No. 24A1023

IN THE

Supreme Court of the United States

Dale Prey,

Petitioner

v.

Franciscan University of Steubenville, et al.

Respondent

On Petition For Writ Of Certiorari

To The Jefferson County Court of Appeals,

Seventh Appellate District, Ohio

Case No. 24 JE 0004

APPLICATION TO BRETT M. KAVANAUGH, ASSOCIATE JUSTICE TO EXTEND TIME TO FILE A PETITION FOR WRIT OF CERTIORARI

Dale Prey, *Pro Se*

45811 Cadiz-Harrisville Rd.

Cadiz, Ohio, 43907

STATEMENT OF "GOOD CAUSE"

Petitioner respectfully requests an extension of time, solely to allow him to obtain printing services for the Booklet format of his petition. The Petition is complete, and has been for some time (a copy is included with this request). However, rural Ohio lacks options for printing and binding the Petition. After searching four local Ohio Counties (Harrison, Jefferson, Belmont and Tuscarawas) and discovering none of the copy centers or print shops he visited could do the required binding, Petitioner was referred to "*Blooms Printing*" as the most likely to have the capabilities of meeting the Court's requirements for binding.

Petitioner physically went to their place of business on 10 April, 2025, with PDF files, paper copies and examples of the exact format required by this Court. Petitioner sent two follow up messages, verifying his contact information and the deadline by which he must have the booklets submitted to the Court. On 17 April, 2025, Petitioner finally received the cost and time estimate (copy attached). It seemed clear the printing and binding was not being done locally, resulting in a very long lead time of three weeks from when the deposit was made, etc..

This is a situation which was not something a *Pro Se* Petitioner could have expected, or planned for – that half of the original 90 day period to file would be lost due to living in a rural area. Most importantly, Petitioner would not even become aware of the issue until his Petition was complete, as even an estimate would require an accurate page count.

BASIS FOR JURISDICTION

The full Jurisdictional review is contained in the appropriate sections of the included Petition (*See pgs 1,2).* The Ohio Courts' decisions are in conflict with multiple rulings by this Court, which established binding legal precedents on several issues of Constitutional law. These include:

- modifying the 150 year old precedent set by this Court in *Watson v. Jones*, 80 U.S. 679 (1871), removing the fundamental Constitutional requirement for application of the Ecclesiastical Abstention Doctrine – *"All who unite themselves to such a body do so with an implied consent to this government, and are bound to submit to it"*;
- ruling that a Federal Court *(of limited jurisdiction)* which declined jurisdiction over Petitioner's State Law claims *(dismissing them "without prejudice")* actually made definitive rulings on those exact State Law claims;
- ruling that Franciscan University could exercise its First Amendment rights to make Catholic Doctrine a fundamental marketing tool for attracting new students, new employees and make it an integral aspect of employment, then demand those same First Amendment rights require a court dismiss a lawsuit against it – because evidentiary documents, used by Petitioner (*a non-Catholic*), contain statements on Catholic Doctrine, crafted by the University, itself, Pope John Paul II, Cardinals selected to formulate the Church's Doctrine and relationship with Media and Communication, and

found in the Catechism.

In total, Petitioner lists fourteen (14) Supreme Court cases, demonstrating well established practices and precedents which were either modified, or simply not followed, by the Ohio Trial Court and Appellate Court: *Bosse v. Oklahoma*, 580 U.S. ____ (2016); *Watson v. Jones*, 80 U.S. 679 (1871); *Stone v. Graham*, 449 U.S. 39 (1980); Judge Learned Hand's statement, quoted in *Estate of Thornton v. Caldor, Inc.*, 472 U.S. 703 (1985); *Employment Div., Dept. of Human Resources of Ore. v. Smith*, 494 U. S. 872 (1990); *Wisconsin v. Yoder,* 406 U.S. 205 (1972); *Church of the Lukumi-Babalu Aye, Inc. v. City of Hialeah,* 508 U.S. 520 (1993); *Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints v. Amos, et al.*, 483 U.S. 327 (1987); *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC,* 565 U. S. ____(2012); *McCreary v. American Civil Liberties Union* 545 U.S. 844 (2005); *Snyder v. Phelps*, 562 U.S. 443 (2011); *California Transport v. Trucking Unlimited*, 404 U.S. 508; *Ex parte Hull*, 312 U.S. 546; *Artis v. District of Columbia*, 583 U.S. ___ (2018).

