

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

Greg A. Bell et al.,	:	
Plaintiffs-Appellants,	:	
v.	:	No. 09AP-438
Robert D. Nichols et al.,	:	(C.P.C. No. 08CVH04-6427)
Defendants-Appellees.	:	(REGULAR CALENDAR)

---

D E C I S I O N

Rendered on September 15, 2009

---

*Philip Wayne Cramer*, for appellants.

*Montgomery, Rennie & Jonson, Linda L. Woeber and Lisa M. Zaring*, for appellee Robert D. Nichols.

*Vorys, Sater, Seymour and Pease LLP, William G. Porter, II, and Anne E. Ralph*, for appellee URS Corporation – Ohio.

*Onda, LaBuhn, Rankin & Boggs Co., L.P.A., Timothy S. Rankin and Craig J. Spadafore*, for appellees, Stephen Pronai, David Dhume, Robert Hackett, Chris Snyder, CORSA, Beth Miller, James Sabin and Madison County Board of Commissioners.

*Lane, Alton & Horst, LLC, Rick E. Marsh, Ray S. Pantle and Melissa M. Ferguson*, for appellees Stephen G. LaForge and Isaac, Brant, Ledman & Teetor, LLP.

*Calfee, Halter & Griswold LLP, Peter A. Rosato, Christopher M. Ward and Flite H. Freimann*, for appellee Mid-Ohio Pipeline Co.

---

APPEAL from the Franklin County Court of Common Pleas.

TYACK, J.

{¶1} Greg A. and Marcia C. Bell are appealing from the summary judgment granted against them in the Franklin County Court of Common Pleas. They assign a single error for our consideration:

THE TRIAL COURT ERRED TO THE PREJUDICE OF PLAINTIFFS-APPELLANTS BY FAILING TO APPLY THE PROPER STANDARD OF REVIEW FOR A COLLATERAL ATTACK.

{¶2} The complaint which initiated the present lawsuit titles itself "Complaint, Declaratory Judgment, Injunctive Relief." The first paragraph of the complaint indicates that it is a collateral attack upon a judgment rendered in a prior case, *Madison Cty. Bd. of Commrs. v. Bell*, Madison C.P. No. 2003CV-02-071. The complaint refers to the Madison County case as "Bell taking case," since the case involves an appropriation case litigated in Madison County and appealed to the Twelfth District Court of Appeals ("Twelfth District").

{¶3} The basic premise of the lawsuit filed in Franklin County to attack the Madison County judgment is that the common pleas court in Madison County did not have jurisdiction over an appropriation case involving a property interest in land in Madison County. Stated that simply, the fallacy of the premises is apparent. The common pleas court in the county where the land is situated always has jurisdiction over appropriation actions involving the land.

{¶4} The argument presented on behalf of the Bells is that the common pleas court judge in Madison County and various other public officials behaved in such a way as to divest the Madison County Court of Common Pleas ("Madison County court") of the jurisdiction which it alone possesses. This argument was presented in detail to the Twelfth District, which totally rejected it.

{¶5} The common pleas judge who heard the collateral attack filed in Franklin County felt that she was bound by the decisions rendered in the Madison County court and the Twelfth District. The judge in the Franklin County Court of Common Pleas was clearly correct.

{¶6} Litigation must always come to an end at some point in time. A party or parties cannot litigate a point over and over. Once the point has been decided by a court of competent jurisdiction, that point and all related points which could or should have been raised are permanently decided. Case law commonly refers to such points as *res judicata*, which is merely Latin for "a matter decided."

{¶7} Sometimes a related legal theory, collateral estoppel, comes into play. Collateral estoppel means a party cannot attack from a different angle what has been already decided or could have been decided in prior litigation. The party is prevented from making a new argument which could or should have been made before the point was made in a prior lawsuit.

{¶8} As stated before, the Madison County court had jurisdiction over the appropriation case involving land owned by the Bells. The judgment rendered was

appealed to the appropriate court of appeals, the Twelfth District. With that, the litigation of the issues in the appropriate case comes to an end.

{¶9} The case law on res judicata and collateral estoppel is clear and was appropriately set forth in the trial court's decision granting summary judgment against the Bells' collateral attack. *Brown v. Dayton*, 89 Ohio St.3d 245, 2000-Ohio-148 held, quoting from *Natl. Amusements, Inc. v. Springdale* (1990), 53 Ohio St.3d 60, 62:

Whether the original claim explored all the possible theories of relief is not relevant. "It has long been the law of Ohio that an existing final judgment or decree between the parties to litigation is conclusive as to all claims which were or might have been litigated in a first lawsuit. \* \* \* The doctrine of res judicata requires a plaintiff to present every ground for relief in the first action, or be forever barred from asserting it."

{¶10} *Fort Frye Teachers Assn., OEA/NEA v. State Emp. Relations Bd.*, 81 Ohio St.3d 392, 1998-Ohio-435, held that subsequent lawsuits by the same parties based upon a claim already decided are barred. More recently, *O'Nesti v. DeBartolo Realty Corp.*, 113 Ohio St.3d 59, 2007-Ohio-1102, reaffirmed that principle.

{¶11} The Franklin County Court of Common Pleas applied the correct legal standard to the collateral attack. The sole assignment of error is overruled. The judgment of the Franklin County Court of Common Pleas is affirmed.

*Judgment affirmed.*

McGRATH and CONNOR, JJ., concur.

---