

**IN THE COURT OF APPEALS OF OHIO
THIRD APPELLATE DISTRICT
LOGAN COUNTY**

REBECCA L. TRETOLA,

PLAINTIFF-APPELLEE,

CASE NO. 8-14-24

v.

ROBERT J. TRETOLA,

OPINION

DEFENDANT-APPELLANT.

**Appeal from Logan County Common Pleas Court
Family Court - Domestic Relations Division
Trial Court No. DR12090150**

Judgment Affirmed

Date of Decision: May 26, 2015

APPEARANCES:

***Robert J. Tretola*, Appellant**

***Sheila E. Minnich* for Appellee**

ROGERS, P.J.

{¶1} Defendant-Appellant, Robert Tretola (“Robert”), pro se, appeals the judgment of the Court of Common Pleas of Logan County, Family Court-Domestic Relations Division, which distributed proceeds of the sale of the parties’ marital home and found Robert in contempt of court. For the reasons that follow, we affirm the judgment of the trial court.

{¶2} Robert and Rebecca Tretola (“Rebecca”) were married on June 9, 1995. Rebecca filed a complaint for divorce on September 17, 2012. The trial court issued a final divorce decree on May 27, 2014. Robert appealed the trial court’s decision to this court and asserted numerous assignments of error. *See generally Tretola v. Tretola*, 3d Dist. Logan No. 8-14-12, 2014-Ohio-5484 (“*Tretola I*”). On May 30, 2014, Robert filed a motion to stay the trial court’s final order pending appeal. The trial court overruled Robert’s motion on July 3, 2014. In *Tretola I*, this court overruled all of Robert’s assignments of error and affirmed the trial court’s judgment on December 15, 2014. *Id.*

{¶3} While *Tretola I* was pending in this court, Rebecca filed a motion to enforce the sale of the marital home on July 16, 2014. Robert filed an objection to the sale of the martial home on August 20, 2014.

{¶4} On September 9, 2014, Robert filed a motion to compel discovery. Specifically, Robert requested all documents related to the sale of the martial

home. On September 10, 2014, Rebecca filed a motion to dismiss Robert's motion to compel discovery, stating that her real estate agent already gave Robert the requested documents. That same day, Rebecca also filed a "motion for citation in contempt," asserting that Robert failed to pay her any spousal support in contravention of the court's orders.

{¶5} Rebecca filed a motion for a more specific order on September 30, 2014. In her motion, Rebecca stated that Scottrade was unable to comply with the original judgment entry granting divorce due to an ambiguity in the entry regarding the amount of funds to be disbursed to the parties from the accounts. Therefore, Rebecca requested that the court issue a new order which would indicate the exact amounts to be distributed out of each of the accounts to the individual parties.

{¶6} On November 3, 2014, the trial court found that there was proper evidence before it that established that the purchase price of the marital home was commercially reasonable and ordered that Robert execute all necessary documents to effectuate the sale of the marital home.

{¶7} That same day, the trial court found that Robert had not paid any spousal support and found Robert in contempt of the court. The court gave Robert an opportunity to purge himself of the contempt finding by making a good faith effort to pay spousal support within 30 days. The court then issued a more

specific order which specified the exact amounts to be distributed from the Scottrade accounts.

{¶8} Robert filed this timely appeal, presenting the following assignments of error for our review.

Assignment of Error No. I

THE TRIAL COURT ERRED BY NOT ALLOWING A JURY TRIAL.

Assignment of Error No. II

THE TRIAL COURT ERRED BY DENYING DISCOVERY.

Assignment of Error No. III

TRIAL COURT ERRED BY THE JUDGE DEMONSTRATING BIAS FOR THE PLAINTIFF/APPELLEE BY ACTING AS A PROPONENT FOR THE PLAINTIFF.

Assignment of Error No. IV

THE TRIAL COURT ERRED BY ALLOWING JUDGE DAVID FAULKNER TO CONTINUE JURISDICTION OF THIS CASE HAVING LOST JURISDICTION AS A RESULT OF DENYING DEFENDANT/APPELLANT DUE PROCESS IN THE DIVORCE PROCEEDINGS.

