

ENTERED

OCT - 5 2026

**COURT OF COMMON PLEAS  
HAMILTON COUNTY**

**D. ANDREW WILSON, OHIO  
ATTORNEY GENERAL**

**Plaintiff,**

**v.**

**HEBREW UNION COLLEGE JEWISH  
INSTITUTE OF RELIGION**

**Defendant.**

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**Case No: A2601978**

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**Judge Christopher Wagner**

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**ENTRY GRANTING MOTION  
FOR LIMITED INTERVENTION**

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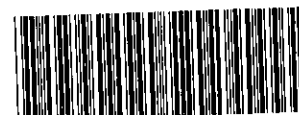
This matter came before the Court on the motion of the College for Contemporary Judaism (“CCJ”) for limited intervention under Rule 24. CCJ filed its Motion for Limited Intervention on May 28, 2026. Defendant Hebrew Union College-Jewish Institute of Religion (“HUC”) filed a Motion to Stay Consideration of the Motion for Limited Intervention on June 11, 2026.

Plaintiff D. Andrew Wilson, Ohio Attorney General (“Attorney General”) filed a Memorandum in Opposition to the Motion for Limited Intervention on June 24, 2026. CCJ filed a Reply in Support of its Motion for Limited Intervention on July 8, 2026.

The Court held a hearing on the Motion for Limited Intervention, as well as all other pending motions, on August 21, 2026. The Court denied HUC’s Motion to Stay Consideration of the Motion for Limited Intervention on August 24, 2026.

Defendant HUC filed a Motion for Leave to file its Memorandum in Opposition to the Motion for Limited Intervention on September 3, 2026. CCJ filed an opposition to the Motion for Leave on September 10, 2026. The Court granted HUC leave on September 10, 2026, and deemed HUC’s Memorandum in Opposition filed as of September 10, 2026.

Defendant HUC’s Motion to Dismiss, filed on June 11, 2026, is still pending before this Court, and is set for Decision on October 30, 2026.



I. Relevant Facts and Procedural History

In 1950, Hebrew Union College of Cincinnati and the Jewish Institute of Religion executed an agreement to consolidate the two schools into HUC (“the Consolidation Agreement”). This case arises out of an April 11, 2022 vote by the HUC Board to amend the Consolidation Agreement to delete the language requiring HUC to “permanently maintain” rabbinical schools in Cincinnati and New York. The resolution directed the closing of the Cincinnati rabbinical school by the end of the 2025-26 academic year, and the school is now closed.

Plaintiff Attorney General filed the Complaint on April 10, 2026.<sup>1</sup> The Attorney General brought claims of (1) Unjust Enrichment; (2) Reformation of Charitable Trust; (3) Breach of Fiduciary Duties, Common Law; (4) Breach of Fiduciary Duties, Statutory; and (5) Abuse of Charitable Trust under R.C. 109.24.

The Complaint requested an accounting; the declaration of a charitable and/or constructive trust over Defendant’s Ohio-based assets to be redistributed by the Attorney General for the support of a permanent rabbinical school in Cincinnati; a permanent injunction restricting Defendant from selling the Cincinnati campus and from diverting assets out-of-state; imposition of a constructive trust; and compensatory damages and/or restitution, to be redistributed for the support of a permanent rabbinical school.

CCJ moved for limited intervention for the purpose of providing input on a suitable cy pres recipient at the remedy stage of this action, if the remedy stage is reached. CCJ was founded in 2022 by a group of rabbis and community members with the desire to support a rabbinical school in Cincinnati. The president of CCJ is Rabbi Dr. Gary P. Zola, a rabbi, professor, and author who previously served as a professor and administrator at HUC’s rabbinical seminary.

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<sup>1</sup> At the time of filing, Dave Yost was Ohio Attorney General.

## II. Legal Standard

Rule 24 provides for intervention, either permissive or as a matter of right. Rule 24(A) pertains to intervention as a matter of right, and Rule 24(B) pertains to permissive intervention. Rule 24(C) provides the procedure for a motion to intervene. Ultimately, Rule 24 “must be construed liberally to allow intervention.” *State ex rel. Yost v. E.I. du Pont de Nemours & Co.*, 2025-Ohio-4521, ¶ 13 (4<sup>th</sup> Dist.); *see also State ex rel. Merrill v. Ohio Dep’t of Natural Resources*, 130 Ohio St.3d 30, 39 (2011).

Rule 24(A) provides:

Upon timely application anyone shall be permitted to intervene in an action: (1) when a statute of this state confers an unconditional right to intervene; or (2) when the applicant claims an interest relating to the property or transaction that is the subject of the action and the applicant is so situated that the disposition of the action may as a practical matter impair or impede the applicant’s ability to protect that interest, unless the applicant’s interest is adequately represented by existing parties.

