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SUPREME COURT, U.S.

No. 25-1291

IN THE
Supreme Court of the United States

NAREN CHAGANTI

Petitioner,

v.

CINCINNATI INSURANCE COMPANY

Respondent.

On Petition for a Writ of Certiorari to the
Ohio Court of Appeals for the
Tenth Appellate District

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether a state may rely on an uncodified provision from a Senate Bill (not published with the codified statute) to retroactively apply a statute of limitations, thereby depriving affected persons of sufficient notice required under the due process clause.

LIST OF PARTIES

Interested party:

Corporate Disclosure Statement

Petitioner discloses the following pursuant to Supreme Court Rule 29.6: Petitioner is an assignee of two privately held entities Whispering Oaks RCF Management Co Inc. and Whispering Oaks Residential Care Facility LLC. There is no parent or publicly held company owning 10% or more of either entity's corporate stock.

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Naren Chaganti hereby respectfully petitions for a writ of certiorari to review the judgment in this case by the Ohio Court of Appeals for the Tenth District in Appendix A.

Opinions Below

The published opinion of the Ohio Court of Appeals for the Tenth District is at 2025-Ohio-1982. (App., 1a-18a) The order of the Court of Common Pleas for Franklin County, Ohio, (App., 20a-30a) is unreported.

Jurisdiction

The Court of Common Pleas for Franklin County, Ohio entered its judgment on July 10, 2024. (App., 19a) A timely notice of appeal was filed and the Court of Appeals of Ohio for the Tenth District entered its decision and Judgment on June 3, 2025. (App., 18a). There is no second level of appellate review as of right under Ohio law, see Ohio S. Ct. Prac. R. 7.08(B). A timely notice of appeal requesting exercise of discretionary jurisdiction was filed on July 9, 2025 with the Ohio Supreme Court, which declined to accept jurisdiction on September 30, 2025. (App., 29a)

This Court's jurisdiction is invoked under 28 U.S.C. § 1257(a).

Constitutional and Statutory Provisions

U.S. CONST. AMEND. XIV provides in relevant part, "[N]or shall any State deprive any person of life, liberty, or property, without due process of law...."

OHIO CONST. ART. I, SEC. 16 states, "All courts shall be open, and every person, for an injury done him in his land, goods, person, or reputation, shall

have remedy by due course of law, and shall have justice administered without denial or delay.”

Ohio Revised Code (O.R.C.) § 2305.06 (eff. July 1, 1993) provides in relevant part: “an action upon ... an agreement, contract, or promise in writing shall be brought within fifteen years after the cause thereof accrued.”

O.R.C. § 2305.06 (eff. September 28, 2012) provides in relevant part: “an action upon ... an agreement, contract, or promise in writing shall be brought within eight years after the cause thereof accrued.”

Ohio Senate Bill 224 (2012) (“SB 224”) provides, “For causes of action that are governed by section 2305.06 of the Revised Code and accrued prior to the effective date of this act, the period of limitations shall be eight years from the effective date of this act or the expiration of the period of limitations in effect prior to the effective date of this act, whichever occurs first.”

Statement of the Case

Between 2008-2011, Petitioner obtained for his business a property and business interruption insurance policy from Cincinnati Insurance Company (Cincinnati). (App., 2a) In 2010, while the policy was in force, the property suffered damage and the business was interrupted. (*Ibid*). Plaintiff sued Cincinnati on March 11, 2024 for breach of contract. (*Ibid*).

Until 2012, Ohio had a 15-year statute of limitations to sue for breach of contract. O.R.C. § 2305.06 (1993). In 2012, the Ohio legislature shortened this period to eight years. O.R.C. § 2305.06 (2012). The published code provision is silent about what happens to causes of action that accrued before the law’s effective date, September 28, 2012. In

addition, the Ohio Constitution prohibits retroactive legislation. See OHIO CONST. ART. II, § 28. The Ohio Revised Code also states the same. See O.R.C. § 1.58.

Cincinnati filed a motion to dismiss, contending that under the 2012 version of the statute the suit filed in 2014 was time-barred. Cincinnati relied on SB 224, which provided for retroactive application of the 8-year period for causes of action that accrued before the statute's effective date. The trial court sided with Cincinnati and dismissed the case. On appeal, the Ohio Tenth District court of appeals affirmed.