Assignment of Error No. V

TRIAL COURT ERRED BY NOT ALLOWING DEFENDANT/APPELLANT A “STAY “ [SIC] ORDER.

Assignment of Error No. VI

TRIAL COURT ERRED BY AWARDED DEFENDANT/APPELLANT’S SOCIAL SECURITY

BENEFITS TO PLAINTIFF/APPELLEE AS SPOUSAL SUPPORT AND IGNORING PLAINTIFF/APPELLEE'S SOCIAL SECURITY BENEFITS AS PART OF PLAINTIFF/APPELLEE'S INCOME (IN OTHER WORDS THE JUDGE COUNTED SOCIAL SECURITY BENEFITS FOR DEFENDANT/APPELLANT BUT NOT PLAINTIFF/APPELLEE AS AN OBVIOUS DOUBLE STANDARD AND BIAS) DEFENDANT/APPELLANT HAS ALREADY BEEN REQUIRED TO PAY HIS SOCIAL SECURITY BENEFITS AS SPOUSAL SUPPORT IN ORDER TO "GET OUT OF JAIL " [SIC].

Assignment of Error No. VII

TRIAL COURT IGNORED THE FACTS OF THE CASE.

Assignment of Error No. VIII

TRIAL COURT ERRED BY NOT ALLOWING A JURY TRIAL.

Assignment of Error No. IX

TRIAL COURT ERRED BY ALLOWING THIS JUDGE TO CONTINUE ADJUDICATING THIS CASE HAVING LOST JURISDICTION AS A RESULT OF DENYING DEFENDANT/APPELLANTS [SIC] DUE PROCESS IN THE DIVORCE PROCEEDINGS.

Assignment of Error No. X

TRIAL COURT ERRED BY DENYING DEFENDANT/APPELLANT HIS CONSTITUTIONAL RIGHT TO RETIRE FORCING DEFENDANT/APPELLANT TO WORK POTENTIALLY UNTIL HE IS 90 YEARS OLD OR OLDER.

Assignment of Error No. XI

TRIAL COURT ERRED BY VIOLATING DEFENDANT/APPELLANT'S 13TH AMENDMENT RIGHTS, "INVOLUNTARY SERVITUDE " [SIC] IN WHICH THE SPOUSAL SUPPORT ORDERED BY THE COURT WAS COMPLETELY UN-REASONABLE [SIC] AND AN ABUSE OF DISCRETION BY THE JUDGE AND UN-QUESTIONABLY [SIC] BIASED.

Assignment of Error No. XII

THE COURT ERRED BY ALLOWING PLAINTIFF/APPELLEE TO CHANGE THE JUDGES [SIC] ORDER WITHOUT JUSTIFICATION.

Assignment of Error No. XIII

THE COURT ERRED BY ALLOWING THE JUDGES [SIC] ORDER TO BE CHANGED IGNORING THAT THIS ORDER WAS BEFORE THE APPEALS COURT.

Assignment of Error No. XIV

THE TRIAL COURT ERRED BY VIOLATING DEFENDANT/APPELLANT'S BILL OF RIGHTS: INALIENABLE RIGHTS: ALL MEN ARE, BY NATURE FREE AND INDEPENDENT AND HAVE CERTAIN INALIENABLE RIGHTS AMONG WHICH ARE THOSE OF ENJOYING AND DEFENDING LIFE AND LIBERTY ACQUIRING, POSSESSING AND PROTECTING PROPERTY, SEEKING AND OBTAINING HAPPINESS AND SAFETY.

Assignment of Error No. XV

TRIAL COURT ERRED BY IGNORING DEFENDANT/APPELLANT'S CONSTITUTIONAL RIGHT TO A "TRIAL BY JURY " . [SIC] THE RIGHT TO TRIAL BY JURY SHALL BE INVIOLETE.

