

No:

In The
Supreme Court of the United States

SARAH LOCKHART, PETITIONER,

v.

ROBERT ANICK, JR., RESPONDENT.

*ON PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF APPEALS OF OHIO SIXTH
APPELLATE DISTRICT*

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether the Fourteenth Amendment's Due Process Clause permits a state court to retroactively extinguish an established property interest by applying an unforeseeable and unexpected interpretation of a state statute that changes the legal consequences of a completed transfer of personal property.

PARTIES TO THE PROCEEDING

Sarah Lockhart is the Petitioner here and the Plaintiff-Appellant below.

Robert Anick, Jr. is Respondent here and Defendant-Appellee below.

There are no interested parties other than those mentioned in the caption.

RELATED PROCEEDINGS

Lockhart v. Anick, No. 2025-1436, Ohio Supreme Court, denied Petition for Review on February 17, 2026, denied reconsideration on April 28, 2026.

Lockhart v. Anick, 2025-Ohio-4496, Ohio Sixth District Ct. App., opinion filed on Sept. 26, 2025.

Lockhart v. Anick, CVH-23-08999, Toledo, Ohio Municipal Court, decided June 17, 2024.

TABLE OF CONTENTS

Question Presented.....	i
Parties to the Proceeding.....	ii
Related Proceedings.....	ii
Table of Authorities.....	iv
Opinions Below	1
Jurisdiction.....	1
Constitutional Provisions Involved.....	2
Statement of the Case.....	3
Reasons for Granting Certiorari.....	6
A. The Decision Below Violates the Fourteenth Amendment.....	6
B. The Decision Below Creates Uncertainty in Animal Ownership Law.....	22
Conclusion	27
Appendix	

TABLE OF AUTHORITIES

CASES	PAGES
<i>Angrave v. Oates</i> , 90 Conn. App. 427 (2005).....	23
<i>Board of Regents of State Colleges v. Roth</i> , 408 U.S. 564 (1972).....	6
<i>Bouie v. City of Columbia</i> , 378 U.S. 347 (1964).....	8, 12, 16, 17, 19, 20, 21
<i>Butera v. Beesler</i> , 2023-Ohio-2257.....	10, 12, 23, 27
<i>Carlton v. Johnson</i> , 2016-Ohio-7313.....	23
<i>Dukuzumuremyi v. Martin</i> , 2025-Ohio-508.....	10, 12, 23, 27
<i>Eltibi v. Kocsis</i> , 2021-Ohio-2911.....	9, 10, 12, 13, 14, 16, 23, 27
<i>Jennings v. Shauck</i> , 523 P.3d 2 (Kan. App. 2023)....	23
<i>Johnson-Schmitt v. Robinson</i> , 990 F. Supp. 2d 331 (W.D.N.Y. 2013)	24
<i>Ladner v. Ladner</i> , 909 So. 2d 1051 (2004).....	24
<i>Livengood v. Markusson</i> , 31 Ohio App. 183 (1928).....	23
<i>Hill v. Micham</i> , 116 Ohio St. 549 (1927).....	23
<i>Logan v. Zimmermann Brush Co.</i> , 455 U.S. 422 (1982).....	6
<i>Mullane v. Central Hanover Bank & Trust Co.</i> , 339 U.S. 306 (1950).....	7
<i>Schneider v. Schneider</i> , 178 Ohio App.3d 264, 2008-Ohio-4495	23
<i>Southwestern Telegraph & Telephone Co. v. Danaher</i> , 238 U.S. 482 (1915).....	8
<i>Stop the Beach Renourishment, Inc. v. Florida Department of Environmental Protection</i> , 560 U.S. 702 (2010).....	11, 14, 21
<i>United States v. James Daniel Good Real Property</i> , 510 U.S. 43 (1993).....	7
<i>Zelenka v. Pratte</i> , 200 Neb. 100 (2018).....	24

CONSTITUTIONAL PROVISIONS, STATUTES, RULES

U.S. Const. amend. XIV	2, 6
Kan. Stat. Ann. § 79-1301.....	24
N.Y. Agric. & Mkts. Law § 420	24
Ohio Rev. Code §955.01	7
Ohio Rev. Code §955.03	6
Ohio Rev. Code §955.11.....	
3, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 22, 27	
Pa. Stat. § 459-205	24

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Petitioner Sarah Lockhart, by and through counsel, DanaMarie K. Pannella, respectfully petitions for a writ of certiorari to review the ruling of the Court of Appeals of Ohio Sixth Appellate District.

OPINIONS BELOW

The Court of Appeals of Ohio Sixth Appellate District entered its decision dated Sept. 26, 2025 (Pet. App-B). The Supreme Court of Ohio denied a petition for discretionary review on February 17, 2026 (Pet. App-A) and denied reconsideration on April 28, 2026 (Pet. App-C).

