

**IN THE COURT OF COMMON PLEAS OF  
GREENE COUNTY, OHIO  
CIVIL DIVISION**

**ANTIOCH UNIVERSITY ADVISORY  
BOARD OF GOVERNORS,**

**Plaintiff,**

**v.**

**COALITION FOR THE COMMON  
GOOD,**

**Defendant.**

**: Case No.: 2026 CV 0911**

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**: JUDGE ADOLFO A. TORNICHIO**

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**: JUDGE STEPHANIE R. HAYDEN**

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**THERESE CANNON,**

**Individually and on behalf of the Coalition  
for the Common Good and the Antioch  
University Advisory Board of Governors,**

**Plaintiff,**

**v.**

**COALITION FOR THE COMMON  
GOOD,**

**Defendant.**

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**Case No. 2026CV1048**

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**Judge Michael A. Buckwalter**

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**DEFENDANT COALITION FOR THE COMMON GOOD’S MOTION FOR RE-  
ASSIGNMENT OF CASE AS RELATED TO AN EARLIER ASSIGNED CASE,  
CONSOLIDATION OF RELATED CASES, AND EXPEDITED STATUS HEARING**

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Defendant Coalition for the Common Good (“CCG”), by and through undersigned counsel, respectfully moves for re-assignment of this case as related to an earlier assigned case, consolidation of the related cases, and an expedited status hearing regarding the same. CCG also respectfully asks that because this Court just denied a Motion for Temporary Restraining Order

and Preliminary Injunction in the nearly identical earlier assigned case on September 28, 2026, it should consider this motion *before* adjudicating Plaintiff Therese Cannon’s (“Cannon”) nearly identical Motion for Temporary Restraining Order in this case. Doing so is justified because both cases “involve a common question of law or fact [] pending before a court” and the Court may “make such orders concerning proceedings therein *as may tend to avoid unnecessary costs or delay.*” See Ohio Rule Civil Procedure 42(A) (emphasis added). And Plaintiff Cannon should not be allowed to circumvent the Court’s deliberative process and decision-making merely by filing a separate action. In support of its motion, CCG states as follows:

Background on Earlier Assigned Case

1. On the evening of August 28, 2026, in Case Number 2026-cv-0911, Plaintiff Antioch University Advisory Board (“AU Advisory Board”) filed a complaint against CCG asserting nine separate causes of action and a Motion for a Temporary Restraining Order (the “TRO Motion”) and Application for Preliminary Injunction (the “PI Application”) (183 total pages, including exhibits). The TRO Motion and PI Application were predicated on just three of Plaintiff AU Advisory Board’s causes of action—breach of contract, unjust enrichment, and promissory estoppel. The case was assigned to Judge Adolpho A. Tornichio and Magistrate Stephanie R. Hayden (the “Earlier Assigned Case”).

2. On the evening of August 31, 2026, Plaintiff AU Advisory Board filed a procedurally improper, unverified, and inaccurate “Status Update” in the Earlier Assigned Case regarding the TRO Motion, further urging the Court to enter an order.

3. On September 1, 2026, before having the benefit of a complete record, including CCG’s position on the TRO Motion or Status Update, Judge Tornichio granted the TRO Motion and issued a broad TRO that restrained Defendant CCG’s corporate operations in numerous ways.

See TRO Order in Earlier Assigned Case. In doing so, the Court “[found] that irreparable injury has been established in that, if the Coalition for the Common Good gains control of Plaintiff [AU Advisory Board]’s bank accounts contrary to the terms of the parties’ agreements, such funds will be dissipated and difficult, if not impossible to recover.” The Court further ordered that a hearing on Plaintiff AU Advisory Board’s PI application be conducted on September 14, 2026, and referred the case to Magistrate Stephanie R. Hayden for adjudication of the PI application.

4. On September 3, 2026, Defendant CCG filed its Opposition to the TRO Motion and PI Application (267 total pages, including exhibits).

5. On September 10, 2026, just four days before the scheduled hearing, Plaintiff AU Advisory Board filed a Reply in support of its TRO Motion and PI Application (156 total pages, including exhibits).