Assignment of Error No. XVI

TRIAL COURT ERRED BY ITS “DEPRIVATION OF DEFENDANT/APPELLANT’S CONSTITUTIONAL RIGHTS UNDER COLOR OF LAW” (TITLE 18 U.S.C. 242) BY DEMONSTRATING A CLEAR AND UN-AMBIGUOUS [SIC] BIAS AND PREJUDICE AGAINST DEFENDANT/APPELLANT BECAUSE HE WAS ACTING AS COUNSEL FOR HIMSELF, A CONSTITUTIONAL RIGHT * * *.

Assignment of Error No. XVII

TRIAL COURT ERRED BY IGNORING, IN FACT KNOWINGLY COMPLICIT IN PERPETRATING A “FRAUD UPON THE COURT “ [SIC] WHICH IS A CRIMINAL ACT AND MAY FALL UNDER R.I.C.O. STATUTES WITH NO IMMUNITY.

Assignment of Error No. XVIII

TRIAL COURT ERRED BY VIOLATING DEFENDANT/APPELLANT’S 5TH AMENDMENT RIGHTS TO THE U.S. CONSTITUTION, “NO PERSON SHALL . . . BE DEPRIVE [SIC] OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF THE LAW.”

Assignment of Error No. XIX

TRIAL COURT ERRED BY VIOLATING DEFENDANT/APPELLANT’S 13TH AMENDMENT RIGHTS TO THE U.S. CONSTITUTION, “INVOLUNTARY SERVITUDE “, [SIC] THE SUPREME COURT HAS HELD, IN BUTLER V. PERRY, 240 U.S. 328 (1916), THAT THE THIRTEENTH AMENDMENT DOES NOT PROHIBIT “ENFORCEMENT OF THOSE DUTIES WHICH INDIVIDUALS OWE TO THE STATE, SUCH AS SERVICES IN THE ARMY, MILITIA, ON THE JURY, ETC.” ONEROUS LONG TERM ALIMONY AND SPOUSAL SUPPORT ORDER

MAY IN PRACTICE EMBODY FEATURES OF INVOLUNTARY SERVITUDE.[1] [SIC].

Assignment of Error No. XX

TRIAL COURT ERRED BY DENYING DEFENDANT/APPELLANT HIS CIVIL RIGHT TO RETIRE BY INFLECTING “INVOLUNTARY SERVITUDE “. [SIC]

Assignment of Error No. XXI

TRIAL COURT ERRED BY CONDUCTING BUSINESS REGARDING THESE PARTIES HAVING LOST JURISDICTION PER U.S. CODE SECTION 556(D), 557 AND 706 WHEREBY THE LOCAL COURT LOSES JURISDICTION IF IT DOES NOT FOLLOW DUE PROCESS.

Assignment of Error No. XXII

TRIAL COURT ERRED BY VIOLATING TITLE 18 U.S.C 242 BY INTENTIONALLY THROWING THIS CASE TO PLAINTIFF/APPELLEE.

{¶9} Due to the nature of the assignments of error, we elect to address them out of order and elect to address some of the assignments together.

Assignments of Error No. III, IV, IX, XVI, XVII, & XXII

{¶10} In his third, fourth, ninth, sixteenth, seventeenth, and twenty-second assignments of error, Robert argues that the trial court judge was biased and conducted proceedings with extreme prejudice towards him. We disagree.

{¶11} This court does not have jurisdiction to vacate a trial court’s judgment based on a claim of judicial bias. *Beer v. Griffith*, 54 Ohio St.2d 440, 441-442 (1978). *See also Fernandez v. Ohio State Pain Control Ctr.*, 10th Dist.

Franklin No. 03AP-1018, 2004-Ohio-6713, ¶ 24-25 (finding that the plaintiff's argument that the trial court's decisions were erroneous based on bias or prejudice were not properly before the court); *Tretola*, 2014-Ohio-5484, ¶ 30-34. In *Beer*, "the Ohio Supreme Court explicitly and unequivocally stated that, since only the Chief Justice or his designee may hear disqualification matters, the Court of Appeals is without authority to pass upon disqualification or to void the judgment of the trial court on the basis of judicial bias." *Holloway v. Holloway Sportswear, Inc.*, 3d Dist. Shelby Nos. 17-98-20, 17-2000-18, 2001 WL 633792, *4 (June 7, 2001), citing *Beer* at 441-442.

