The Ohio Supreme Court In 2025: A Focus On Civil Procedure

By **Bradfield Hughes** (December 3, 2025)

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Close watchers of the Ohio Supreme Court can sometimes identify certain themes or areas of focus that reveal themselves in a given year.

In 2022, for example, the court issued five opinions on the politically divisive topic of redistricting. A few years before that, as Ohio's shale oil boom was booming, the court decided several appeals implicating Ohio's Dormant Minerals Act.

If 2025 will be remembered for any particular theme or topic, it might just be the Ohio Rules of Civil Procedure.

On multiple occasions this year, the court issued notable decisions about those rules that might take some of our more nostalgic readers back in time to their civil procedure classes in law school, when soon-to-be lawyers were first learning how to draft complaints that would survive a motion to dismiss; how to properly serve pleadings on the opposing side; and what deadlines apply to their filings in court.

And in one of the last oral arguments for the year 2025, a notably "hot bench" of the justices held oral arguments in a pitched battle about whether Ohio should formally adopt the U.S. Supreme Court's standard for the allegations in pleadings — a question directly implicating Rule 8 of the Ohio Rules of Civil Procedure that could have ramifications both for plaintiffs trying to adequately plead their claims and for defendants trying to dismiss what they deem to be poorly pleaded claims.

Proper service is a must, reminds the court.

The Ohio Supreme Court's 2025 focus on civil procedure started in its Aug. 21 decision, Hunt v. Alderman.[1]

There, the plaintiffs in a personal injury case served the summons required by Civil Rule 4 to the wrong address, despite apparently being aware of the correct address. The defendant eventually did receive the summons just a few days before the answer was due and answered three days late. The defendant raised insufficiency of process as a defense in the answer, and again — two years later — in a summary judgment motion.

The trial court and the Court of Appeals for Summit County agreed with the defendant that although he had actually received the summons before the answer deadline, the plaintiffs' service to the wrong address nevertheless violated due process.

The plaintiffs asked the Supreme Court to hold that a due process challenge to service can only be raised by those who never actually receive service, but the Ohio Supreme Court declined that invitation and affirmed the lower courts, holding that the plaintiffs' certified-mail service to the wrong address was not reasonably calculated to reach the defendant, even if the defendant actually received the summons in time to answer or plead.

Hunt reminds Ohio attorneys to pay close attention to effectuating correct service and cautions that a defendant's actual receipt of the summons and complaint in sufficient time

to answer does not necessarily negate successful challenges to service, even years into the litigation.

Mind your response times, counsel.

Just a week ago, the Ohio Supreme Court issued another notable decision on the Rules of Civil Procedure in a case involving an NBA player's dispute over a magistrate's child-support decision, and the time that he had under the civil rules to object to that decision.

In Eggleston v. Wood, a trial on the issues of visitation and child support was held before a magistrate in April 2023.[2] In December 2023, the magistrate issued a written decision ordering the child's father, Christian Wood — of Los Angeles Lakers fame — to pay $25,000 a month to Jedda Eggleston for child support, backdated to January 2021, despite the magistrate's determination that the child-support schedule supported an order of only $2,144.39 per month.

The magistrate found that such an upward deviation to the support award was in the best interests of the child, considering the relative financial resources of the parents and the standard of living the child would have enjoyed if Eggleston and Wood had remained together.

On Dec. 13, 2023, the magistrate filed his decision with the domestic relations court's clerk, and the clerk duly mailed copies of it to the parties that day. Under Rule 53 of the Ohio Rules of Civil Procedure, objections to a magistrate's decision are due within 14 days of the filing of the decision. Fifteen days later, on Dec. 28 — apparently believing that Rule 6 of the Rules of Civil Procedure gave him three extra days to file his objections, because the decision was sent to him via U.S. mail — Wood filed written objections to the magistrate's decision.

Both the trial court and the court of appeals, though, deemed Wood's objections untimely.

The Ohio Supreme Court agreed, holding on Nov. 26 that Civil Rule 6's extra-three-days-for-response only applies when a document is served on the responding party via U.S. mail, not, as here, when the response deadline is based on the date of filing a document that the court's clerk then sends in the mail.