JURISDICTION

The Court of Appeals of Ohio Sixth Appellate District entered its decision dated Sept. 26, 2025 (Pet. App-B). The Supreme Court of Ohio denied a petition for discretionary review on February 17, 2026 (Pet. App-A) and denied reconsideration on April 28, 2026 (Pet. App-C). The Honorable Justice Brett M. Kavanaugh extended the time to file a petition to August 26, 2026 and a second extension was granted to September 25, 2026. This Court has jurisdiction

under 28 U.S.C. § 1257(a). The judgment below is final, and this petition is timely filed within the period prescribed by law, and as extended by this Court. The case invokes federal questions under the Constitution of the United States.

CONSTITUTIONAL PROVISIONS INVOLVED

U.S. Const. amend. XIV, § 1

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT OF THE CASE

This case is indeed about a dog. But dogs are classified as property, and the Constitution protects against the deprivation of property without due process. Thus, this civil pet custody action presents a substantial constitutional question. At the heart of this Court's review is Ohio Revised Code §955.11(B), a statute governing the transfer of ownership of dogs. The decision below applied an unforeseeable, retroactive interpretation of that statute to a completed transaction and thereby deprived Petitioner of an established property interest.

Plaintiff-Petitioner, Sarah Lockhart, was the original owner of a dog named Mango and a cat named Fluffy. Petitioner and Defendant-Respondent, Robert Anick, Jr., had a personal romantic relationship during which they once lived together with Mango and Fluffy. The relationship terminated in 2019. After the parties separated, Petitioner took her pets with her and moved to Texas.

On August 24, 2020, Petitioner contacted Respondent and others asking if they could watch Mango and Fluffy after she suffered from a personal crisis that negatively affected Mango's behavior. Petitioner's state of mental distress led to Mango experiencing extreme anxiety and ultimately, caused Petitioner's new romantic partner to be bitten by Mango. Because Mango and Fluffy are best friends and bonded to one another, Petitioner selflessly sought to keep them together even though it was only Mango who was affected by Petitioner's mental state. Petitioner explained to Respondent that she did not know how long it would take for her to recover, but that she would need someone to provide care for her

pets for a long period of time before she could take them back again. Petitioner trusted Respondent because he provided good care for the pets while she and Respondent were living together and afterward. Respondent agreed to take in Mango and Fluffy.

Petitioner traveled to Ohio to bring Respondent the pets on September 7, 2020. As part of the transfer of possession, Petitioner gave Respondent everything he would need to care for the pets. Petitioner offered to pay costs of care for the pets. Respondent declined. For nearly two years, the pets remained with Respondent. Petitioner and Respondent contacted each other minimally, limiting communication to updates about the pets' health and well-being. Petitioner visited the pets with Respondent's permission in May 2021.

On July 19, 2022, Petitioner informed Respondent that her recovery was successful, and demanded return of her pets. Respondent and Petitioner exchanged text messages about this, with Respondent ultimately refusing to return the pets, claiming that Petitioner "abandoned" them.

Petitioner thereafter filed a civil action for replevin and conversion related to Mango and Fluffy in the Toledo, Ohio Municipal Court.

On December 14, 2023, a bench trial was conducted before a magistrate, who issued a decision on January 9, 2024 finding in favor of Petitioner as to the dog, but denying replevin of the cat. Petitioner and Respondent filed objections to the Magistrate's Decision.

On June 14, 2024, the Trial Court overruled the objections and adopted the Magistrate's Decision.

Petitioner and Respondent both filed a timely notice of appeal.

On September 26, 2025, the Court of Appeals of Ohio Sixth Appellate District issued its Opinion overturning the Trial Court’s decision as to the dog, Mango. The Appeal turned on whether a certificate of transfer consistent with Ohio Revised Code §955.11(B) is a determinative element in establishing ownership of a dog in Ohio. As noted in the Sixth District’s Opinion, “[f]ew Ohio courts have interpreted R.C. 955.11(B) in considering whether a transfer of ownership certificate is a necessary element to establish the effective transfer of a dog or merely a factor to consider in determining the dog’s ownership.” *Lockhart v. Anick*, 2025-Ohio-4496 at ¶ 54 (Pet. App-B). The Appellate Court concluded that Petitioner’s failure to give Respondent a certificate of transfer of ownership had no effect on her “gift” of Mango to Respondent because she was not a “seller” and that Ohio Revised Code §955.11(B) contains no provision that limits the effectiveness of a transfer of a dog’s ownership to only those transactions in which a transferor provides a certificate of transfer to the transferee.

On February 17, 2026, the Supreme Court of Ohio denied review and on April 28, 2026 it denied reconsideration. This Court’s review is necessary to ensure that constitutional protections do not disappear in state court proceedings merely because the dispute arises in a private civil action.