JUDGEMENT SOUGHT TO BE REVIEWED[1]

The Trial Court failed to hold a mandatory scheduling meeting, as required by *Ohio Rules of Civ. Pro. Rule 16 and Rule 16(B)(2),* which denied Petitioner the

[1] Copies of all the Ohio Courts' *Opinions, Judgements, Dismissal and Entries* are found in Appendix (A), (B), (C) and (D) of the included *Petition for Writ of Certiorari.*

opportunity to request the court order allowing him to submit evidence the University claimed was subject to FERPA and raise the *"necessity of amendments to the pleadings"* to include this evidence to support his claims.

Both the Trial Court and the Appellate Court then ruled that dismissal under 12(B)(1) was appropriate, citing cases where Ohio courts applied the Ecclesiastical Abstention Doctrine to dismiss lawsuits brought by a minister and a priest (against their respective churches), to support the courts' modification of *Watson* removing the requirement that both of the parties were *"unite(d)"* to a *"religious body"*.

Both courts cited carefully selected *"out of court statements"*, made by the students, *as evidence proving the truth of Petitioner's misconduct as reported in those statements*, while neither court even mentioned Petitioner claimed those exact statements were false / misleading (*defamation*) – claims that could have been supported had he been allowed to submit his extensive factual documentation.

Both Ohio courts relied on the Federal Court's decision that the student statements did not meet the requirements for *Title VII's* "hostile environment" or "constructive discharge" as definitive rulings on State law claims which were never reviewed by that court – and over which it had no jurisdiction.

STATEMENT OF "EXTRAORDINARY CIRCUMSTANCES"

This is not a situation where Petitioner failed to take reasonable steps to prepare his Petition within the allotted time frame. The Ohio Supreme Court's

denial of his request is dated 28 Jan, 2025. When he received this paperwork, in the mail, he immediately started reviewing the documents of the case. Because he does not have reliable cell phone service, much less dependable internet access at home, Petitioner routinely uses the internet access available at his local library.

The files "2023RulesoftheCourt", "Seeking Review in the U.S. Supreme Court", and "ussc format specification_files" were downloaded on 3 Feb., 2025. Over the next several weeks, Petitioner crafted 9 distinct versions of his Petition, each exploring different approaches to presenting the required information. Often a version might have 2 or more revisions. Crafting the Petition required review of all the paper documents from the case, as well as revisiting the databases where case law is available to the general public, to see if the citations he used had been updated with missing info, etc.

Petitioner also had to research specific law that had not been required previously, but was now critical to sections on this Court's jurisdiction, etc. Once version 9 was tweaked to ensure it did not exceed the word limitations, a table of contents and citations to authority were created, the entire document had to be set up with the required standards of font size and type, page dimensions, text block size limits, etc. The new formatting meant the old table of contents and list of citations were no longer accurate and had to be redone.

Petitioner only had physical copies of the courts' rulings, etc. but knew that there were electronic versions that the courts used. Unfortunately, once he was able to obtain these PDF images they could not be easily reformatted without

purchasing an expensive Adobe software license. Fortunately, Petitioner was able to get some assistance at his local library, where they had a workstation with the Adobe software that allowed modifications to the PDF documents. Unfortunately, the resizing modification reduced the font size, which according to paragraph 8 in "guidetofilingpaidcases2023" was a common (and unacceptable) error.

Eventually Petitioner found a workable method of extracting the text from the PDF files, then carefully going over every document and manually correcting errors (often legal terms that were not recognized). Once the text was in place, Petitioner then needed to recreate the formatting which did not translate well. He decided to leave original page numbers in place (although it looks a bit odd) but add new page numbers at the bottom, as needed. After printing multiple copies of each document, to double check font size, etc. Petitioner printed a "proof" copy to assemble. Only to discover that some of the page citations in the Petition were no longer accurate, due to each document now having approximately 50% more pages compared to the original.

