

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

DOUG WOODS WHAT A LOVELY
HOME,

:

Plaintiff-Appellant,

:

No. 108542

v.

:

LATASHA MOORE,

:

Defendant-Appellee.

:

JOURNAL ENTRY AND OPINION

JUDGMENT: DISMISSED

RELEASED AND JOURNALIZED: January 16, 2020

Civil Appeal from the Garfield Heights Municipal Court
Case No. CVI1700933

Appearances:

Doug Woods, *pro se*.

SEAN C. GALLAGHER, P.J.:

{¶ 1} This cause came to be heard on the accelerated calendar pursuant to App.R. 11.1 and Loc.App.R. 11.1. Plaintiff-appellant Doug Woods d.b.a. What a Lovely Home (“Woods”) appeals the decision of the Garfield Heights Municipal Court that denied his objection and adopted the magistrate’s decision finding defendant-appellee Latasha Moore (“Moore”) should not be held in contempt of

court.¹ We dismiss the action because appellant has no right to appeal the trial court's decision.

{¶ 2} In *Denovchek v. Bd. of Trumbull Cty. Commrs.*, 36 Ohio St.3d 14, 520 N.E.2d 1362 (1988), the Supreme Court of Ohio held that “there is no right of appeal from the dismissal of a contempt motion when the party making the motion is not prejudiced by the dismissal.” *Id.* at 17. This is because contempt is generally a matter between the court and the person failing to obey a court order or interfering with court processes. *Id.*

{¶ 3} In this case, the trial court denied Woods's motion for contempt upon finding Moore's failure to disclose her ownership interest in an automobile during a debtor's exam did not obstruct Woods's ability to collect on the judgment because Woods had knowledge of all the necessary vehicle information, including the existence, make, and model of the vehicle. Nevertheless, Woods argues that his ability to collect on the judgment was obstructed because Moore did not disclose the vehicle's title or the amount of her ownership interest and she failed to disclose her other sources of income that may be subject to garnishment.

{¶ 4} The record reflects that Woods, who was acting pro se, testified to having knowledge of Moore's vehicle. In fact, he had obtained a copy of the vehicle's registration from the Ohio Bureau of Motor Vehicles. Because Woods had knowledge of the vehicle's information, the trial court found the false testimony

¹ Moore did not file an appellee brief.

provided by Moore did not obstruct Woods's ability to collect on the judgment. Further, since no obstruction occurred, the court did not believe a hearing was warranted and elected to conserve judicial resources.

{¶ 5} Woods argued in his objection to the magistrate's decision that his collection efforts had been obstructed because Moore was not forthcoming with the vehicle's information and did not provide a copy of the vehicle's title. Additionally, Woods sought to amend or supplement his objection, and he filed a second motion for contempt in which he maintained that Moore also had obstructed his collection efforts by failing to disclose all of her sources of income and he attached unauthenticated account statements to that motion. The trial court denied Woods's repeated attempts to obtain a contempt ruling. As stated by the magistrate, "the determination as to whether the Defendant should be held in contempt of court is a decision to be made by the Court[,] not the Plaintiff." The trial court exercised its discretion and decided not to hold appellant in contempt of court.

{¶ 6} Woods has not demonstrated either that he was irreparably prejudiced by the denial of his motion for contempt or that the trial court's order prevented him from ultimately collecting the full amount due. Accordingly, Woods has no right to appeal.

{¶ 7} Appeal dismissed.

It is ordered that appellant pay the costs herein taxed.

It is ordered that a special mandate issue out of this court directing the municipal court to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

SEAN C. GALLAGHER, PRESIDING JUDGE

FRANK D. CELEBREZZE, JR., J., and
RAYMOND C. HEADEN, J., CONCUR