Petitioner asserts that reliance upon SB 224 violated the federal due process clause because uncodified laws do not satisfy the notice requirement because an ordinary citizen would only look to the published Revised Code provision and not to uncodified laws to find out about the statute of limitations.

Reasons for Granting the Petition

The petition presents a pure question of federal constitutional law—whether reliance on uncodified law to apply a statute retroactively to accrued causes of action comports with the notice requirement of the due process clause of U.S.C.A. fourteenth Amend.

To find out about a simple thing such as the statute of limitations period to bring an action for breach of contract, the law should not require a party to look up session laws or legislative history. Even experienced lawyers search legislative history to find out about applicable statute of limitations. Because the published statute does not mention retroactivity, it is impossible, from the statute itself, to learn if the codified statute omitted information. Such exercise goes directly against the notice requirement of the due process clause.

Resolving this question ensures a uniform, predictable application of due process principles in providing notice of information critical to an exercise of party's rights. Petitioner suggests that depriving a party of the opportunity to bring timely claims due to an obscure statement concealed within the session laws would go directly against fundamental principles of notice required under the due process clause and impinge upon reliance interests. The Court should provide clear guidance on publication and notice standards necessary to satisfy due process.

A. Ohio Requires Publication of Statutes

Ohio law requires publication in Revised Code "[a]ll statutes of a permanent and general nature of the state...." O.R.C. § 1.01, whose official publisher is the Legislative Service Commission". O.R.C. § 149.21. "Uncodified law" refers to legislative session laws, which are not in the official published code.

It is undisputed that the officially published O.R.C. § 2305.06 (2012) does not provide for retroactivity of the shortened period of limitations for causes of action accrued prior to the effective date of the statute.

It is also undisputed that SB 224 states that a party with an accrued cause of action has eight years from the statute's effective date to file suit.

B. Due Process Requires Adequate Notice

A core principle of due process is that a party be given adequate notice before the state deprives him of his property rights. See *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 313 (1950) [stating that the notice must be "appropriate to the nature of the case."]

Where a change in statute affects a party's property rights, the party must be on reasonable notice of

the change so that he could take the necessary steps to avoid any adverse consequence from the change in the law. Publication in the general statutes and codes is the principal means by which the public learns of laws.

An uncodified provision that retroactively shortens the statute of limitations, if not published with the codified statute, undermines notice, predictability, and fair opportunity to assess and defend one's rights. Our system of laws does not permit secret or obscure provisions that deny a party its rights because of concerns about fairness, reliance interests, and legitimate expectations.

C. Retroactive Laws are Generally Disfavored

A retroactive statute is one that "takes away or impairs vested rights acquired under existing laws, or creates a new obligation, imposes a new duty, or attaches a new disability". *Sturges v. Carter*, 114 U. S. 511, 519 (1885). A cause of action for an injury suffered is a vested property right protected by the guarantee of due process. See *Gibbes v. Zimmerman*, 290 U.S. 326, 332 (1933); *Pritchard v. Norton*, 106 U.S. 124, 132 (1882).

"Retroactive legislation presents problems of unfairness that are more serious than those posed by prospective legislation, because it can deprive citizens of legitimate expectations and upset settled transactions". *General Motors Corp. v. Romein*, 503 U. S. 181, 191 (1992). "Elementary considerations of fairness dictate that individuals should have an opportunity to know what the law is and to conform their conduct accordingly; settled expectations should not be lightly disrupted." *Landgraf v. USI Film Prods.*, 511 U.S. 244, 265 (1994).

Because of these concerns, the default rule is a presumption against retroactivity unless the

legislature expressly or by necessary implication requires retroactivity. See *United States v. St. Louis, S. F. & T. R. Co.*, 270 U. S. 1, 3 (1926); *Landgraf*, 511 U.S. at 280 [stating that the first step is to determine if the legislature "has expressly prescribed the statute's proper reach", and if not, then to look for "clear congressional intent favoring such a result"].

Legislative intent is by itself insufficient to satisfy constitutional due process if the affected party is not on sufficient notice of the change in law. Due process concerns arise if the critical part that affects a party's rights is not available where a party expects to find it, i.e., in the statute itself, and instead is tucked away in "uncodified law" where scarcely anyone would look.

