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AJ WILLIAMS
COMMON PLEAS COURT
GREENE COUNTY, OHIO

IN THE COMMON PLEAS COURT OF GREENE COUNTY, OHIO
GENERAL DIVISION

ANTIOCH UNIVERSITY ADVISORY BOARD OF GOVERNORS,	:	**Case No. 2026CV0911**
Plaintiff,	:	**Judge Adolfo A. Tornichio** **Magistrate Stephanie R. Hayden**
v.	:	
COALITION FOR THE COMMON GOOD	:	
Defendant.	:	

THERESE CANNON,	:	**Case No. 2026CV1048** **Consolidated with Case No. 2026CV0911**
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.	:	

DEFENDANT COALITION FOR THE COMMON GOOD'S MOTION AND BRIEF TO STRIKE AND, IN THE ALTERNATIVE, OPPOSITION TO PLAINTIFF'S IMPROPER AND MOOT "MOTION TO COMPEL"

Pursuant to Ohio Rule of Civil Procedure 7, Defendant Coalition for the Common Good ("CCG") respectfully moves this Court to strike or, in the alternative, submits this opposition to,

the improper "Motion to Compel" ("Motion") filed by Plaintiff Therese Cannon ("Cannon") for two reasons. *First*, the Motion is procedurally improper. *Second*, the Motion is moot.

A. CANNON'S MOTION IS PROCEDURALLY IMPROPER

By her Motion, Cannon improperly seeks to circumvent Ohio Civil Rule of Procedure 53(D) ("Rule 53(D)") and this Court's related consideration of objections to its recent decision. After this Court entered its Interim Order granting in part and denying in part Cannon's Application for a Preliminary Injunction on October 21, 2026 (the "Interim Order"), the parties were permitted to file any objections, as appropriate. *See* Civ. R. 53(D). Specifically, both parties had "fourteen days of the filing of the decision," or until November 4, 2026, to file objections. On October 29, 2026, CCG timely filed its objections to that Interim Order. *See* Defendant Coalition for the Common Good's Objections to the Magistrate's October 21, 2026 Decision. Cannon declined to timely file any objections to the Interim Order.

Instead, two days after the objections deadline, Cannon filed her Motion seeking to preemptively compel enforcement of the Court's Interim Order, claiming that the CCG Board may take certain actions at a board meeting on November 9, 2026, that Cannon asserted would violate the Interim Order. Because CCG filed its objections, however, the Court is obliged to consider and rule on those objections. *See Homestead Interiors v. Hines*, 2021-Ohio-1014, ¶ 17 (11th Dist.) (finding reversible error where the trial court adopted the magistrate's decision on a motion for attorney's fees without ruling on pending objections). And Cannon cites to no procedural rule or legal authority by which she can circumvent the rule's procedure, much less obtain preemptive relief for possible Board action not at issue in her application for preliminary injunction upon which the Interim Order issued.[1] *Tanner v. Robinson*, 2025-Ohio-1938, ¶ 12 ("If the court enters a

[1] Indicative of its defective nature, Cannon's Motion also includes an unsigned and unnotarized affidavit.

judgment during the 14-day objection period, the timely filing of objections to the magistrate's decision shall operate as an automatic stay of execution of the judgment until the court disposes of those objections and vacates, modifies, or adheres to the judgment previously entered." (quoting Civ.R. 53(D)(4)(e)(i)). For this reason alone, her Motion should be stricken.

B. ON THE MERITS, CANNON'S MOTION IS MOOT

On the merits, the Motion takes aim at a proposed "CCG President Authorities" Resolution that was identified in the Board's November 2, 2026 agenda, but not considered by the Board at that meeting. Mot. at 3–4. And while the CCG Presidential Authorities Resolution was deferred for consideration by the Board at its upcoming meeting on November 9, CCG Board Chair Daniel Gifford decided to table the resolution *even before* Cannon filed her improper Motion. Namely, at the end of last week, the Court referred the parties to mediation, and CCG President John Comerford and the Antioch University Provost engaged in constructive dialogue. As such, in support of the anticipated mediation process and ongoing dialogue, Chair Gifford decided to table the CCG President Authorities Resolution and communicated the same to the Board on the evening of November 6.[2] Accordingly, the Motion is also moot.

In sum, this Court should strike the Motion as procedurally improper or, in the alternative, deny it as moot.

[2] Cannon's counsel did not confer with CCG's counsel before filing the Motion. Had it done so, CCG's counsel would have informed counsel that the CCG Board Chair had already decided to table the Presidential Authorities Resolution, thereby obviating any need to file the Motion.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of November, 2026 a copy of the foregoing was served via electronic mail on the following:

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