REASONS FOR GRANTING CERTIORARI

A. The Decision Below Violates the Fourteenth Amendment

This case asks whether a State may extinguish an established property interest by applying a new judicial interpretation of state law to a transaction that was completed years before. The Court of Appeals of Ohio Sixth Appellate District did exactly that. It applied an unforeseeable, retroactive interpretation of Ohio Revised Code §955.11(B), awarded Petitioner's dog to Respondent, and thereby extinguished Petitioner's established property interest without due process. U.S. Const. amend. XIV, § 1.

The Fourteenth Amendment protects property interests recognized by state law from deprivation by the State without due process of law. "Property interests, of course, are not created by the Constitution. Rather, they are created and their dimensions are defined by existing rules or understandings that stem from an independent source such as state law." *Board of Regents of State Colleges v. Roth*, 408 U.S. 564, 577 (1972). Once state law creates a protected property interest, however, the State may not arbitrarily deprive its holder of that interest. *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 428, 433 (1982).

The analysis therefore begins with the property interest. Petitioner was Mango's undisputed original owner. Under Ohio law, a dog is personal property. Ohio Rev. Code §955.03. Ohio law further establishes a statutory framework governing the

transfer and recording of ownership of dogs. Ohio Rev. Code §955.01 and §955.11(B). Petitioner's ownership was therefore an existing property interest recognized by state law—not a mere expectation of acquiring property in the future.

The next question is whether Petitioner was deprived of that ownership interest. Petitioner was. The Sixth District entered a judgment determining that Petitioner no longer owned Mango and awarding ownership to Respondent. The judgment thus operated as a direct and final deprivation of Petitioner's established property interest. This was not merely a dispute concerning possession, an evidentiary ruling, or an unfavorable procedural determination. The State, through its judicial power, adjudicated title to the property and permanently divested Petitioner of her ownership right to Mango.

Ordinarily, due process requires that a person receive notice and an opportunity to be heard before the State finally deprives the person of protected property. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 313–14 (1950); *United States v. James Daniel Good Real Property*, 510 U.S. 43, 53 (1993). But notice and an opportunity to appear in court do not exhaust the Due Process Clause's protection. A person may not be retroactively deprived of property due to an application of an unforeseeable judicial construction of law to conduct that occurred before that construction was announced. Thus, the fact that Petitioner had an opportunity to litigate the ownership dispute does not resolve the constitutional question where the deprivation resulted from the retroactive application of an unforeseeable judicial construction.

That is the constitutional problem presented here. Petitioner had an opportunity to litigate ownership. What she did not have—and could not have had—was notice that the legal rule governing the transfer of her property would later be interpreted differently and applied retrospectively to the completed transaction. The Sixth District did not simply determine disputed facts under an established legal standard. It changed the legal significance of Ohio’s statutory transfer mechanism, held that the statute did not govern this transaction, and alternatively held that the statutory certificate had no effect on the transfer. It then applied that new construction to conclude that Petitioner had relinquished ownership of the dog.

The Due Process Clause imposes limits on the retroactive application of unforeseeable judicial constructions. This case asks whether those limits apply when a state court uses such a construction to alter the legal consequences of a completed property transaction and extinguish an established property interest. In *Bouie v. City of Columbia*, 378 U.S. 347, 354 (1964), this Court held that due process prohibits the retroactive application of a judicial construction that is “unexpected and indefensible by reference to the law which had been expressed prior to the conduct in issue.” And in *Southwestern Telegraph & Telephone Co. v. Danaher*, 238 U.S. 482, 491-92 (1915), this Court held that the retroactive imposition of substantial penalties based upon a state court’s construction of state law violated due process where the challenged conduct was not prohibited by the statute, no prior judicial decision had indicated that it was unlawful, and the affected party had acted in

good faith under a longstanding understanding of the law.

Those principles are implicated here not because every erroneous interpretation of state law violates due process, but because the State used its judicial power to change the legal consequences of completed conduct and then applied that changed rule to extinguish an established property interest. The constitutional question is therefore not whether Ohio courts may interpret Ohio law. They plainly may. It is whether the Fourteenth Amendment permits a State court to retroactively alter the legal consequences of an established ownership transaction through an unforeseeable judicial reinterpretation of the governing law and then use that reinterpretation to deprive the owner of their property.

This case presents that question in an especially concrete form. Ohio has enacted a specific statutory framework governing transfers of ownership of dogs. Ohio Rev. Code §955.11(B). Pet ownership disputes arise when former spouses, significant others, friends, or roommates disagree over ownership or custody of a companion animal. They also arise when governmental shelters, nonprofit rescues, and veterinarians must determine and document who has the lawful right to own or possess an animal. Because these organizations and individuals rely upon statutory rules governing ownership and transfer, those rules must provide predictable consequences.