{¶12} Even if this court had jurisdiction to consider these assignments of error, Robert's arguments are without merit. " 'A judge is presumed not to be biased or prejudiced, and a party alleging bias or prejudice must present evidence to overcome the presumption.' *Cline v. Mtge. Electronic Registration Sys., Inc.*, 10th Dist. Franklin No. 13AP-240, 2013-Ohio-5706, ¶ 33, quoting *Wardeh v. Altabchi*, 158 Ohio App.3d 325, 2004-Ohio-4423, ¶ 20 (10th Dist.), citing *In re Disqualification of Kilpatrick*, 47 Ohio St.3d 605, 606 (1989) and *Eller v. Wendy's Internatl., Inc.*, 142 Ohio App.3d 321, 340 (10th Dist.2000). " 'The existence of prejudice or bias against a party is a matter that is particularly within the knowledge and reflection of each individual judge and is difficult to question unless the judge specifically verbalizes personal bias or prejudice toward a party.'

” *Id.* at ¶ 33, quoting *Wardeh* at ¶ 20. “A judge’s rulings of law are legal issues, subject to appeal, and are not by themselves evidence of bias or prejudice.” *Id.*, citing *Okocha v. Fehrenbacher*, 101 Ohio App.3d 309, 322 (8th Dist.1995). There is no evidence of bias or prejudice by the trial court against Robert, and his unsubstantiated accusations of improper conduct are insufficient to overcome the presumption of judicial integrity. *See id.*, citing *Cooke v. United Dairy Farmers, Inc.*, 10th Dist. Franklin No. 05AP–1307, 2006–Ohio–4365, ¶ 46.

{¶13} Accordingly, Robert’s third, fourth, ninth, sixteenth, seventeenth, and twenty-second assignments of error are overruled.

Assignments of Error Nos. VI, VII, X, XI, XX

{¶14} In his sixth, seventh, tenth, eleventh, and twentieth assignments of error, Robert essentially argues that the trial court erred in awarding spousal support to Rebecca. Since all these matters are barred by res judicata, we find no merit in these assignments of error.

{¶15} The doctrine of res judicata serves to end litigation of a matter once that matter has been conclusively established through a final judgment. *Fifth Third Mtg. Co. v. Goodman Realty Corp.*, 3d Dist. Hancock No. 5-08-30, 2009-Ohio-81, ¶ 19. The doctrine provides that “[a] valid, final judgment rendered upon the merits bars all subsequent actions based upon any claim arising out of the transaction or occurrence that was the subject matter of the previous action.”

Grava v. Parkman Twp., 73 Ohio St.3d 379 (1995), paragraph one of the syllabus. Res judicata also provides that “a fact or a point that was actually and directly at issue in a previous action, and was passed upon and determined by a court of competent jurisdiction, may not be drawn into question in a subsequent action between the same parties and their privies, whether the cause of action in the two actions be identical or not.” *Fort Frye Teachers Assn., OEA/NEA v. State Emp. Relations Bd.*, 81 Ohio St.3d 392, 395 (1998). “The doctrine of *res judicata* ‘encourages reliance on judicial decisions, bars vexatious litigation, and frees the court to resolve other disputes.’ ” (Emphasis sic.) *Natl. Amusements, Inc. v. City of Springdale*, 53 Ohio St.3d 60, 62 (1990), quoting *Brown v. Felsen*, 442 U.S. 127, 131, 99 S.Ct. 2205, 60 L.Ed.2d 767 (1979).

{¶16} In *Tretola I*, this court affirmed the trial court’s decision that ordered Robert to pay Rebecca spousal support. *Tretola*, 2014-Ohio-5484, ¶ 74-77. We specifically found that it was not error for the trial court to consider Robert’s potential social-security earnings to determine the amount of spousal support under R.C. 3501.17 and that the trial court did not act unreasonably, arbitrarily, or unconscionably in ordering Robert to pay Rebecca spousal support. *Id.* As such, any argument related to the amount of spousal support the court ordered Robert to pay is barred by res judicata.

