

[Cite as *State ex rel. Lundeen v. Burnside*, 2018-Ohio-4122.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 107657

**STATE OF OHIO, EX REL.
CYNTHIA LUNDEEN**

RELATOR

vs.

JANET R. BURNSIDE, JUDGE, ET AL.

RESPONDENT

**JUDGMENT:
COMPLAINT DISMISSED**

Writ of Prohibition
Motion No. 521012
Order No. 521288

RELEASE DATE: October 5, 2018

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FOR RELATOR

Cynthia Lundeen, pro se
2380 Overlook Road
Cleveland Heights, Ohio 44106

ATTORNEYS FOR RESPONDENTS

Michael C. O'Malley
Cuyahoga County Prosecutor
By: Charles E. Hannan
Assistant County Prosecutor
The Justice Center, 8th Floor
1200 Ontario Street
Cleveland, Ohio 44113

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SEAN C. GALLAGHER, J.:

{¶1} Cynthia Lundeen has filed a complaint for a writ of prohibition. Lundeen is attempting to prevent Judge Janet R. Burnside from exercising any jurisdiction in the foreclosure action that is currently pending in *Wells Fargo Bank, N.A. vs. Lundeen*, Cuyahoga C.P. No. CV-16-856890, in an attempt to forestall the Cuyahoga County Sheriff from selling the real property located at 2380 Overlook Road, Cleveland Heights, Ohio 44106. For the following reasons, we sua sponte dismiss the complaint for a writ of prohibition.

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{¶2} The Ohio common pleas courts are endowed with “original jurisdiction over all justiciable matters * * * as may be provided by law.” Article IV, Section 4(B), Ohio Constitution. Jurisdiction is provided by law in R.C. 2305.01, which states that courts of common pleas have “original jurisdiction in all civil cases in which the sum or matter in dispute exceeds the exclusive original jurisdiction of county courts.” The Cuyahoga County Court of Common Pleas is a court of general jurisdiction, with subject-matter jurisdiction that extends to “all matters at law and in equity that are not denied to it.” *Saxton v. Seiberling*, 48 Ohio St. 554, 558-559, 29 N.E. 179 (1891). Actions in foreclosure are within the subject-matter jurisdiction of a court of common pleas, such as the Cuyahoga County Court of Common Pleas. *Robinson v. Williams*, 62 Ohio St. 401, 408, 57 N.E. 55 (1900); *see generally Winemiller v. Laughlin*, 51 Ohio St. 421, 38 N.E. 111 (1894). Thus, Judge Janet R. Burnside possesses general subject-matter jurisdiction over the foreclosure action pending in *Wells Fargo Bank, N.A. vs. Lundeen*, Cuyahoga C.P. No. CV-16-856890, and the request for a writ of prohibition fails. *State ex rel. Bell v. Pfeiffer*, 131 Ohio St.3d 114, 2012-Ohio-54, 961 N.E.2d 181; *State ex rel. Winnefeld v. Court of Common Pleas of Butler Cty.*, 159 Ohio St. 225, 112 N.E.2d 27 (1953).

{¶3} Finally, Lundeen has filed an appeal from the order of foreclosure that remains pending before this court. *See Wells Fargo Bank, N.A. v. Lundeen*, 8th Dist. Cuyahoga No. 18-107184. Lundeen has employed an adequate remedy in the ordinary course of law, through her appeal, which prevents this court from issuing a writ of prohibition. *State ex rel. Sneed v. Anderson*, 114 Ohio St.3d 11, 2007-Ohio-2454, 866 N.E.2d 1084; *State ex rel. Bradford v. Trumbull Cty. Court*, 64 Ohio St.3d 502, 597

N.E.2d 116 (1992); *State ex rel. Pearson v. Moore*, 48 Ohio St.3d 37, 548 N.E.2d 945 (1990).

{¶4} Accordingly, we dismiss Lundeen's complaint for a writ of prohibition. Costs to Lundeen. The court directs the clerk of courts to serve all parties with notice of this judgment and the date of entry upon the journal as required by Civ.R. 58(B).

{¶5} Complaint dismissed.

SEAN C. GALLAGHER, JUDGE

MELODY J. STEWART, P.J., and
LARRY A. JONES, SR., J., CONCUR