

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

IN RE: ESTATE OF ANN KATHLEEN : JORDAN.	:	APPEAL NO. C-240544 TRIAL NO. 2019001308
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	:	
	:	<i>JUDGMENT ENTRY</i>

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.

Appellant Adam Jordan challenges the judgment of the Hamilton County Probate Court approving and settling the final account of his late mother’s estate. We previously considered another appeal in this matter, in which Jordan raised issues relating to the final accounting, his removal as executor, the discovery process, the probate court’s record, and alleged bias by the court. *See In re Estate of Jordan*, 233 N.E.3d 683 (1st Dist. 2024) (“*Jordan I*”). In that appeal, we upheld the probate court’s judgment and the final accounting, but instructed the probate court to strike documents containing personally identifying information from its record. *Id.* at 695. On January 9, 2024, the probate court entered an order indicating it had complied with that instruction.

In this subsequent appeal, Jordan raises seven assignments of error, a number of which were already disposed of, or could have been, in *Jordan I*. In his first and

**OHIO FIRST DISTRICT COURT OF APPEALS**

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second assignments of error, Jordan contends that the probate court erred and violated due process by closing the estate based on the final accounting. In his third assignment of error, Jordan argues that the probate court erred by permitting his brother Matthew—who was appointed as executor after his removal—to object to the final accounting.<sup>1</sup> And in his sixth assignment of error, Jordan takes issue with the probate court’s publication of documents containing personally identifying information.

Our resolution of these assignments of error is guided by the law-of-the-case doctrine. Pursuant to this doctrine, legal questions resolved by a reviewing court in a prior appeal remain the law of that case for any subsequent proceedings at both the trial court and appellate levels. *Helton v. Fifth Third Bank*, 2022-Ohio-1023, ¶ 16 (1st Dist.). Because we previously upheld the final accounting in *Jordan I*, the law-of-the-case doctrine required the probate court to adopt it. As such, the probate court committed no legal error in finalizing the estate based on the final accounting. Nor did the probate court err in implementing our order to strike records containing Jordan’s personally identifying information for identical reasons.

Moreover, any challenge to the final accounting and the probate court’s publication process is barred by the doctrine of res judicata. “The doctrine of res judicata includes two related concepts of claim preclusion and issue preclusion.” *Body Power, Inc. v. Mansour*, 2014-Ohio-1264, ¶ 20 (1st Dist.). Pertinent to this case is the concept of claim preclusion. Claim preclusion prevents subsequent actions between the same parties that were a part of the first action and that raise a claim that could or

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<sup>1</sup> Notably, while Matthew did initially object to the final accounting, he ultimately withdrew his objection. Thus, Jordan’s challenge to Matthew’s objection is moot, given that Matthew did not pursue an objection. *See, e.g., J.R.C.D.L. v. T.D.L.R.*, 2024-Ohio-1659, ¶ 11 (5th Dist.) (describing as moot “a matter that when rendered does not have any practical effect upon the issues raised by the pleadings”).

**OHIO FIRST DISTRICT COURT OF APPEALS**

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should have been raised in the previous action. *AJZ's Hauling, LLC v. Trunorth Warranty Programs of N. America*, 2023-Ohio-3097, ¶ 16. Because both the final accounting and the publication issue were before this court in *Jordan I*, Jordan could and should have raised any legal arguments he wished to advance on these issues during the first appeal. Jordan's first, second, third, and sixth assignments of error are accordingly overruled.

In his fourth and fifth assignments of error, Jordan challenges the probate court's issuance of a nunc pro tunc order amending its final judgment and this court's denial of his motion to stay probate proceedings pending appeal. Although Jordan's arguments are not fully developed, we take him to be contending that this court lacks jurisdiction to proceed based on his allegation that the probate court's nunc pro tunc entry was filed after he initiated this appeal.

We previously addressed and rejected Jordan's arguments in an October 25, 2024 entry. As we held, Civ.R. 60(A) empowers a trial court, on its own initiative, to amend or modify an order to correct an error or omission. We see no reason to disturb our previous determination that the probate court acted within its authority under Civ.R. 60(A) in issuing the nunc pro tunc order.

As for our decision not to stay the probate court's order pending appeal, Jordan's assignment of error is not cognizable in this appeal. The probate court's judgment, not our decision on his motion for a stay, is the sole decision being reviewed in this proceeding. *See* App.R. 12(A)(1)(a). Had Jordan desired additional review of our decision denying his motion for a stay, he could have sought reconsideration, rather than designating that decision as an assignment of error. *See* App.R. 26(A)(1)(a). We accordingly overrule Jordan's fourth and fifth assignments of error.

**OHIO FIRST DISTRICT COURT OF APPEALS**

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In his final assignment of error, Jordan contends that the courts are biased against him. The remedy for claimed judicial bias is to seek judicial disqualification by filing an affidavit of bias and prejudice with the Ohio Supreme Court. *State v. Brown*, 2014-Ohio-2301, ¶ 11 (2d Dist.), citing R.C. 2701.03. Jordan did not do so. Moreover, Jordan has otherwise obtained careful review of his claims through years of probate and appellate litigation. He offers no evidence of judicial bias to support his claims in this proceeding. Therefore, Jordan's seventh assignment of error is overruled, and the judgment of the probate court is affirmed.

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.

**KINSLEY, P.J., BOCK and MOORE, JJ.**

**To the clerk:**

**Enter upon the journal of the court on 7/9/2025 per order of the court.**

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