

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

Lisa DeMeter,	:	
Plaintiff-Appellee,	:	
v.	:	No. 14AP-918 (C.P.C. No. 14CVH-02-1435)
Castle Bail Bonds, Inc.,	:	(REGULAR CALENDAR)
Defendant-Appellant.	:	

D E C I S I O N

Rendered on June 25, 2015

Kemp, Schaeffer & Rowe Co., LPA, and Erica Ann Probst, for appellee.

Roberts Kelly & Bucio, LLP, and Scott A. Kelly, for appellant.

APPEAL from the Franklin County Court of Common Pleas

KLATT, J.

{¶ 1} Defendant-appellant, Castle Bail Bonds, Inc. ("Castle"), appeals a judgment of the Franklin County Court of Common Pleas that denied Castle relief from a judgment entered in favor of plaintiff-appellee, Lisa DeMeter. Because this appeal is moot, we dismiss it.

{¶ 2} On February 11, 2014, DeMeter filed suit against Castle, alleging claims for failure to pay commissions, in violation of R.C. 1335.11, and breach of contract. Castle did not answer the complaint. Consequently, DeMeter moved for default judgment. The trial court granted that motion and entered judgment in DeMeter's favor on March 26, 2014.

{¶ 3} Upon receiving the judgment, DeMeter's attorney immediately initiated the process to garnish funds from Castle's checking account with Huntington National Bank.

In answer to the garnishment order, Huntington transferred \$23,177.34 from Castle's account to the Franklin County Clerk of Courts.

{¶ 4} On April 10, 2014, Castle moved for relief from the March 26, 2014 judgment pursuant to Civ.R. 60(B). On that same day, Castle moved to stay execution of the March 26, 2014 judgment. Castle specifically requested that the proceeds of the garnishment remain in the clerk's possession "pending the resolution of Defendant's Motion for Relief from Judgment." (R. 39.)

{¶ 5} The trial court granted Castle the stay that it requested and then referred the matter to a magistrate for a hearing on the motion for relief from judgment. After a hearing, the magistrate issued a decision that recommended that the trial court deny Castle's motion. Castle did not object to the magistrate's decision. On October 8, 2014, the trial court entered a judgment that adopted the magistrate's decision and ordered the release of the garnished funds to DeMeter. The clerk disbursed the garnished funds to DeMeter on October 10, 2014. Subsequently, DeMeter filed a satisfaction of judgment, certifying that the "judgment has been paid in full and satisfied." (R. 69.)

{¶ 6} Castle has appealed the October 8, 2014 judgment to this court. DeMeter, however, has moved to dismiss the appeal. In relevant part, DeMeter argues that the satisfaction of the judgment mooted Castle's appeal. We agree.

{¶ 7} " 'Where the court rendering judgment has jurisdiction of the subject-matter of the action and of the parties, and fraud has not intervened, and the judgment is voluntarily paid and satisfied, such payment puts an end to the controversy, and takes away from the defendant the right to appeal or prosecute error or even to move for vacation of judgment.' " *Rauch v. Noble*, 169 Ohio St. 314, 316 (1959), quoting *Lynch v. Lakewood City School Dist. Bd. of Edn.*, 116 Ohio St. 361 (1927), paragraph three of the syllabus. Thus, generally, if a defendant-appellant fails to obtain a stay of execution or judgment, or fails to obtain a supersedeas bond or its equivalent, and the plaintiff-appellee obtains satisfaction of the judgment against the defendant-appellant, the appeal is rendered moot. *Lingo v. Ohio Cent. RR., Inc.*, 10th Dist. No. 05AP-206, 2006-Ohio-2268, ¶ 19; accord *Capitol Communications, Inc. v. GBS Corp.*, 10th Dist. No. 10AP-08, 2010-Ohio-5964, ¶ 14 (finding appeals moot when the appellant failed to seek a stay to prevent the distribution of escrowed funds that satisfied the appealed judgment). As a

general matter, courts will not decide moot cases. *In re A.G.*, 139 Ohio St.3d 572, 2014-Ohio-2597, ¶ 37.

{¶ 8} Here, Castle obtained a stay of execution of the March 26, 2014 judgment, but that stay expired when the trial court denied Castle relief from that judgment. Castle did not thereafter request another stay to preclude release of the garnished funds so that it could appeal. Consequently, the trial court disbursed to DeMeter the garnished funds, which, according to DeMeter, satisfied her judgment in full. Because the judgment is satisfied, Castle's appeal is moot and we will not consider it.¹

{¶ 9} For the foregoing reasons, we grant DeMeter's motion and dismiss this appeal as moot.

*Motion to dismiss granted;
appeal dismissed.*

BROWN, P.J., and HORTON, J., concur.

¹ In certain circumstances, a court may consider an appeal even though it is moot. *In re A.G.* at ¶ 37. Castle does not argue that such circumstances are present here, so we do not address the exceptions to the mootness doctrine.