I understand this is how law clerks and junior associates earn their pay – something I am certain is not a surprise to people who work in the field. But it illustrates the time intensive challenges a *Pro Se* Petitioner faces in a complex case. Imagine spending some two months making every effort to comply with the exacting formatting rules required in your Petition, only to learn that you may be blocked from filing the petition by something you cannot / could not control: lack of a printing company, which can actually do the printing and binding, locally.

There were, of course, options for proceeding *"in forma pauperis"* which would have allowed Petitioner to file more standardized documents, which would have been fewer pages and require no professional binding as well as saving him countless hours spent reformatting documents, etc. But Petitioner is not a pauper and could not, in good faith, claim to be one. He lives a frugal lifestyle, in a small cabin he built, on reclaimed strip mine land. While the total costs (not including time and labor) for filing this Petition is roughly equal to two months of his Social Security stipend, he believes his time and money are well spent defending Constitutional Rights, won at much greater costs, 250 years ago.

What makes this request one demonstrating *"Extraordinary Circumstances"* is that in spite of his every effort to comply with these requirements, he will be prevented from defending those Constitutional Rights, by circumstances beyond his control. Petitioner trusted the Trial Court to hold a required scheduling meeting to resolve the FERPA issues. However, Petitioner was powerless to force the Court to follow the rules established by the State of Ohio. Now, some years later, his careful compliance with the rules established by this Court, concerning the fonts, type size, page size, etc. are meaningless because in rural Ohio there are no options for his Petition to be printed and bound in a timely manner.

There were 3-4 weeks before the deadline for the filing of the Petition, when it was ready to be printed. The estimate of cost and time for printing was sent to Petitioner, yesterday. Today is the "10 days" prior to the filing deadline required for an application for an extension of time. Nothing Petitioner does, nothing he

controls, allows him to meet either deadline. Only this Court may act to remove an otherwise insurmountable barrier to a *Pro Se* Petitioner's exercise of a fundamental First Amendment Right – the ability of a citizen to petition the courts for redress of a grievance. Granting this request does not mean the Court will accept his Petition, only that he maintains the right to present it for review.

Respectfully Submitted on this date, 18 April, 2025

Dale Prey, *Pro Se*

45811 Cadiz-Harrisville Rd.

Cadiz, Ohio, 43907

I certify that a copy of this Application was served by regular mail upon

Adam M. Martello (0097058)

PO BOX 1484

Steubenville, Ohio 43952

Phone: 740-278-7308

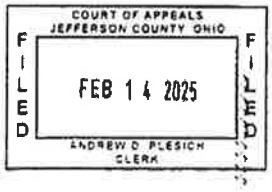
Fax: 740-218-5551

AMartelloLaw@gmail.com

Supreme Court of Ohio Clerk of Court - Filed
January 28, 2025 - Case No. 2024-1599

The Supreme Court of Ohio

Dale Prey



Case No. 2024-1599

v.

ENTRY

Franciscan University of Steubenville, et al.

Upon consideration of the jurisdictional memoranda filed in this case, the court declines to accept jurisdiction of the appeal pursuant to S.Ct.Prac.R. 7.08(B)(4).

(Jefferson County Court of Appeals; No. 24 JE 0004)

Sharon L. Kennedy
Chief Justice

The Official Case Announcement can be found at
http://www.supremecourt.ohio.gov/ROD/docs/

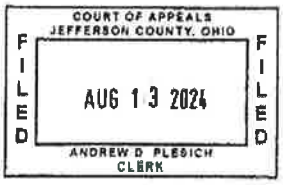
Appendix 'D'

IN THE COURT OF APPEALS OF OHIO

SEVENTH APPELLATE DISTRICT
JEFFERSON COUNTY

DALE PREY,

Plaintiff-Appellant,



v.

FRANCISCAN UNIVERSITY OF
STEUBENVILLE, ET AL,

Defendant-Appellee.