D. Retroactive Application of Laws Requires Adequate Notice and an Opportunity to Act

Despite the default rule against retroactivity, this Court has upheld as constitutional state statutes that affected existing rights. See *Terry v. Anderson*, 95 U.S. 628, 632-33 (1877) ["statutes of limitation affecting existing rights are not unconstitutional, if a reasonable time is given for the commencement of an action before the bar takes effect"]; accord, *Texaco, Inc. v. Short*, 454 U.S. 516, 527 n.21(1982) ["It is essential that such statutes allow a reasonable time after they take effect for the commencement of suits upon existing causes of action...." (quoting *Wilson v. Iseminger*, 185 U.S. 55, 62-63 (1902)); *Block v. North Dakota ex rel. Bd. of Univ. & School Lands*, 461 U.S. 273, 286 n.23 (1983) ("statutes of limitations must allow a reasonable time after they take effect for the commencement of suits upon existing causes of action") (internal quotation marks omitted).

Petitioner concedes that SB 224 states that a cause of action accrued before the effective date of

O.R.C. § 2305.06 (2012) may be brought within eight years of accrual. Petitioner also concedes that this 8-year period satisfies the “reasonable time” required under this Court’s precedent. Petitioner contends that to apply the shortened period from SB 224 is inherently unfair to litigants who do not refer to legislative history to find out about such basic things as the statute of limitations.

E. Insufficient Notice Invalidates Retroactive Application of O.R.C. § 2305.06 (2012)

Petitioner does not dispute that SB 224 indicates clear legislative intent of retroactivity. However, legislative intent is necessary but not sufficient to satisfy due process. Fairness requires notice to a party affected by a statute. Although federal and state constitutions use slightly different language, they provide the “same guarantee”. See *In re Adoption of H.N.R.*, 145 Ohio St.3d 144, 2015-Ohio-5476, ¶ 24 (2015).

A provision tucked away in an uncodified senate bill is unlikely to be discovered even by someone who is aware of the change to a statute. Given that the default rule is no retroactivity, a reasonable person would look no further than the published code for notice of what the law is.

This Court approved two methods of notice: “actual notice” or publication in the statute itself. In *Gilfillan v. Union Canal Co. of Penn.*, 109 U.S. 401 (1883), a case decided under the Contracts Clause, a bondholder’s actual notice of a shortened period of time to assent to or reject a reorganization plan coupled with his “neglect to sue within a specified time” constituted abandonment of his objection to the plan. The principle—that actual notice to an affected party of change in the law so that he might take the

necessary steps to protect his interests—suffices as notice under the Due Process clause as well.

Another method of declaring the legislature's intent is in the statute itself. In *Texaco, supra*, 454 U.S. 516, this Court upheld Indiana's Dormant Mineral Interests Act, which extinguished unused mineral rights after 20 years unless the mineral owner files a claim, stating, “[g]enerally, a legislature need do nothing more than enact and publish the law, and afford the citizenry a reasonable opportunity to familiarize itself with its terms and to comply. In this case, the 2-year grace period included in the Indiana statute forecloses any argument that the statute is invalid because mineral owners may not have had an opportunity to become familiar with its terms.” *Id.*, at 532.

Contrarily, in *William Danzer & Co. v. Gulf & S.I.R. Co.*, 268 U.S. 633, 637 (1925), a statute that provided for a two-year period to file claims against a carrier for misdirecting goods did not operate retroactively because the statute did not so state.

The trial court stated, “ignorance of the law is no excuse” (App., 27a), but this maxim presupposes that the information necessary to comply with the law is readily accessible *where an ordinary person would look*. An ordinary person ascertains the current statute of limitations by reviewing the Revised Code and not via a statute's legislative history.

Noticeably, a panel of the Ohio Court of Appeals for the Eighth District disregarded SB 224 and computed a 15-year period to file suit for a cause of action accrued in 2010, presumably because no one expects to look at a senate bill to learn of the statute of limitations. See *Tabbaa v. Nouraldin*, 2022-Ohio-1172 (Ohio Ct. App. 2022) at ¶20. Similarly, a federal district court applied the shortened statute of limitations period prospectively and not

retroactively. See *Transp. Ins. Co. v. Busy Beaver Bldg. Ctrs., Inc.*, 969 F. Supp. 2d 875, 885, n.17 (S.D. Ohio 2013). Thus, there is confusion even among Ohio Courts about applicability of SB 224 to determine retroactivity.

Conclusion

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Dated: December 29, 2025

s/

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