

IN THE COURT OF APPEALS OF OHIO  
TENTH APPELLATE DISTRICT

John D. Heisler et al.,	:	
Plaintiffs-Appellants,	:	
v.	:	No. 08AP-57
Lawrence T. Titus d.b.a.	:	(M.C. No. 2005 CVI 001983)
Mallard Mechanical Company,	:	(REGULAR CALENDAR)
Defendants-Appellees.	:	

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D E C I S I O N

Rendered on May 22, 2008

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*John D. and Carol A. Heisler, pro se.*

*Joseph W. Hull, for appellees.*

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APPEAL from the Franklin County Municipal Court.

TYACK, J.

{¶1} John D. and Carol A. Heisler are appealing from the ruling of the Franklin County Municipal Court which refused to find Lawrence T. Titus guilty of contempt. The Heislars assign a single error for our consideration:

THE TRIAL COURT ERRED IN OVERRULING APPELLANTS' MOTION FOR CONTEMPT.

{¶2} This case began in January 2005 when the Heislars filed a complaint in the Small Claims Division of the Franklin County Municipal Court. The case was referred to a magistrate who heard sworn testimony and rendered a magistrate's report and decision. The magistrate's report and decision include a recommendation that the case be dismissed without prejudice.

{¶3} The Heislars filed objections to the magistrate's report and decision. The court ultimately adopted the magistrate's report and decision, including its recommendation that the case be dismissed without prejudice.

{¶4} Despite the fact this particular lawsuit was terminated by the dismissal, the Heislars filed a motion seeking a finding of contempt against Lawrence Titus. The motion was overruled, following a hearing.

{¶5} The Franklin County Municipal Court had no jurisdiction to enter a finding of contempt in a lawsuit which was dismissed. The court was correct to make no such finding of contempt. The trial court did not err in failing to sustain the motion.

{¶6} The assignment of error is overruled. The ruling of the Franklin County Municipal Court is affirmed.

*Judgment affirmed.*

BRYANT and SADLER, JJ., concur.

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