OPINION AND JUDGEMENT ENTRY
Case No. 24 JE 0004

Civil Appeal from the
Court of Common Pleas of Jefferson County, Ohio
Case No. 22-CV-145

BEFORE:
Katelyn Dickey, Carol Ann Robb, Mark A. Hanni,
Judges.

Appendix A

STANDARD OF REVIEW

{¶2} A court is required to grant a motion to dismiss pursuant to Civ.R. 12(B)(1) where the court lacks jurisdiction over the subject matter of the litigation. *T & M Machines, LLC v. Yost*, 2020-Ohio-551, 11 9 (10th Dist.). " 'Subject-matter jurisdiction of a court connotes the power to hear and decide a case upon its merits.' " *State ex rel. Ohio Democratic Party v. Blackwell*, 2006-Ohio-5202, 8, quoting *Morrison v. Steiner*, 32 Ohio St.2d 86, 87 (1972), paragraph one of the syllabus.

{¶3} When considering a motion to dismiss pursuant to Civ.R. 12(B)(1), the court must determine "whether any cause of action cognizable by the forum has been raised in the complaint." *State ex rel. Bush v. Spurlock*, 42 Ohio St.3d 77, 80 (1989). "The trial court is not confined to the allegations of the complaint when determining its subject-matter jurisdiction pursuant to a Civ. R. 12(B)(1) motion to dismiss, and it may consider material pertinent to such without converting the motion into one for summary judgment." *Southgate Dey. Corp. y. Columbia Gas Transm. Corp.*, 48 Ohio St.2d 211 (1976), paragraph one of the syllabus.

{¶4} We review the trial court's determination under Civ.R. 12(B)(1) de novo. *In re J.R.P.*,

night-class students. They wrote that they learned very little and struggled to understand Appellant's expectations regarding class assignments.

{¶8} Further, several comments focused on Appellant's demeanor and the topics he discussed in class. For instance:

> Appellant penned and assigned as required class reading "satirical bible stories," which ridiculed books of the Bible;
>
> Appellant joked that movies and video games all involve "molesting princesses";
>
> Appellant told a female student, "[Y]ou are nothing";
>
> Appellant called a male student "[B]elow [A]verage Joe";
>
> Appellant greeted the only non-white student in the class by raising his hand as if he were a Native American chief, looked directly at the student and said, "How, white person";

> topics non-related to media of any kind, (expected since [Appellant] lives in a cabin by himself off grid where he has zero access to media), topics such as 9/11, [the burning of] Notre Dame [Cathedral in France], racism, slavery, 'molesting princesses' (direct quote), and rape. AND, he did not take these topics as seriously as he should have, but rather made them into his own sadistic jokes."
>
> Finally, a fourth student wrote, "[Appellant] did not live up to the Catholic values that I expect to see from professors at [the University], which makes sense because he himself told us many times how he is not Catholic.

{¶9} Although the reviews of the four responding day students included positive feedback, there were two students from the day class who echoed concerns regarding Appellant's demeanor, class organization, and expectations. Because the day student responses are more favorable than the night student responses, and the day student responses contain no reference to Appellant's age or religion, Appellant reasons the night students "targeted [Appellant] using comments and

> [Appellant] made great efforts to research the role of communication instruction at a Catholic Institution of Higher Learning and embraced the instructions found in Vatican documents. His satire, contrasting popular ideologies with actual biblical teachings, culminated with Christ's message as it related to the [internet] scandal — which had cost the University so much money and divided the University community. His use of visuals (the black and silver U.S. Olympic uniforms) demonstrated the importance of personal responsibility in selecting what one chooses to wear, if one wishes to conform to Catholic traditions of modesty, rather than projecting that responsibility onto others. His review of the research into "false memories" and the number of persons (often African American males accused of sexual impropriety with White females) who had been exonerated through the Innocence Project reflected the challenging intersection of Catholic Social Justice issues.

(*Id.*, ¶ 20.)

efforts to teach material in accordance with Catholic precepts, and conclude that students (who were Catholic) were far more knowledgeable about actual Catholic doctrine." (*Id.*, ¶ 21.)

