

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

C-90, LTD.,	:	APPEAL NO. C-240379
	:	TRIAL NO. A-2302570
BRADLEY W. (“EMMIT”) JONES,	:	
and	:	
	:	<i>JUDGMENT ENTRY</i>
GERHARD T. (“THEO”) ERASMUS,	:	
Plaintiffs,	:	
vs.	:	
CHRISTOPHER A. RITTER,	:	
CLAUDIA J. SUMMERS,	:	
and	:	
HEROINE BRANDS, LLC,	:	
Defendants/Counterclaim	:	
Plaintiffs-Appellees,	:	
vs.	:	
RARE BEAST, LTD.,	:	
Counterclaim	:	
Defendant/Appellant	:	

**OHIO FIRST DISTRICT COURT OF APPEALS**

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This court sua sponte removes this cause from the regular calendar and places it on the court's accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); Loc.R. 11.1.

In this interlocutory appeal, appellant Rare Beast, Ltd., ("Rare Beast") appeals the judgment of the trial court denying Rare Beast's motion to quash a subpoena duces tecum issued to it by appellees on the limited basis that the subpoena requires the disclosure of information protected by the statutory trade secret privilege. The trial court's order on appeal, however, did not only deny Rare Beast's motion to quash the subpoena, it also joined Rare Beast as a party to the action. Therefore, Rare Beast is no longer a nonparty subject to a subpoena under Civ.R. 45, but a party subject to discovery. *See* Civ.R. 45(A)(1) ("A subpoena may not be used to obtain . . . the production of documents by a party in discovery. Rather[,] documents or electronically stored information may be obtained from a party in discovery only pursuant to Civ.R. 34.").

With Rare Beast now a party to the action, the parties' dispute as to the subpoena is effectively moot, leaving nothing for this court to decide on an interlocutory basis. *See, e.g., In re AG Subpoena*, 2010-Ohio-476, ¶ 15 (11th Dist.) (dismissing appeal of withdrawn subpoena as moot). There is no dispute that the trial court's decision to join Rare Beast as a party does not constitute a final, appealable order. *See Kohut v. Christopher*, 2021-Ohio-3181, ¶ 8 (11th Dist.); *In re P.C.*, 2024-Ohio-1411, ¶ 7 (12th Dist.).

Accordingly, we dismiss Rare Beast's appeal.

The court further orders that 1) a copy of this Judgment constitutes the mandate, 2) the mandate be sent to the trial court for execution under App.R. 27, and 3) costs shall be taxed under App.R. 24.

**OHIO FIRST DISTRICT COURT OF APPEALS**

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**KINSLEY, P.J., CROUSE and NESTOR, JJ.**

**To the clerk:**

**Enter upon the journal of the court on 3/21/2025 per order of the court.**

**By: \_\_\_\_\_**  
**Administrative Judge**