6. On September 14, 2026, the parties appeared before Magistrate Hayden for the scheduled hearing on the PI Application, offered no additional evidence or witness testimony, and argued their positions. Magistrate Hayden took the PI Application under advisement and issued an Order Regulating Proceedings (i) extending the TRO for another fourteen (14) days, and (ii) consistent with the parties’ representations at the hearing, stating that “modifications requested related to data and financial account access are taken under advisement and will be addressed in a separate entry.” Magistrate’s Order.

7. On September 24, 2026, upon consideration of the parties’ Joint Motion to Modify the TRO, Magistrate Hayden modified the TRO issued against CCG, ordering that “notwithstanding the TRO’s referenced restraint on Defendant’s access to Antioch University, Antioch Division, or Plaintiff’s emails and systems information, Plaintiff shall provide Defendant [CCG] access (in read-only format) immediately (or as soon as reasonably practicable)” to CCG

files contained in several specified locations. See September 24, 2026 Magistrate’s Order. ***Despite the order and CCG’s follow-up requests through counsel for Plaintiff AU Advisory Board, notwithstanding ongoing communications amongst counsel, Defendant CCG has yet to receive access to its corporate files.***

8. On September 28, 2026, upon consideration of Plaintiff Antioch University Advisory Board of Governors’ Motion to Modify, in part, the TRO as it concerned payment of unpaid invoices owed by CCG, Magistrate Hayden ordered that the TRO be further modified. Namely, the Court directed that CCG funds held in CCG accounts be used to pay all unpaid invoices identified in Exhibit A to the motion. ***Despite the Court’s order, and notwithstanding ongoing communications amongst counsel, CCG funds held in CCG accounts have yet to be used to pay the identified unpaid invoices.***

9. On September 28, 2026, the Court issued its Magistrate’s Decision Denying Preliminary Injunction and Interim Order of Adoption in the Earlier Assigned Case. In recommending denial of PI Application, Magistrate Hayden found that Plaintiff AU Advisory Board “lacks standing to bring its breach of contract and its quasi-contractual claims against CCG. As a result, the undersigned further finds the AU Advisory Board does not have a substantial likelihood of success on the merits of its contract and quasi-contractual claims against CCG” (upon which the PI Application was based). In entering the Judgment Entry Approving and Interim Order Adoption of Magistrate’s Decision, ***Judge Tornichio “approve[d], confirm[ed], and adopt[ed] the above Magistrate’s Decision as an Order of this Court” and ordered that Plaintiff AU Advisory Board’s Motion for Preliminary Injunction be denied.***

#### Background on This Case

10. The very next day, on September 29, 2026, Plaintiff Therese Cannon, individually

and “on behalf of the Coalition for the Common Good and Plaintiff Antioch University Advisory Board of Governors” filed a complaint against Defendant CCG asserting ten separate causes of action, a Motion for a Temporary Restraining Order (the “Cannon TRO Motion”) and Application for Preliminary Injunction (the “Cannon PI Application”) (collectively, “This Case”).

11. The Civil Case Information Form accompanying this new case acknowledges that this case is related to the Earlier Assigned Case to Judge Tornichio.

12. This Case arises from the same set of material facts as the Earlier Assigned Case, with the notable exception that Plaintiff Cannon is alleged to be (i) a member and director of Defendant CCG’s Board, (ii) a member of the CCG Board’s Antioch Standing Committee; and (iii) a member of Plaintiff AU Advisory Board.

13. This Case includes all of the same causes of action brought by Plaintiff AU Advisory Board in the Earlier Assigned Case with one exception. Plaintiff Cannon also brings a claim for breach of fiduciary duty (Count X).

14. In This Case, Plaintiff Cannon is represented by the same law firm and named counsel representing Plaintiff AU Advisory Board in the Earlier Assigned Case.

### Argument

In relevant part, Local Rule III.A.2 provides that “all civil cases shall be assigned to the judges of the Court as follows:”

\* \* \*

#### 2. Adjustment of Assignments

If, at the drawing or an any subsequent time, there are companion cases, these cases shall be transferred to the judge whose name was drawn for the case filed first, if that judge so determines.