{¶15} The Complaint reads:

> The religious affiliation of [the University] is part of its primary marketing campaign. When [an internet] scandal cost them millions of dollars the University responded with a very public event where administrators, faculty and staff were seen to be taking the "Oath of Fidelity." A few months later they were concluding that student perceptions of what was appropriate in the classroom were more important than the teachings of Pope John Paul II and the obligations of educators in the field of communications, as set forth in Inter Mifica, Communio et Progressio and Aetatis Novae. Rather than submit to these teachings and the doctrine set forth in the Catechism, they allowed the educational mission and environment to be dictated by a few disgruntled students
>
> . . .

John Doe defendants. The Southern District Court found the University was a religious employer and statutorily exempt from Title VII's prohibition on religious discrimination, and Appellant failed to exhaust his administrative remedies for his age discrimination claim. The Southern District Court further found Appellant suffered no adverse employment action as a matter of law because the negative student comments did not create a hostile or abusive environment, and would not have caused a reasonable person to resign. Having dismissed Appellant's federal claims, the federal court declined to exercise supplemental jurisdiction over the remaining state law claims.

{¶19} Appellant filed a motion for reconsideration, which the Southern District Court denied. Appellant then appealed the decision of the Southern District to the United States Circuit Court of Appeals for the Sixth Circuit, which affirmed the Southern District Court's dismissal of Appellant's federal claims in an unpublished order. *See Prey v. Franciscan University of Steubenville, et al.*, No. 21-/3200 (6th Cir. Nov. 2, 2021).

{¶20} On May 2, 2022, Appellant refiled his state claims in the Jefferson County Court of Common Pleas, naming the University and "John Does, #1-5" as

doctrine, which deprives civil courts of jurisdiction to sit in judgment of a decision made by a religious entity regarding religious discipline, faith, custom or rule. In the alternative, the University argued the Complaint failed to allege valid state law claims. Appellant filed his response on June 15, 2022, and the University filed its reply on June 22, 2022. The trial court heard oral argument on July 11, 2022.

{¶24} On January 18, 2024, the trial court filed the judgment entry on appeal, granting the University's motion and dismissing Appellant's claims with prejudice. The trial court first determined it could not resolve disputed points of religious doctrine, and therefore, Appellant's claims were non-justiciable under the ecclesiastical abstention doctrine. In the alternative, the trial court determined Appellant failed to state one or more of the necessary legal elements of his claims under a traditional Rule 12(B)(6) analysis and that he failed to plead fraud with particularity as required by Rule 9(B). Accordingly, the trial court dismissed Appellant's claims against the University and the John Doe defendants on the alternative ground that he failed to state a claim.

{¶25} This timely appeal followed.

ANALYSIS

decision of questions arising among themselves, that those decisions should be binding in all cases of ecclesiastical cognizance, subject only to such appeals as the organism itself provides for." Id.

{¶27} "Ohio appellate courts have fashioned the ecclesiastical abstention doctrine into a two-part test to determine whether a court has subject-matter jurisdiction over a church dispute." *Harrison v. Bishop*, 2015-Ohio-5308, If 41 (6th Dist.), citing *Bhatti V. Singh*, 2002-Ohio-3348, 25 (12th Dist.). First, the court must determine whether the church is hierarchical or congregational. *Slavic Full Gospel Church, Inc. v. Vernyuk*, 2012Ohio-3943, if 17 (8th Dist.). If the church is hierarchical, civil courts generally lack jurisdiction to hear the dispute. *Tibbs v. Kendrick*, 93 Ohio App.3d 35, 42, (8th Dist.1994). In a hierarchical system, the congregation is subordinate to a general organization, typically consisting of clerics or tribunals, which controls religious or doctrinal policy and makes decisions for the entire membership. *Sheriff v. Rahman*, 2003-Ohio-1336, IT 12 (8th Dist.).

{¶28} In contrast, in a congregational system, the congregation governs itself; it is subservient to no other body. *Tibbs* at 42, citing *State ex rel. Morrow v. Hill*, 51 Ohio St.2d 74, 76 (1977). If the church is congregational, a civil court has jurisdiction only to

(Emphasis in original)(Appellee's Brf., p. 9.) In other words, although the University concedes Appellant's claims are secular, it argues the evidence offered by Appellant to prove his underlying claim - the students lied on the anonymous platform in a concerted effort to damage his professional reputation and the University countenanced the deception in order to avoid controversy - is predicated upon violations of Catholic doctrine.