Petitioner was the undisputed original owner of Mango. Under the interpretation of Ohio Rev. Code §955.11(B) applied by the Ninth District in *Eltibi v. Kocsis*, 2021-Ohio-2911, the statutory transfer

certificate was not merely evidence of ownership; compliance with the statutory transfer requirements was determinative of whether ownership had transferred. The trial court applied that understanding here and concluded that, notwithstanding its finding that Petitioner had made a gift, Petitioner remained Mango's owner because no certificate of transfer had been executed. The Sixth District changed that legal rule. It expressly rejected *Eltibi* in favor of decisions from the Eleventh District, including *Butera v. Beesler*, 2023-Ohio-2257 and *Dukuzumuremyi v. Martin*, 2025-Ohio-508, concluding that the certificate required by Ohio Rev. Code §955.11(B) is merely evidence of ownership. More significantly, the court held that Ohio Rev. Code §955.11(B) did not apply to the transaction at all because it characterized Petitioner as a "donor," not a "seller," and the recipient as a "donee," not a "buyer." The court then held that, even if the statute applied, the absence of a certificate had "no effect" on the effectiveness of the transfer.

The consequence was not merely a change in the evidentiary weight of one document. This was not a case in which the Appellate Court simply found that Petitioner failed to prove ownership. Although Petitioner disagrees with this conclusion, the lower courts agreed on the critical underlying fact: Petitioner had made a gift of Mango to Respondent. The courts then disagreed about the legal consequence of the statutory transfer requirement. Under the legal rule applied by the Trial Court, the absence of the statutory certificate meant that ownership had not transferred. Under the Sixth District's interpretation, the absence of the certificate

was legally irrelevant. The Sixth District's new interpretation therefore supplied the legal basis for concluding that Petitioner had lost her ownership interest. The same underlying transaction produced opposite consequences depending upon which judicial interpretation of Ohio Rev. Code §955.11(B) was applied.

The property context makes the constitutional concern particularly acute. Property rights are protected interests under the Fourteenth Amendment, and this Court has recognized that judicial decisions themselves may raise due process concerns when they eliminate established property rights. See *Stop the Beach Renourishment, Inc. v. Florida Department of Environmental Protection*, 560 U.S. 702, 713–15 (2010) (plurality opinion); *id.* at 735 (Kennedy, J., concurring in the judgment). As Justice Kennedy explained, “[i]f a judicial decision, as opposed to an act of the executive or the legislature, eliminates an established property right, the judgment could be set aside as a deprivation of property without due process of law.”

The question presented here therefore is not whether Ohio courts have authority to interpret Ohio law. They plainly do. Nor does Petitioner ask this Court to sit as a court of error correction over the Sixth District's interpretation of Ohio Rev. Code §955.11(B). The federal question is whether the Due Process Clause permits a state court to **retroactively change the legal consequences of an established ownership transaction through a judicial reinterpretation of the governing statute that was unforeseeable at the time of the**

transaction, and then use that new rule to extinguish the owner's property interest.

That question warrants this Court's review because the decision below transforms a legislatively prescribed ownership framework into an unstable and retrospective rule. Citizens may reasonably organize their conduct around the law governing the creation and transfer of property rights. If a court may later redefine the legal significance of the statutory requirements and apply that new interpretation to divest an owner of property, then the law provides no reliable notice of what conduct will preserve or relinquish an established property interest. The constitutional concern is particularly acute where, as here, the judicial reinterpretation is applied to a transaction completed years before the court announced the rule on which the deprivation rests.

This case therefore presents an important question concerning the intersection of two established constitutional principles: the protection of property interests under the Fourteenth Amendment and the prohibition against unforeseeable, retroactive judicial enlargement of legal obligations. *Bouie*, 378 U.S. at 354. The Sixth District's decision brings those principles into direct conflict with a state court's authority to reinterpret its own law. This Court should grant certiorari to determine where the Constitution draws that line.

The Sixth District's decision cannot be dismissed as an ordinary error of state law. Petitioner does not ask this Court to decide whether Ohio Rev. Code §955.11(B) is better interpreted according to *Eltibi*, *Butera*, or *Dukuzumuremyi*. 2021-Ohio-2911;

2023-Ohio-2257; 2025-Ohio-508. Nor does Petitioner contend that every erroneous interpretation of state law creates a federal constitutional violation. The question presented is narrower: whether a State may retroactively alter the legal consequences of an ownership transaction through an unforeseeable judicial reinterpretation and thereby extinguish an existing property interest.

