

# The Supreme Court of Ohio

## -APPENDIX 14-

The State of Ohio ex. rel. Leonard Nyamusevya

Case No. 2021-0853

v.

IN PROCEDENDO AND PROHIBITION

Franklin County Court of Common Pleas:  
Honorable Judge Daniel R. Hawkins

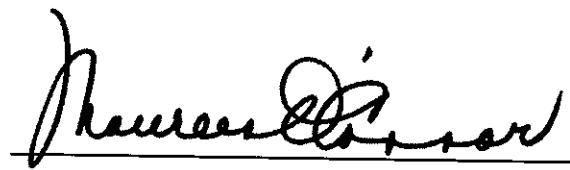
E N T R Y

This cause originated in this court on the filing of a complaint for writs of procedendo and prohibition.

Upon consideration of respondent's motion to dismiss amended complaint, it is ordered by the court that the motion to dismiss is granted. Accordingly, this cause is dismissed.

It is further ordered that relator's emergency verified motion for an alternative writ or temporary restraining order or preliminary injunction order is denied.

It is further ordered that relator's motion for objection to respondent's July 26, 2021 motion to dismiss is denied as moot.



Maureen O'Connor  
Chief Justice

The Supreme Court of Ohio

FILED

NOV 23 2021

-APPENDIX 15-

CLERK OF COURT  
SUPREME COURT OF OHIO

The State of Ohio ex. rel. Leonard Nyamusevya

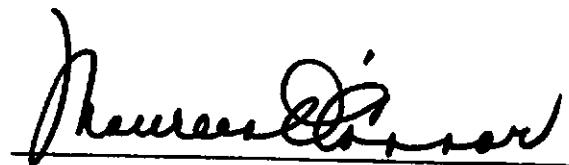
Case No. 2021-0853

v.

Franklin County Court of Common Pleas:  
Honorable Judge Daniel R. Hawkins

RECONSIDERATION ENTRY

It is ordered by the court that the motion for reconsideration in this case is denied.



Maureen O'Connor  
Chief Justice

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO  
CIVIL DIVISION

CITIMORTGAGE INC., :

Plaintiff : Case No. 10CVE-09-13480

v. :

LEONARD NYAMUSEVYA, et al., : Judge HAWKINS

Defendants. : *-4, DEFENDANT*

*28* -

DECISION AND ENTRY DENYING DEFENDANT LEONARD  
NYAMUSEVYA'S EMERGENCY MOTION TO ENFORCE COMPLIANCE OF  
OHIO STATUTES; UPDATE RECORD; AND VOID THE FORECLOSURE  
DECREE

and

DECISION AND ENTRY DENYING DEFENDANT'S EMERGENCY MOTION  
TO STRIKE AND OBJECT TO BOTH THE PRELIMINARY AND  
SUPPLEMENTAL FINAL JUDICIAL REPORTS AND TO ENFORCE  
COMPLIANCE TO OHIO STATUES AND BAR THIS COURT FROM  
ORDERING THE SALE OF THE PROPERTY

Hawkins, J.

This matter is before the Court on Defendant Leonard Nyamusevya's Emergency Motion to Enforce Compliance of Ohio Statutes; Update Record; and Void the Foreclosure Decree and Mr. Nyamusevya's Emergency Motion to Strike and Object to Both the Preliminary and Supplemental Final Judicial Reports and to Enforce Compliance to Ohio Statutes and Bar This Court From Ordering the Sale of the Property. After full and careful review, this Court finds Defendant's motions not well-taken and hereby DENIES the same.

On December 12, 2018, Mr. Nyamusevya appealed this Court's final judgment entry and decree of foreclosure entered on November 15, 2018 asserting

seven assignments of error including: 1) abuse of discretion by violating the Law of the Case Doctrine, 2) exceeding the scope of authority, 3) proceeding limited to the issue of “damages,” 4) abuse of discretion by violating the Doctrine of *res judicata*, 5) abuse of discretion by failing to start where the error occurred in the First Appeal, 6) concealing to the jury Defendant’s contention for not staying before the Trial Court, and 7) abuse of discretion because its November 15, 2018 Decision is substantially against the preponderance of the manifest weight of the evidences in favor of Defendant.

On October 22, 2020, the Court of Appeals of Ohio, Tenth Appellate District, rendered its decision on Mr. Nyamusevya’s appeal. After a careful review of this appeal, the Appellate Court overruled Mr. Nyamusevya’s seven assignments of error and affirmed the judgment of this Court. Specifically, the Tenth Appellate District held:

Nyamusevya had the opportunity to present evidence on the issue of how much money he owed CitiMortgage at the trial conducted on November 5, 2018. He abandoned that opportunity when he left the courtroom before voir dire and failed to return, even though the trial court had apprised him that the trial was proceeding that day. Nyamusevya cannot argue on appeal issues that he could have raised at the November 5, 2018 trial had he chosen to participate in that trial.

*CitiMortgage, Inc. v. Leonard Nyamusevya* No. 18 AP-949 (10<sup>th</sup> Dist.) (October 22, 2020), ¶23.

In sum, the Tenth Appellate District affirmed the decree of foreclosure rendered by this Court and further affirmed that this Court “properly applied the law to conclude that CitiMortgage had stated its motion for a directed verdict with specificity, had provided sufficient evidence of the amount Nyamusevya owed CitiMortgage, and Nyamusevya had not rebutted that evidence.” (*Id.* at ¶27).

Here, Mr. Nyamusevya is again attempting to relitigate the issues that were at bar during his initial trial date on November 5, 2018. Based on this Court’s November 15, 2018 judgment entry and the Tenth Appellate District’s October 22, 2020 entry affirming this Court’s judgment, this Court finds Defendant’s motions not well-taken and hereby **DENIES** the same.

IT IS SO ORDERED.

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Judge Daniel R. Hawkins

**Electronic copies to:**

All Counsel of Record