To succeed on a motion to intervene under Rule 24(A)(2), the moving party must “file a timely complaint in intervention and show (1) that it claims an interest relating to the property or transaction which is the subject of the action; (2) that it is so situated that the disposition of the action may as a practical matter impair or impeded its ability to protect that interest; and (3) that the existing parties do not adequately represent its interest.” *ICSC Partners, L.P. v. Kenwood Plaza L.P.*, 116 Ohio App.3d 278, 281-82 (1<sup>st</sup> Dist. 1996).

In determining the timeliness of the motion for intervention, “the court should consider the effect that the existing action will have on the person seeking intervention as well as any unfair prejudice and delay that intervention will have on the disposition of the matter before the court.” *Id.* at 282; *see also Likover v. City of Cleveland*, 60 Ohio App.2d 154, 158-59 (8<sup>th</sup> Dist. 1978). The applicant’s interest must be one that is “legally protectable” and must not be adequately protected by the existing parties. *Merrill*, 130 Ohio St.3d at 39.

Rule 24(B) provides:

Upon timely application anyone may be permitted to intervene in an action: (1) when a statute of this state confers a conditional right to intervene; or (2) when an applicant's claim or defense and the main action have a question of law or fact in common.

In exercising discretion, the trial court "shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties. *Merrill*, 130 Ohio St.3d at 39 (citation omitted).

### III. Decision

In its Motion for Limited Intervention, CCJ argued that it satisfies the requirements of both permissive intervention under Rule 24(B) and intervention of right under Rule 24(A). CCJ argued that, while the Attorney General has a general public interest in a remedy, the Attorney General is unable to operate a rabbinical school. CCJ argued that it is uniquely situated to fulfill HUC's Cincinnati-based mission. Thus, CCJ argued that it should be granted intervention as a limited participant and *potential* cy pres recipient focused on the post-liability phase of the action.

As an initial matter, the Court finds that CCJ's Motion for Intervention is timely. CCJ's Motion for Limited Intervention was filed in the early stages of this case, before discovery or the setting of any dates in this case. CCJ seeks limited intervention, and does not seek to litigate issues related to liability. The Court finds that there is no prejudice caused by allowing CCJ to intervene at this time. The inclusion of CCJ in any mediation or settlement discussions may expedite the final resolution of this case. This finding does not ensure that this case reaches a remedy phase, nor does this Entry ensure that CCJ would be selected as a cy pres recipient of any funds.

Additionally, due to the overlapping nature of liability and remedy, the Court finds that it is not too early for CCJ to move to intervene in this case.

i. Permissive Intervention

CCJ seeks to intervene under Rule 24(B)(2). As to permissive intervention, CCJ must demonstrate that its claim(s) and the main action have a question of law or fact in common.

CCJ's proposed Complaint in Intervention (1) seeks a declaratory judgment that CCJ is an appropriate cy pres recipient of the assets previously used to support the operation of HUC's rabbinical school in Cincinnati; (2) seeks the application of cy pres to modify the trust in accordance with R.C. 5804.13.

In its Motion for Limited Intervention, CCJ argued that that its proposed Complaint demonstrates numerous questions of law and fact that are common amongst the parties. (Motion for Intervention, Exhibit 1). CCJ argued that these questions include: (1) whether and which of HUC's assets are subject to a Cincinnati-purpose charitable trust; (2) whether cy pres or equitable division applies under R.C. 5804.13; and (3) what disposition best serves the general charitable mission and purpose impressed on the assets at issue.

In *State ex rel. Merrill v. Ohio Dep't of Natural Res.*, the National Wildlife Federation and the Ohio Environmental Council claimed that they met the requirements for intervention of right because "some of their members make recreational use of the land that is the subject matter of [the] action." 130 Ohio St.3d 30, 38 (2011). Additionally, some members of the organization were Ohioans and thus had a "legally protectable interest in public-trust lands." *Id.* at 38-39.

In *Merrill*, the Supreme Court held that the defense and counterclaim asserted by the intervening organizations related both legally and factually to the claims asserted by the original parties. *Id.* at 40. Thus, the Supreme Court found that the intervening organizations had satisfied the requirements of permissive intervention under Rule 24(B)(2), and declined to analyze intervention of right. *Id.*

Here, the Court finds there are common questions of law and fact between the original parties to this case and CCJ. The Attorney General seeks the declaration of a charitable and/or constructive trust over HUC's Ohio-based assets to be redistributed by the AG for the support of a permanent rabbinical school in Cincinnati. CCJ raises the common question of fact as to whether charitable funds should be redistributed for the support of a permanent rabbinical school in Cincinnati, and to whom those funds should go. All parties raise the common question of the proper disposition of HUC's assets, and all of CCJ's allegations arise from the same set of facts that comprise the original Complaint filed by the Attorney General.