Ordinarily, a state court's interpretation of state law presents no federal question. But the Due Process Clause imposes an independent constitutional limitation on the manner in which a State may deprive a person of protected property. Once Petitioner acquired an ownership interest in Mango, the State could not constitutionally extinguish that interest by retroactively applying an unforeseeable judicial construction of the law governing that transfer.

This case presents precisely that circumstance. At the time of the transaction, Ohio law specifically addressed transfers of ownership of dogs through Ohio Rev. Code §955.11(B). The statute provided that, “[u]pon the transfer of ownership of any dog,” the seller “shall give the buyer a transfer of ownership certificate,” and that the transfer of ownership would be recorded upon presentation of that certificate. *Id.* The statutory framework thus supplied a defined mechanism for documenting a change in ownership. The Ninth District subsequently interpreted that framework in *Eltibi*, 2021-Ohio-2911, as making the certificate significant to the transfer of legal ownership. The trial court relied on that interpretation here, holding that although Petitioner had made a gift, the absence of the statutory

certificate meant that ownership of Mango had not transferred.

The Sixth District did not merely reach a different factual conclusion about whether Petitioner intended to give Mango away. It changed the legal significance of the statutory requirement. It rejected *Eltibi*, characterizing the certificate as merely one piece of evidence concerning ownership. 2021-Ohio-2911. The court then held that Ohio Rev. Code §955.11(B) did not apply to the transaction and that even if the statute applied, Petitioner's failure to execute a certificate had "no effect" on the effectiveness of the transfer.

The distinction matters. Under the rule applied by the Trial Court, the absence of the statutory certificate prevented the transfer of ownership. Under the Sixth District's rule, the absence of the certificate did not matter. The court therefore did not merely decide that the evidence established a gift. It determined that a statutory condition Petitioner had relied upon as governing the transfer of her property was legally irrelevant. That new interpretation was then applied to the transaction to determine that Petitioner had lost the ownership interest altogether.

The Respondent may characterize this as nothing more than the ordinary evolution of state law. But *Bowie* establishes that constitutional due process places limits on the retroactive application of an unexpected judicial construction. 378 U.S. at 354. And *Stop the Beach Renourishment* recognizes that the constitutional protection of property interests cannot necessarily be avoided merely because the deprivation is accomplished by a judicial decision rather than by legislation or executive action. 560

U.S. at 713–15; *id.* at 735 (Kennedy, J., concurring in the judgment).

The constitutional distinction is therefore between permissible judicial clarification and impermissible retroactive alteration. A court may interpret an ambiguous statute. But when a court adopts a previously rejected interpretation, changes the legal consequences attached to a statutory ownership mechanism, and applies that new rule to extinguish an existing property interest, the question becomes one of constitutional due process. The Due Process Clause does not permit the State to impose upon completed conduct the consequences of an unforeseeable judicial construction that was not reasonably discernible when the conduct occurred.

That is especially true here because the Sixth District's interpretation did not merely regulate Petitioner's future conduct. It operated retrospectively. Petitioner could not alter the transaction, execute a certificate, or otherwise conform her conduct to the Sixth District's newly announced interpretation after the fact. The court instead applied its new understanding of Ohio Rev. Code §955.11(B) to a completed transaction and used that understanding to determine the ownership of Mango.

The Sixth District's decision was not a predictable application of an established interpretation of Ohio Rev. Code §955.11(B). It changed the legal significance of the statute and applied that changed rule to a transaction that had already occurred. That is the circumstance that distinguishes this case from the ordinary development of state common law and brings the

decision within the principle recognized in *Bouie*, 378 U.S. 347.

When Petitioner transferred Mango to Respondent, Ohio law specifically prescribed the procedure applicable to a transfer of ownership of a dog. Ohio Rev. Code §955.11(B) provided that, “[u]pon the transfer of ownership of any dog,” the seller “shall give the buyer a transfer of ownership certificate.” The statute further provided that “[a] transfer of ownership shall be recorded by the auditor” upon presentation of a certificate signed by the former owner. The statute therefore did not merely identify factors relevant to determining ownership; it expressly addressed the documentation and recording of a transfer of ownership.

The statutory language had also been judicially construed before the decision below. In *Eltibi*, 2021-Ohio-2911, the Ninth District treated compliance with Ohio Rev. Code §955.11(B) as determinative of ownership where one party possessed the statutory documentation and the other did not. The trial court in this case relied upon *Eltibi* and applied that understanding to Mango. Although the magistrate found that Petitioner had made a gift, the court nevertheless concluded that Petitioner remained Mango’s owner because she had not provided a certificate of transfer pursuant to Ohio Rev. Code §955.11(B).

