

IN THE COURT OF APPEALS
SIXTH APPELLATE JUDICIAL DISTRICT
STATE OF OHIO

CINDY DUPUIS, <i>et al.</i> ,)	Appellate Case No. CL2025-00292
)	
Plaintiff-Appellant,)	
)	Trial Court Case No. CI2025-02488
v.)	
)	APPELLANT TIFFANY BINDER’S
AMERICAN FEDERATION OF STATE,)	MOTION TO STAY AND HOLD
COUNTY AND MUNICIPAL)	APPEAL IN ABEYANCE
EMPLOYEES LOCAL 2174 TOLEDO)	PENDING THE OHIO SUPREME
PUBLIC SCHOOL DISTRICT, <i>et al.</i> ,)	COURT’S DECISION IN
)	<i>SHELDON v. OHIO ASSN. OF PUB.</i>
Defendants-Appellees.)	<u>SCHOOL EMPS.</u>

Appellant Tiffany Binder, the only remaining appellant, respectfully requests that this Court stay this appeal and hold it in abeyance pending the Ohio Supreme Court’s decision in *Sheldon v. Ohio Assn. of Pub. School Emps.* 2025-Ohio-521. The *Sheldon* case presents issues identical to those raised in this appeal, specifically, whether common law contract claims and defenses relating to a union membership agreement are cognizable in common pleas court or whether SERB has exclusive jurisdiction over such claims. The Ohio Supreme Court accepted the *Sheldon* case for review on March 17, 2026, after briefing had been completed in this appeal. No party will be prejudiced by the stay, and because the Ohio Supreme Court’s decision in *Sheldon*

will be dispositive of the questions raised in this appeal, the stay will serve the interests of judicial economy.

Respectfully submitted,

/s/ Jay R. Carson

Jay R. Carson (0068526)

David C. Tryon (0028954)

THE BUCKEYE INSTITUTE

88 East Broad Street, Suite 1300

Columbus, Ohio 43215

(614) 224-4422

Email: j.carson@buckeyeinstitute.org

d.tryon@buckeyeinstitute.org

Attorneys for Appellant

Tiffany Binder

CERTIFICATE OF SERVICE

A copy of the foregoing *Appellant Tiffany Binder's Motion to Stay and Hold Appeal in Abeyance Pending the Ohio Supreme Court's Decision in Sheldon V. Ohio Assn. of Pub. School Emps.* was served on all counsel of record this 14th day of May 2026, by email to:

Kimm A. Massengill-Bernardin
kmassengillbernardin@afscme8.org

Counsel for Appellees Ohio Council 8, AFSCME, AFL-CIO AFSCME Local 2174, AFL-CIO, Toledo Public School District

Victor Niro
Victor.niro@OhioAGO.gov

*Counsel for Appellee
State Employment Relations Board*

/s/ Jay R. Carson

Jay R. Carson (0068526)

*One of the Attorneys for
Appellant Tiffany Binder*