Eggleston is a cautionary tale to attorneys, reminding them to mind their response deadlines under the rules, and not to assume that an extra three days will be available to respond to anything and everything that may be received via U.S. mail.

Watch for upcoming changes — or not — to Ohio's pleading standards.

Finally, we come to the civil rules cliffhanger of 2025; that is, will Ohio finally and formally adopt the U.S. Supreme Court's 2007 decision in Bell Atlantic Corp. v. Twombly and its 2009 decision in Ashcroft v. Iqbal as setting forth the appropriate standard by which to measure the sufficiency of the allegations in complaints?[3]

The justices heard oral arguments on this question in mid-November, in the case of Bethel Oil & Gas LLC v. Redbird Development LLC.[5] The Ohio attorney general participated in the briefing and arguments in Bethel Oil, urging the court to formally adopt Twombly and Iqbal in Ohio.

In Bethel Oil, the plaintiff is an oil and gas production well operator that accuses a number

of companies that inject wastewater from hydraulic fracturing, or fracking, into the ground of contaminating Bethel's production wells.

Bethel's complaint came after a report by the Ohio Department of Natural Resources, or ODNR, found that one of Bethel's wells had been contaminated by wastewater that migrated from one injection well 5 miles away operated by one defendant — Redbird Development. As two of the other defendants put it to the Ohio Supreme Court after the ODNR report came out:

> Bethel filed suit in the Washington County Court of Common Pleas, alleging that four of its production wells suffered losses and other harm due to the migration of injected wastewater. Using the ODNR report as their brush, Bethel painted with the broadest strokes imaginable. Based on ODNR's conclusion that one injection well of one operator caused an issue with one of their production wells located five miles away, Bethel sued sixteen different parties operating eleven injection wells across two Ohio counties; some, like Tallgrass's, many miles from the allegedly-affected wells.

The defendants challenged the sufficiency of what they described as Bethel's "shotgun" pleading, arguing that Bethel's complaint contained nothing more than conclusory allegations and speculation that its wells had been impacted by wastewater injection wells other than the Redbird #4 well that had been noted in the ODNR report.

The trial court agreed with the defendants, concluding that Bethel's complaint lacked specific facts tying the defendants to either the Redbird #4 well or to the damages claimed by Bethel.

But the Court of Appeals of Ohio, Fourth Appellate District, reversed, holding in October 2024 that because the Ohio Supreme Court had never adopted the plausibility standard of Twombly and Iqbal, dismissal of Bethel's complaint was inappropriate pursuant to the more lenient pre-Twombly standard, under which a trial court may grant a motion to dismiss for failure to state a claim only if it appears beyond doubt from the complaint that the plaintiff can prove no set of facts entitling him to recovery.

This arguably more plaintiff-friendly standard comes from the U.S. Supreme Court's 1957 Conley v. Gibson decision, which Ohio adopted in 1975, and which the U.S. Supreme Court "retired" in Twombly and Iqbal.[5]

The defendants asked the Ohio Supreme Court to formally adopt Twombly and Iqbal's plausibility standard, so that implausible claims could be addressed (and dismissed) at the pleading stage instead of after costly discovery and summary judgment reveal that the claims have no chance of success on the merits.

But November's oral argument revealed a stark divide among the justices as to whether to tie Ohio's historically lenient, Conley-based pleading standard to the more exacting review for plausibility compelled by Twombly and Iqbal.[6] One of the justices, in fact, read a long list of state supreme courts that have declined to adopt Twombly and Iqbal, and asked the defendant's counsel a tough question for any oral advocate: "Were these all dumb justices?"

We should know before too long whether the Ohio Supreme Court will hitch its wagon to Twombly and Iqbal and thereby adjust the way Ohio courts will apply Civil Rule 8's general rules of pleading going forward.

For now, though, we may end the year waiting for yet another key decision on the Ohio Rules of Civil Procedure.

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[1] 2025-Ohio-2944.

[2] Slip Opinion No. 2025-Ohio-5292.

[3] Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007). Ashcroft v. Iqbal, 556 U.S. 662 (2009).

[4] Ohio Supreme Court Case No. 2024-1696.

[5] Conley v. Gibson, 355 U.S. 41 (1957).

[6] A video of the oral argument in Bethel Oil is available on the Ohio Channel's online archive.