The Sixth District rejected that approach. The significance of that holding is substantial. The same statutory fact—the absence of a transfer certificate—was treated as legally dispositive under the rule applied by the Trial Court and as legally irrelevant under the rule announced by the Sixth District. The

decision therefore altered the legal consequence of a completed ownership transaction. Petitioner did not merely receive an unfavorable interpretation of a statute governing future conduct. The court applied its new interpretation retrospectively to determine that Petitioner had already relinquished an ownership interest in Mango.

That result could not have been avoided by prospective compliance with the rule announced below. Petitioner could not have known that she needed to satisfy a different legal standard for transferring ownership because the Sixth District's interpretation did not exist when the transaction occurred. Nor could Petitioner cure the alleged deficiency after the fact. Once the Sixth District determined that the certificate was unnecessary and that a gift could transfer ownership without it, the absence of the certificate became irrelevant to the transaction that had already taken place.

This is precisely why the timing of the judicial construction matters. *Bouie* does not prohibit courts from interpreting statutes or developing state law. It holds that due process prohibits retroactive application of a judicial construction that is "unexpected and indefensible by reference to the law which had been expressed prior to the conduct in issue." 378 U.S. at 354. The constitutional concern is heightened where the new construction alters the legal consequences of completed conduct and operates to deprive an individual of a protected right. This case asks whether that principle likewise constrains a state court when a retroactive construction alters the legal consequences of completed conduct and extinguishes an established property interest.

The Sixth District's decision presents that problem because it did not simply resolve an ambiguity concerning an unsettled factual question. It changed the legal effect of a statutory ownership mechanism and then used the new interpretation to extinguish Petitioner's ownership of Mango. The court's conclusion that a transfer certificate was unnecessary transformed the certificate from a prerequisite with legal significance into evidence that could be disregarded in determining whether ownership had transferred.

The divergence among the Ohio courts demonstrates why the constitutional issue warrants this Court's review. The Sixth District acknowledged that courts had reached different conclusions concerning the significance of Ohio Rev. Code §955.11(B). Without a clear and consistent interpretation of Ohio Rev. Code §955.11(B), Ohio courts risk producing unpredictable and contradictory outcomes in similar cases. That uncertainty affects not only the parties to disputes like this one, but also governmental shelters, veterinarians, and nonprofit rescues tasked with determining and documenting rightful ownership of dogs. The question for this Court is not which Ohio appellate court correctly interpreted the statute. It is whether, consistent with the Fourteenth Amendment, a court may select a competing interpretation of a property statute and apply that interpretation retrospectively to extinguish a property interest that existed under the previously applied legal framework.

The constitutional problem is particularly apparent because the Sixth District's construction eliminated the legal significance of a statutory

protection without identifying any language in Ohio Rev. Code §955.11(B) that expressly authorized that result. The court reasoned that the statute did not expressly state that a transfer was ineffective without a certificate and therefore declined to infer such a consequence. But that reasoning demonstrates the precise legal change at issue: the court supplied a different rule for determining when ownership transferred than the rule that the trial court had previously applied to Petitioner's completed transaction.

The Due Process Clause does not necessarily permit such a retrospective change merely because a state court characterizes its decision as an interpretation of state law. If it did, the constitutional protection recognized in *Bouie* could be avoided whenever a State recast an unforeseeable change in legal consequences as ordinary statutory construction. The question presented therefore warrants review: whether a State may use a judicial reinterpretation of its property law, unforeseeable at the time of the relevant transaction, to retroactively extinguish an existing property interest.

The question presented is important beyond the particular dispute between Petitioner and Respondent. States routinely establish statutory frameworks defining how ownership of property is created, transferred, and recorded. Individuals necessarily rely upon those frameworks when acquiring, transferring, and maintaining property. The decision below raises the question whether a State may later alter the legal consequences of those statutory requirements through judicial decision and

apply the new rule retroactively to extinguish an existing property interest.

The need for constitutional guidance is particularly apparent where, as here, the State has enacted a specific statutory mechanism governing transfers of a particular form of property. Ohio Rev. Code §955.11(B) does not merely regulate conduct incident to dog ownership. It addresses the transfer of ownership itself. It requires a seller to provide a transfer-of-ownership certificate and provides for recording the transfer upon presentation of that certificate. Yet the decision below holds that the statutory mechanism has no legal effect on a donative transfer and that the absence of the certificate does not affect ownership.

The decision below also illustrates why the distinction between judicial interpretation and judicial alteration of law matters. Courts necessarily interpret statutes, and reasonable differences in interpretation do not ordinarily present federal questions. But the Constitution imposes limits when an interpretation is applied retroactively in a manner that was not reasonably foreseeable when the relevant conduct occurred and that results in the loss of a protected property interest. *Bowie*, 378 U.S. at 354. The Court has never squarely addressed the extent to which that principle applies when an unforeseeable judicial construction of civil property law is used to extinguish an established property interest.