{¶31} The Eighth District's recent decision in *Plishka v. Skurla*, 2022-Ohio-4744, 11 66-67 (8th Dist.), appeal not allowed, 2023-Ohio-1665, reconsideration denied, 2023Ohio-2664, and cert. denied, 144 S.Ct. 1058, is instructive. In that case, the Eighth District concluded the ecclesiastical abstention doctrine prohibited the trial court from considering an abuse of process claim filed by a Byzantine Catholic priest against the Diocese and the Archbishop. In order to establish his abuse of process claim, Father Plishka was required to show the defendants filed a case in which legal procedure has been set in motion in proper form, with probable cause, and even with ultimate success, but has been perverted to accomplish an ulterior purpose for which it was not designed.

Yaklevich v. Kemp, Schaeffer & Rowe Co., L.P.A., 68 Ohio St.3d 294, 297 (1994), quoting Keeton, Dobbs,

but awarded no damages.

{¶35} On appeal, the Eighth District recognized the abuse of process claim was secular, but found the claim "necessary requires inquiry into ecclesiastical matters, including whether the Diocese's internal procedures permitted it to suspend Fr. Plishka based on the nature of his alleged conduct and the initiation of civil proceedings against him." *Id.* at 70. Because the forgoing evidence was required to establish the second element of the abuse of process claim, the Eighth District concluded the trial court was without jurisdiction to consider the abuse of process claim. The Eighth District opined,"[w]ith respect to this issue, the parties have greatly contested one another's interpretation of ecclesiastical text and whether Fr. Plishka's suspension was authorized, and thereby proper, under canon law and the Diocese's internal procedures." *Id.* at ¶ 74.

{¶36} The same is true here. Appellant relies exclusively upon religious doctrine to establish the University's duty to investigate the students' accusations and vindicate Appellant. Specifically, the Complaint alleges "student perceptions of what was appropriate in the classroom were more important [to the University] than the teachings of Pope John Paul II and the obligations of educators in the field of

SUMMARY JUDGMENT.

ASSIGNMENT OF ERROR NO. 3

THE TRIAL COURT ERRED IN DISMISSING APPELLANT'S TORTIOUS INTERFERENCE CLAIM WITHOUT REVIEWING APPELLANT'S ACTUAL COMPLAINT – THAT IT WAS THE STUDENTS WHO ENGAGED IN TORTIOUS INTERFERENCE.

ASSIGNMENT OF ERROR NO. 4

THE TRIAL COURT ERRED WHEN IT DISMISSED APPELLANT'S BREACH OF CONTRACT CLAIM BASED ON RES JUDICATA, OR ALTERNATIVELY, THAT APPELLANT HAD PLED NO EVIDENCE OF A CONTRACT – YET FAILED TO REVIEW THE FACTS IN THE COMPLAINT THAT DOCUMENTED AN 18 YEAR LONG EMPLOYMNET HISTORY, INCLUDING THE ON-GOING PUBLICATION OF KEY DOCUMENTS AND THE LOGICAL INFERENCES DERIVED FROM THOSE FACTS IN LIGHT OF OHIO LAW.

ASSIGNMENT OF ERROR NO. 5

INTERFERING WITH HIS EMPLOYMENT RELATIONSHIP **AND THAT THE UNIVERSITY HAD PARTICIPATED IN ONE OR MORE WAYS — INCLUDING MAKING STATEMENTS THEY KNEW, OR SHOULD HAVE KNOWN, WERE DEFAMATORY PART [SIC] OF HIS PERMANENT EMPLOYMENT RECORD — THUS** ***EXPANDING THE SCOPE OF THE ORIGINAL TORT BEYOND APPELLANT'S CURRENT EMPLOYER TO ESSENTIALLY EVERY INSTITUTION OF HIGHER EDUCATION.***

{¶37} Because we find the trial court was without subject matter jurisdiction to consider the claims in the Complaint, we find Appellant's second, third, fourth, fifth, and sixth assignments of error are moot.

