considered headnotes or syllabi. Copies of opinions are available from the particular county's clerk of courts. The full text of each opinion will be available on the Ohio Supreme Court's website at <http://www.supremecourt.ohio.gov/rod/docs/?source=2>.

Case Name: *Brian Trent dba Trent Automotive Servs. v. Angela M. Demange, et al.*

Case No: Darke C.A. No. 2024-CA-4; T.C. Case No. 22CV00359

Panel: Tucker, Lewis, Huffman

Author: Mary K. Huffman

Summary: The trial court erred in granting summary judgment in favor of an insurance agent and the insurance agency for which she worked. Genuine issues of material fact exist related to appellant's claims against the agent for negligence/negligent failure to procure insurance and negligent misrepresentation. By extension, genuine issues of material fact exist regarding appellant's claims for vicarious liability against the agency. Judgment reversed and remanded.

Case Name: *State of Ohio v. Michael Aiden Guadagno*

Case No: Montgomery C.A. No. 30093; T.C. Case No. 2023 CR 02875/3

Panel: Epley, Welbaum, Huffman

Author: Mary K. Huffman

Summary: State's appeal. The trial court erred in terminating appellee's community control in a manner that did not comply with the requirements of R.C. 2929.15. Judgment reversed and remanded.

Case Name: *Pamela K. Bigham, Trustee, et al. v. Deer Run Owners Assn., et al.*

Case No: Montgomery C.A. No. 30124; T.C. Case No. 2019 CV 04914

Panel: Epley, Lewis, Huffman

Author: Christopher B. Epley

Summary: In a dispute between appellee-homeowner's association and appellant-homeowner, the trial court erred in granting appellee's summary judgment motion as to appellant's breach of contract claim as to whether her house's crawl space was a common element, but it did not err in finding that there was a genuine issue of material fact as to whether the crawl space was a foundation. The trial court also erred in granting summary judgment to appellee as to the statutory breach of contract claim, as there is no bar to bringing both statutory

and contractual claims. Finally, the trial court did not err in granting appellee summary judgment as to appellant's negligence claim, because it was barred by the economic loss doctrine. Judgment affirmed in part, reversed in part, and remanded.

Case Name: *Ryan Tarjanyi v. Ohio Dept. of Insurance*  
Case No: Montgomery C.A. No. 30085; T.C. Case No. 2023 CV 03220  
Panel: Epley, Welbaum, Huffman  
Author: Christopher B. Epley  
Summary: The trial court did not abuse its discretion in finding that the Ohio Department of Insurance's decision to revoke appellant's Ohio resident insurance agent license was supported by reliable, probative and substantial evidence. Judgment affirmed.

Case Name: *State of Ohio v. Michael Hargrove*  
Case No: Montgomery C.A. No. 30096; T.C. Case No. 2023 CR 01667  
Panel: Epley, Welbaum, Huffman  
Author: Christopher B. Epley  
Summary: The trial court's denial of appellant's right of allocution at a community control revocation hearing was not harmless. Judgment reversed and remanded.

Case Name: *Floy N. Johnson v. Gutter and Downspout LLC, et al.*  
Case No: Montgomery C.A. No. 30090; T.C. Case No. 2022 CV 04771  
Panel: Epley, Welbaum, Tucker  
Author: Jeffrey M. Welbaum  
Summary: The trial court did not abuse its discretion in refusing to accept appellant's untimely answer to the complaint for fraudulent transfer of assets and in awarding default judgment to appellee. Appellant did not assert that her untimely filing was based on excusable neglect, and she incorrectly asserted that appellee had failed to include a certificate of service on all relevant filings as required by local rules. Appellee included certificates of service on filings and also indicated that she had served appellant, a pro se litigant, with paper copies of these filings. Judgment affirmed.

Case Name: *P.L. v. M.C.*  
Case No: Montgomery C.A. No. 30139; T.C. Case No. 2024 CV 02245  
Panel: Epley, Welbaum, Huffman  
Author: Jeffrey M. Welbaum  
Summary: After the trial court granted a civil stalking protection case against her, appellant failed to file objections to the magistrate's decision as required by Civ.R. 65.1. As a result, appellant's arguments cannot be considered on appeal. Judgment affirmed.