The issue is especially significant because the Ohio courts have adopted materially different understandings of Ohio Rev. Code §955.11(B). This divergence demonstrates that the legal effect of the

statutory certificate has not been consistently understood. The question presented is therefore not limited to whether one court correctly applied settled Ohio law. It concerns the constitutional consequences when competing interpretations of a state property statute produce fundamentally different legal consequences for an individual's existing property interest.

This Court's review is particularly warranted because the decision below leaves unresolved the constitutional boundary between permissible judicial development of state law and impermissible retroactive judicial alteration of property rights. *Stop the Beach Renourishment* recognized the constitutional significance of a state court's elimination of an established property right, while *Bouie* established that due process limits the retroactive application of unforeseeable judicial constructions. 560 U.S. 702; 378 U.S. 347. This case presents an opportunity to address how those principles operate together when a state court changes the legal consequences of a completed property transaction.

The question also has practical significance. Property ownership depends upon rules that provide predictable consequences for transfers. A statutory ownership system serves little notice function if a court may later disregard the legal significance of the statutory mechanism and apply a different rule to a transaction that has already occurred. The resulting uncertainty affects not only the parties to this case but anyone who relies upon statutory requirements when transferring or retaining property, whether it's a dog or other property.

The Fourteenth Amendment should not permit the constitutional protection of property to turn on the happenstance of which competing judicial interpretation is selected after the transaction has occurred. At a minimum, this Court should clarify whether due process imposes a constitutional limit when a state court adopts an unforeseeable interpretation of its property law and applies that interpretation retroactively to extinguish an existing property interest.

That question is important, recurring, and distinct from ordinary state law error correction. It concerns the constitutional stability of property rights and the extent to which the Due Process Clause constrains retroactive judicial changes to the law governing those rights. This Court should grant certiorari to resolve that question.

B. The Decision Below Creates Uncertainty in Animal Ownership Law

The uncertainty created by the decision below is not limited to the disagreement among Ohio appellate courts concerning Ohio Rev. Code §955.11(B). Courts in other States likewise have adopted materially different approaches to determining ownership of companion animals, particularly where registration records, possession, transfer documents, and evidence of donative intent point in different directions. The cases demonstrate that ownership of companion animals is governed by a variety of legal frameworks, including statutory registration requirements, common law property principles, the law of gifts, possession, and contract.

As discussed above, Ohio itself illustrates the problem. See *Eltibi*, 2021-Ohio-2911; *Butera*, 2023-Ohio-2257; *Dukuzumuremyi*, 2025-Ohio-508. Other Ohio decisions further demonstrate that Ohio courts have not treated registration or statutory paperwork as uniformly dispositive of ownership. In *Livengood v. Markusson*, 31 Ohio App. 183 (1928), the Ninth District recognized a common law property interest in a domesticated cat and, citing *Hill v. Micham*, 116 Ohio St. 549 (1927), explained that animal registration statutes did not create the underlying property right. In *Carlton v. Johnson*, 2016-Ohio-7313, the Fifth District determined ownership of a parrot under the common law of inter vivos gifts, looking to donative intent, delivery, relinquishment of control, and acceptance. And in *Schneider v. Schneider*, 178 Ohio App.3d 264, 2008-Ohio-4495, the Ninth District likewise analyzed ownership of dogs under the traditional requirements for an inter vivos gift, focusing on whether the donor manifested a present intent to permanently relinquish ownership and control.

The approaches taken elsewhere are similarly varied. In *Angrave v. Oates*, 90 Conn. App. 427 (2005), the Connecticut Appellate Court treated joint registration as evidence of ownership rather than as conclusive proof of title, considering registration together with the parties' long-term possession and care of the dog in determining the plaintiff's superior right to immediate possession. Kansas has likewise treated registration as evidence rather than as dispositive of ownership. In *Jennings v. Shauck*, 523 P.3d 2 (Kan. App. 2023) (unpublished opinion), rev'd in part, 318 Kan. 711, 547 P.3d 524 (2024), the

Kansas Court of Appeals considered American Kennel Club registration identifying two persons as co-owners along with the parties' possession, care, and conduct, and concluded that both parties held ownership interests.

Other courts have focused principally on traditional gift principles. The Mississippi Supreme Court, in *Ladner v. Ladner*, 909 So. 2d 1051 (2004), recognized a valid inter vivos gift of animals where the evidence established donative intent, direction of ownership paperwork, and relinquishment of control. Similarly, the Nebraska Supreme Court in *Zelenka v. Pratte*, 200 Neb. 100 (2018), found a completed gift where donative intent, delivery, and acceptance were established, notwithstanding the donor's subsequent possession of the dog. New York courts have likewise applied traditional gift principles to animal transfers, including consideration of whether delivery and relinquishment of control were sufficient to establish a completed gift. See *Johnson-Schmitt v. Robinson*, 990 F. Supp. 2d 331 (W.D.N.Y. 2013).