CONCLUSION

{¶38} In summary, we find the trial court did not have subject matter jurisdiction to consider the claims in the Complaint pursuant to the ecclesiastical abstention doctrine. Accordingly, the judgment entry of the trial court dismissing the case pursuant to Civ.R. 12(B)(1) is affirmed.

For the reasons stated in the Opinion rendered herein, the first assignment of error is overruled and it is the final judgment and order of this Court that the judgment of the Court of Common Pleas of Jefferson County, Ohio, is affirmed. Costs to be taxed against the Appellant.

A certified copy of this opinion and judgment entry shall constitute the mandate in this case pursuant to Rule 27 of the Rules of Appellate Procedure. It is ordered that a certified copy be sent by the clerk to the trial court to carry this judgment into execution.

JUDGE KATELYN DICKEY

JUDGE CAROL ANN ROBB

JUDGE MARK A. HANNI

NOTICE TO COUNSEL

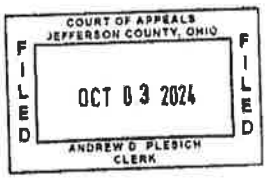
This document constitutes a final judgment entry.

IN THE COURT OF APPEALS OF OHIO

SEVENTH APPELLATE DISTRICT
JEFFERSON COUNTY

DALE PREY,

Plaintiff-Appellant,



v.

FRANCISCAN UNIVERSITY OF STEUBENVILLE, ET AL.,

Defendant-Appellee.

OPINION AND JUDGMENT ENTRY
Case No. 24 JE 0004
Application for Reconsideration

BEFORE:
Katelyn Dickey, Carol Ann Robb, Mark A. Hanni, Judges.

JUDGMENT: Overruled.

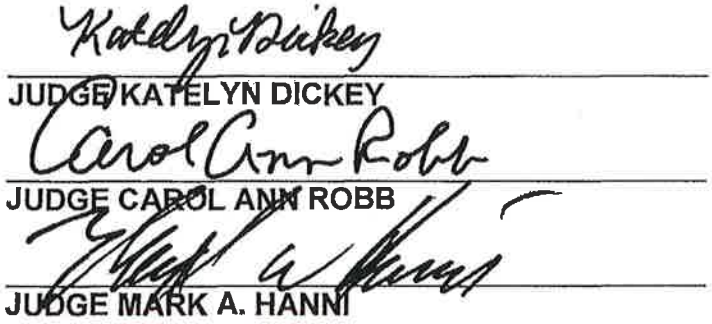
Dale Prey, Plaintiff-Appellant and

Atty. Adam M. Martell and *Atty. Derek T. Teeter,*
Husch Blackwell LLP,, for Defendant-Appellee.

Appendix B

is to be reconsidered and changed. D.G. v. M.G.G., 2019-Ohio-1190, ¶2 (7th Dist.). The test generally applied is whether the application for reconsideration calls to the attention of the court an obvious error in its decision or raises an issue for our consideration that was either not at all or was not fully considered by us when it should have been. *Id.* An application for reconsideration is not designed for use in instances where a party simply disagrees with the conclusions reached and the logic used by an appellate court. *Martin v. Taylor*, 2024-Ohio-3207, ¶1 (7th Dist.). Rather, App.R. 26 provides a mechanism by which a party may prevent miscarriages of justice that could arise when an appellate court makes an obvious error or renders an unsupportable decision under the law. *Id.*

{¶3} In the application for reconsideration, Appellant reasserts claims originally presented in his appellate brief. For instance, Appellant contends we applied the ecclesiastical abstention doctrine in error because he is neither a clergyman nor a congregant, and the application of the doctrine abridges his First Amendment rights. However, we predicated the application of the doctrine on the evidence that



JUDGE KATELYN DICKEY

JUDGE CAROL ANN ROBB

JUDGE MARK A. HANNI

NOTICE TO COUNSEL

This document constitutes a final judgment entry.
Case No. 24 JE 0004