

IN THE COURT OF CLAIMS OF OHIO

IN RE: CITY OF EAST CLEVELAND

Case No. 2025-00925RC

Judge Lisa L. Sadler

ENTRY

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This matter comes before the Court upon Petitioner's *Motion to Deny Amicus Filing and Strike Notice of Appearance by attorney Willa Hemmons, and Response of Certain City Residents and Employees (Motion to Strike) and the Motion to Intervene Per ORC 2735.01 et seq. By Certain Df. City Residents/Former Employees & Other Interested Parties with Merit Brief Attached (Motion for Joinder¹)*, filed by attorney Hemmons on behalf of non-parties to this action. These matters are now ripe for the Court's consideration.

For the reasons stated herein, Respondent's Motion to Strike is DENIED, in part, and GRANTED, in part, and the non-parties' Motion to Intervene is DENIED.

I. Background

This matter arises from a Petition for Receivership filed by the Ohio Attorney General (Petitioner) pursuant to R.C. 118.29, seeking the appointment of a receiver over the City of East Cleveland. The Petition maintains that the City has remained in a continuous state of fiscal emergency for more than ten years and that the statutory prerequisites for receivership under R.C. 118.29(A)(2) have been satisfied. In its Response to the Petition, the City (Respondent) stated that it did not oppose the appointment of a receiver but objected to the scope of the receiver's authority as requested in the Petition.

¹ See Section I, herein, for an explanation as to why this motion is being referred to as a Motion for Joinder.

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Starting in early December, several filings were submitted by individuals who are not parties to this action. On December 8, 2025, Paul Hill Jr., a citizen of the City, filed a Motion for Leave to File Amicus Curiae Brief (Motion for Leave). On January 2, 2026, attorney Willa Hemmons submitted multiple filings to this Court, including a Notice of Appearance (entered on behalf of "certain Defendant City Residents, Former Employees, and Other Interested Parties) and a "Response," on behalf of her clients, to the State's Petition for Receivership.

On January 12, 2026, Petitioner filed its Motion to Strike, asserting that the non-party filings made on December 8, 2025 and January 2, 2026 were procedurally improper and should be stricken from the record. Later that day, attorney Hemmons filed what is titled as a "Motion to Intervene", asserting that the city residents, former employees, and others – referring to themselves as "Defendant City Party Respondents" (hereinafter referred to by this Court as "Movants") in said Motion – possess an interest in the outcome of the receivership action. However, as stated herein, Movants explicitly rely upon Civ.R. 20 (Permissive Joinder) and not Civ.R. 24 (Intervention), to make their request to become parties in this matter. Therefore, the Court will hereinafter refer to said Motion as a "Motion for Joinder."²

On January 15, 2026, this Court denied Mr. Hill's Motion for Leave on procedural grounds. On January 23, 2026, Petitioner filed a Brief in Opposition to the Motion for Joinder. Later that same day, Movants filed their Reply to Petitioner's Brief in Opposition. No response was filed to Petitioner's Motion to Strike. The Court will now proceed to address these matters.³

² Courts focus on the substance of a motion, rather than its given name, to determine the motion's operative effect. *State v. Patten*, 2010-Ohio-2628, ¶ 20 (6th Dist.).

³ The Court notes that on January 27, 2026, Respondent, the City of East Cleveland, filed a response to Petitioner's Motion to Strike. However, because Respondent's response was not timely filed pursuant to Civ.R. 6(C)(1), the Court has not considered said response and it is hereby stricken from the record.

II. Law & Analysis

A. Motion to Strike

Whether to grant or deny a motion to strike is within this Court's discretion. See *Bandaru v. State*, 2024-Ohio-1490, ¶ 8 (10th Dist.).

Under the Ohio Rules of Civil Procedure, party status is not obtained through unilateral action. Civ.R. 24 governs intervention and provides the mechanism by which a non-party may become a party to an action. Where a movant fails to articulate grounds for intervention under Civ.R. 24, there is no basis for the court to permit participation. See *Sonnenberg Mut. Ins. Co. v. Shelton*, 2024-Ohio-5952, ¶ 17–18 (2nd Dist.). “Merely appearing in a proceeding and presenting an argument does not make a person a party to an action” *In re Adoption of T.B.S.*, 2007-Ohio-3559, ¶ 7 (4th Dist.).

Here, no motion pursuant to Civ.R. 24, or pursuant to any other procedural rule, had been filed at the time Movants submitted their January 2, 2026 filings. Accordingly, those filings were submitted by Movants without procedural authorization and are therefore improper. The January 2, 2026 filings shall be STRICKEN from the record. Petitioner's Motion to Strike is therefore DENIED, in part, as moot, with respect to the Motion for Leave to File Amicus Curiae Brief, which has already been denied by this Court. Petitioner's Motion to Strike is GRANTED, in part, as to Movants' filings on January 2, 2026.

B. Motion for Joinder

Although styled as a “Motion to Intervene,” Movants' motion does not rely on Civ.R. 24 as its asserted procedural basis. Instead, Movants expressly state that their request is made pursuant to Civ.R. 20 and R.C. 2735.01.