States also differ in the statutory significance they assign to animal registration and transfer requirements. Ohio, for example, has enacted specific statutory provisions governing the licensing and transfer of dogs. Other states likewise regulate the ownership and transfer of dogs through differing statutory schemes. Some expressly characterize dogs as personal property while separately regulating licensing or registration; others impose specific documentation or transfer requirements in particular circumstances. See, e.g., Kan. Stat. Ann. § 79-1301; 3 Pa. Stat. § 459-205; N.Y. Agric. & Mkts. Law § 420.

The result is a patchwork of legal rules governing a form of property that routinely changes hands through purchases, adoptions, gifts, shared ownership arrangements, and temporary placements. Courts may be called upon to determine ownership based on registration records, contracts, possession, payment, donative intent, delivery, acceptance, or some combination of those circumstances. The legal significance assigned to any one of those facts varies by jurisdiction and, as Ohio demonstrates, sometimes varies among appellate courts within the same state.

That variation matters because ownership determinations are not confined to disputes between private parties. Individuals, shelters, rescues, veterinarians, and courts must routinely determine who has the lawful right to possess or make decisions concerning an animal. When the legal effect of a transfer certificate or other ownership record is uncertain, the consequences can extend well beyond the parties to a particular dispute.

Petitioner does not ask this Court to establish a uniform national rule governing ownership of companion animals, nor does the existence of differing state law approaches itself present a federal question. Those matters remain questions of state law. The significance of these divergent approaches is that they demonstrate the absence of any uniform understanding of what facts or formalities establish or preserve ownership of a companion animal. Against that background, the constitutional question presented in this case takes on particular importance: when a State has established a legal framework governing the transfer of a property interest, may its courts retrospectively alter the legal consequences of

a completed transaction and extinguish that property interest through a judicial reinterpretation that did not govern the transaction when it occurred?

The importance of this issue therefore does not depend upon this Court adopting any particular rule for determining ownership of companion animals. The states remain free to define property rights and establish the formalities governing their transfer. But once a state has established a legal framework defining an existing property interest, the Due Process Clause limits the state's ability to retroactively change the legal consequences of that framework through judicial decision and thereby extinguish the interest it created.

This case presents that problem in its clearest form. Ohio law established a statutory mechanism governing the transfer and recording of ownership of dogs. Ohio courts subsequently adopted conflicting interpretations of the legal significance of that mechanism. The Sixth District selected one interpretation and applied it to a completed transaction in a manner that permanently divested Petitioner of an established property interest. The resulting question is not which state law rule is preferable, but whether the Constitution permits a state court to make that choice retroactively when the consequence is the loss of an existing property right.

The question presented is important beyond Mango and beyond Ohio. It concerns the constitutional stability of property rights when a state establishes statutory rules governing their creation or transfer and a court later changes the legal consequences of those rules. This Court should grant certiorari to clarify the constitutional limits on

that retroactive judicial alteration of established property rights.

CONCLUSION

This case presents a narrow but important constitutional question: whether the Fourteenth Amendment permits a State court to retroactively apply an unforeseeable judicial reinterpretation of its property law to a completed transaction and thereby extinguish an established property interest.

Petitioner's ownership of Mango was an existing property interest recognized by Ohio law. The trial court applied the legal framework governing the transfer of dogs and concluded that, although Petitioner had made a gift, ownership had not transferred because the statutory transfer certificate had not been executed. The Sixth District rejected that framework, held that the statutory requirement did not govern the transaction and, alternatively, that the certificate had "no effect," and applied its interpretation to determine that Petitioner had lost ownership. The deprivation therefore resulted not from a rule that governed the transaction when it occurred, but from a judicial construction adopted afterward and applied retroactively.

This Court has recognized that due process places limits on the retroactive application of unforeseeable judicial constructions. The question presented is therefore not whether Ohio courts may interpret Ohio law. They plainly may. Nor is it whether *Eltibi*, *Butera*, or *Dukuzumuremyi* provides the better interpretation of Ohio Rev. Code §955.11(B). The question is whether a State may

change the legal consequences of a completed property transaction through an unforeseeable judicial reinterpretation and then apply that new rule to permanently extinguish the property interest the State's law previously recognized.

That question extends beyond Mango and beyond Ohio. State law necessarily defines property rights and the formalities governing their transfer. But the constitutional stability of those rights cannot depend upon a judicial change in the governing law after the transaction has occurred. When a State uses its judicial power to extinguish an established property interest under a legal rule that did not previously govern the transaction, the Due Process Clause requires a constitutional boundary.

This Court should grant the petition for a writ of certiorari to define that boundary.

Respectfully submitted,

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