Because Rule 24 is construed liberally to permit intervention, and because the Court finds a lack of risk of undue delay or prejudice to the original parties, the Court finds that CCJ meets the requirements of permissive intervention under Rule 24(B)(2).

ii. Intervention of Right

CCJ also seeks to intervene under Rule 24(A)(2). As to intervention of right, CCJ must demonstrate (1) that CCJ claims an interest relating to the property or transaction which is the subject of the action; (2) that CCJ is so situated that the disposition of the action may, as a practical matter, impair or impede its ability to protect its interest; and (3) that the existing parties do not adequately protect CCJ's interests. *See* Rule 24(A)(2); *ICSC Partners, L.P. v. Kenwood Plaza L.P.*, 116 Ohio App.3d 278, 281-82 (1<sup>st</sup> Dist. 1996).

First, CCJ argued that it has an interest in the disposition of HUC's assets, the subject of this action. CCJ argued that it has a direct and specialized interest in preserving the charitable assets that were entrusted to HUC and ensuring that they are utilized for their appropriate and lawful purposes. CCJ argued that the members of CCJ, and the local Jewish community in general, would face prejudice if not permitted to intervene.

In its Motion for Limited Intervention, CCJ argued that it has a substantial, particularized interest in the proper disposition of restricted-purpose charitable assets. CCJ argued that “it is enough that [a would-be intervenor’s] interests might be compromised by disallowing intervention.” *HER, Inc. v. Parenteau*, 2003-Ohio-4370, ¶ 17 (10<sup>th</sup> Dist.). As the Attorney General pointed out, however, the proposed intervenor in *Parenteau* was a shareholder in a closely-held corporation, bringing claims against another shareholder and the corporation’s CEO for breach of fiduciary duties. *Id.* at ¶ 15.

The briefing of CCJ and the Attorney General highlight a lack of caselaw on point with this particular set of facts. Defendant HUC did not cite any cases in its Memorandum in Opposition. It is clear, however, that CCJ “claims an interest relating to the property or transaction that is the subject of the action” and that “disposition of the action may as a practical matter impair or impede [CCJ’s] ability to protect that interest.” *See* Rule 24(A). Based on the liberal construction of Rule 24, the Court finds that CCJ has an interest in the disposition of HUC’s assets.

Second, CCJ argued that disposition of the action will impair or impede CCJ’s ability to protect its interests. CCJ argued that, if a settlement or judgment orders disposition of the assets without CCJ, such a disposition would necessarily be dispositive of CCJ’s interests. The Court agrees. Again, based on the liberal construction of Rule 24, the Court finds that disposition of this action without CCJ will impair or impede CCJ’s ability to protect its interests.

Third, CCJ argued that the existing parties do not adequately protect CCJ’s interests. CCJ argued that, while the Attorney General has a general public interest in a remedy, the Attorney General is unable to operate a rabbinical school. CCJ argued that it is uniquely situated to fulfill HUC’s Cincinnati-based mission. This is in no manner indicative of the Court’s ruling regarding the First Amendment arguments raised by Defendant HUC.

CCJ argued that it has a unique interest in the outcome of this case, and in the disposition of restricted-purpose charitable assets. CCJ's interests are different from the interests and objectives of the parties currently in the suit. The Attorney General seeks to enforce the laws of the State of Ohio regarding the operation of charitable trusts, while HUC seeks to utilize its assets in the way that it sees fit. CCJ represented to the Court that it is comprised of Jewish community members, rabbis, and former employees of HUC, who have a specific interest in maintaining a rabbinical school in the liberal spirit in Cincinnati. Therefore, the Court concludes that CCJ's interests are not adequately represented by the existing parties.

Because Rule 24 is ultimately construed liberally to permit intervention, the Court finds that CCJ meets the requirements of intervention of right under Rule 24(A)(2).

Again, CCJ's intervention in this case is limited. CCJ will not be permitted to litigate issues related to liability. This Entry does not ensure that this case reaches a remedy phase, nor does this Entry ensure that CCJ will be selected as a cy pres recipient of any funds. Thus, the Court finds that limited intervention will not prejudice either party.

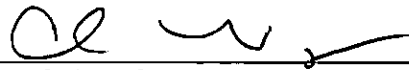
Further, the Court finds that there is no prejudice caused by allowing CCJ to intervene at this time. True, the case is in its infancy and there is a Motion to Dismiss pending. However, the inclusion of CCJ in any mediation or settlement discussions *may* expedite the final resolution of this case.

#### IV. Conclusion

For the foregoing reasons, the Court GRANTS the College for Contemporary Judaism's Motion for Limited Intervention. CCJ's proposed Complaint in Limited Intervention, attached as Exhibit 1 to its Motion for Limited Intervention, is deemed filed as of the date of this Entry.

CCJ's intervention is limited to the remedy phase of this action, if such a phase is reached. However, CCJ shall be permitted to participate as a limited party in any mediation efforts, to facilitate the efficient resolution of this case. The Court recognizes that all phases of this case may be resolved together. The extent of CCJ's participation may be revisited as needed.

IT IS SO ORDERED.

  
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Judge Christopher Wagner  
10/5/26  
\_\_\_\_\_  
Date