LR III.A.2. This Case and the Earlier Assigned Case are “companion cases” in that they

substantially involve the same parties, causes of action, and relief sought. Accordingly, at Judge Tornichio's discretion, this Case "shall be transferred" to him because he was randomly assigned to the Earlier Assigned Case.

As to consolidation of cases, Ohio Rule of Civil Procedure 42(A) provides:

Consolidation. When actions involving a common question of law or fact are pending before a court, that court after a hearing may order a joint hearing or trial of any or all the matters in issue in the actions; it may order some or all of the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

Civ.R. 42(A). In determining whether to consolidate actions, a "court must determine if there is enough commonality of issues to warrant consolidation and if the parties are substantially the same." *Meyer v. Chieffo*, 2011-Ohio-1670, ¶ 24 (10th Dist.). The determination of whether to consolidate cases is within the sound discretion of the trial court. *BancOhio Natl. Bank v. Schiesswohl*, 554 N.E.2d 1362 (9th Dist.1988).

Because the parties, causes of action, and relief sought in This Case and the Earlier Assigned Case share commonality and are substantially the same, the Court should also consolidate the cases for all proceedings. First, the parties in This Case and the Earlier Assigned Case are "substantially the same." See Civ.R. 42(A). Namely, Plaintiff Cannon in This Case is suing in her individual capacity as a member of Defendant CCG's Board and its Antioch Standing Committee **as well as a member of Plaintiff AU Advisory Board**. As such, Plaintiff Cannon (through the same counsel) expressly seeks to assert the claims of Plaintiff AU Advisory Board, the only plaintiff in the Earlier Assigned Case.

Second, This Case and the Earlier Assigned Case "involve[e] common question[s] of law or fact [] pending before a court." Other than Plaintiff Cannon's additional claim of breach of fiduciary duty, the plaintiff parties in both actions assert identical causes of action. *Compare*

Complaint in Early Assigned Action (nine counts: (Ct. I) injunctive relief, (Ct. II) declaratory relief, (Ct. III) breach of contract, (Ct. IV) promissory estoppel, (Ct. V) unjust enrichment, (Cts. VI and VIII) tortious interference with business relationship; (Cts. VII and IX) tortious interference with contract) *with* Complaint in This Action (same nine counts, plus one count of breach of fiduciary duty (Ct. X)). The first nine counts in both cases arise from nearly identical factual allegations. The only material factual allegation that appears to be different is Plaintiff Cannon's additional status as a member of the CCG Board and Antioch Standing Committee, presumably also forming the basis for the only additional legal cause of action in This Case.

Finally, because both cases will involve nearly identical questions of law and fact for the Court, consolidating the cases for all proceedings would, without question, enable the Court to "make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay." Civ.R. 42(A). The parties to the Earlier Assigned Case have already expended enormous time, resources, costs, and attorneys' fees litigating the TRO Motion and PI Application, as has the Court in considering and resolving it. Requiring the parties to undertake the unnecessary additional costs and resulting delay to separately litigate what is essentially the same cause of action in front of newly assigned judges, who themselves would be required to duplicate and exhaust even further judicial resources, makes little pragmatic or prudential sense.

#### Request for Expedited Hearing

Pursuant to Civ.R. 42(A) and in the interest of judicial economy, CCG also respectfully requests that the Court decide this Motion *before* considering Plaintiff Cannon's TRO Motion in This Case. Defendant CCG recognizes that should the Court reassign This Case to Judge Torinchio, Judge Tornichio or Magistrate Hayden (by referral) would likely want to decide the consolidation portion of this motion expeditiously. Accordingly, CCG will make itself available

to appear for an expedited hearing on the motion any time this week or next. It will also file its opposition to the pending TRO Motion on or before October 1, 2026.

Respectfully submitted,

/s/ T. Patrick Martin

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 30<sup>th</sup> day of September, 2026, a copy of the foregoing was served via electronic mail on the following:

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