Civ.R. 20 allows for the permissive joinder of a person into an action as a plaintiff or defendant based upon the claimed interest that person has in the pending action.

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Here, Movants, requesting to be made defendants in this matter, cite the following portion of Civ.R. 20(A):

All persons maybe joined in one action as defendants if there is asserted against them jointly, severally, or in the alternative, any right to relief in respect of or arising out of the same transaction, occurrence, or succession or series of transactions or occurrences and if any question of law or fact common to all defendants will arise in the action.

Movants assert that they should be joined as defendants under Civ.R. 20 because they claim that the Petition and proposed receivership order will affect their asserted interests in City property, finances, employment, contracts, and governance, and they contend that they therefore have “substantial rights” that are not represented by the existing parties. They characterize themselves as “Defendant City Party Respondents” and argue that the Auditor’s findings demonstrate that City property is in danger of loss or injury, such that their claimed interests in that property justify their inclusion as parties. Their filing further states that their participation is necessary so that their concerns may be addressed through modifications to the proposed order appointing a receiver.

As previously stated herein, Civ.R. 24 provides the mechanism by which a non-party, on its own initiative, intervenes in an action to become a party. Civ.R. 24 requires the movant to file a timely motion to the court, stating its specific basis for intervention under the rule. Civ.R. 24 also requires such a motion to be accompanied by a pleading, as defined in Civ.R. 7(A), “setting forth the claim or defense for which intervention is sought.”⁴ A non-party cannot bypass the requirements of Civ.R.24 and intervene on its own initiative by instead filing a motion under Civ.R.20. *City of Whitehall v. Olander*,

⁴ Even if this Court interpreted Movants’ Motion as a motion to intervene, their Motion was not accompanied by a pleading as required pursuant to Civ.R.24.

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2014-Ohio-4066, ¶ 28-30 (10th Dist.).⁵ Here, Movants attempt to circumvent the requirements of Civ.R. 24 by relying instead on Civ.R. 20 as the procedural basis for their inclusion as parties in this matter. This is impermissible and warrants the denial of Movants' Motion for Joinder. However, even if Movants did meet the threshold requirements for invoking Civ.R. 20 and/or Civ.R. 24, their involvement as defendants in this matter is barred by statute.

Notably, this court "is a statutorily created court." *State ex rel. DeWine v. Court of Claims of Ohio*, 2011-Ohio-5283, ¶ 19. See R.C. 2743.03. This court's jurisdiction "is limited by statute and specifically confined to the powers conferred by the legislature." *DeWine* at ¶ 21.

In September of 2025, R.C. 2743.03 was amended to confer exclusive, original jurisdiction on the Court of Claims over proceedings brought under the newly enacted R.C. 118.29. See R.C. 2743.03(A)(3)(c). R.C. 118.29 sets out the specific statutory process for municipal receiverships. R.C. 118.29 provides that, upon referral by a financial supervisor or legislative authority of a local government in fiscal emergency, the Attorney General may petition the Court of Claims to appoint a receiver to oversee and remedy the entity's fiscal condition. R.C. 118.29 does not contain any provision authorizing or addressing joinder or intervention by residents, employees, creditors, or other non-party persons; it simply establishes the filing and appointment mechanism as between the Attorney General, the municipal corporation, and the Court. For that reason, the statutory framework that governs the initiation and scope of a municipal receivership under R.C. 118.29 does not permit third-party participation, joinder or intervention in this proceeding.

⁵ Civ.R. 20 is a permissive joinder rule that governs when a party may be joined in a single action and operates through the pleadings of existing parties. Civ.R. 21, which is to be read in conjunction with Civ.R.20, further confirms that Civ.R. 20 does not provide a mechanism for a non-party to add itself to an action, because, in the context of joinder under Civ.R. 19 and Civ.R. 20, Civ.R. 21 permits parties to be added or dropped only on motion of an existing party or on the court's own initiative. See *id.*

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Furthermore, while Movants further rely upon R.C. 2735.01 et seq. as a statutory basis for joinder, that chapter governs receiverships in private civil matters. This Court does not have jurisdiction over matters brought under R.C. 2735.01. Therefore, that statute is inapplicable and does not provide a basis for third-party participation in this matter.

For the reasons stated herein, Movants' Motion for Joinder is hereby DENIED.

III. Conclusion

Petitioner's Motion to Deny Amicus Filing and Strike Notice of Appearance by attorney Willa Hemmons, and Response of Certain City Residents and Employees is DENIED, in part, as moot, as to the Motion for Leave, and GRANTED, in part, as to the January 2, 2026 filings.

Movants' Motion to Intervene Per ORC 2735.01 et seq. By Certain Df. City Residents/Former Employees & Other Interested Parties with Merit Brief Attached (discussed herein as a Motion for Joinder) is DENIED.

Respondent's Joinder of Petitioner's Opposition to Motion to Intervene is STRICKEN from the record.



LISA L. SADLER
Judge

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