{¶17} Accordingly, we overrule Robert’s sixth, seventh, tenth, eleventh, and twentieth assignments of error.

Assignments of Error Nos. XIV, XV, XVIII, XIX & XXI

{¶18} In his fourteenth, fifteenth, eighteenth, nineteenth, and twenty-first assignments of error, Robert argues that the trial court violated various sections of the United States Constitution. We disagree.

{¶19} The Supreme Court of Ohio has consistently stated that “ ‘when a case can be decided on other than a constitutional basis, [a court is] bound to do so.’ ” *State v. Swidas*, 133 Ohio St.3d 460, 2012-Ohio-4638, ¶ 14, quoting *State ex rel. Crabtree v. Ohio Bur. of Workers’ Comp.*, 71 Ohio St.3d 504, 507 (1994); *accord State v. Bloomer*, 122 Ohio St.3d 200, 2009-Ohio-2462, ¶ 67 (recognizing that courts should decide constitutional questions only when necessary). Here, the question whether Rebecca or the trial court violated various constitutional provisions can be decided on other grounds.

{¶20} In support of these assignments of error, Robert made conclusory arguments, failed to cite to the record, and failed to make any argument in support of his claims. “[A]n appellate court may disregard an assignment of error pursuant to App.R. 12(A)(2) ‘if the party raising it fails to identify in the record the error on which the assignment of error is based or fails to argue the assignment separately in the brief, as required under App.R. 16(A).’ ” *Rodriguez v. Rodriguez*, 8th Dist.

Cuyahoga No. 91412, 2009-Ohio-3456, ¶ 4, quoting App.R. 12; *Hawley v. Ritley*, 35 Ohio St.3d 157, 159 (1988).

{¶21} App.R. 16(A)(7) requires that Robert include in his brief: “An argument containing the contentions of the appellant with respect to each assignment of error presented for review and the reasons in support of the contentions, with citations to the authorities, statutes, and parts of the record on which appellant relies. The argument may be preceded by a summary.”

{¶22} “ ‘It is not the duty of an appellate court to search the record for evidence to support an appellant’s argument as to any alleged error.’ ” *Rodriguez* at ¶ 7, quoting *State v. McGuire*, 12th Dist. Preble No. CA95-01-001, 1996 WL 174609, *14 (Apr. 15, 1996). “An appellate court is not a performing bear, required to dance to each and every tune played on an appeal.” *Id.*, citing *State v. Watson*, 126 Ohio App.3d 316, 321 (12th Dist.1981).

{¶23} Because Robert failed to cite to any legal authority or to the record in support of his arguments, we decline to review his fourteenth, fifteenth, eighteenth, nineteenth, and twenty-first assignments of error.

Assignment of Error No. V

{¶24} In his fifth assignment of error, Robert argues that the trial court erred by denying his motion to stay proceedings. We disagree.

{¶25} “The determination of whether to issue a stay of proceedings generally rests within the court’s discretion and will not be disturbed absent a showing of an abuse of discretion.” *State ex rel. Verhovec v. Mascio*, 81 Ohio St.3d 334, 336 (1998), citing *State ex rel. Wallace v. Tyack*, 13 Ohio St.3d 4, 5-6 (1984). A trial court will be found to have abused its discretion when its decision is contrary to law, unreasonable, not supported by the evidence, or grossly unsound. *State v. Boles*, 187 Ohio App.3d 345, 2010-Ohio-278, ¶ 16-18 (2d Dist.).

{¶26} Under Civ.R. 62(B), “When an appeal is taken the appellant may obtain a stay of execution of a judgment or any proceedings to enforce a judgment by giving an adequate supersedeas bond.” While Robert filed a motion to stay proceedings pending appeal, there is no evidence in the record before us that Robert complied with the Ohio Rules of Civil Procedure and posted a supersedeas bond. As such, we cannot say that the trial court abused its discretion when it overruled Robert’s motion to stay proceedings.

{¶27} Accordingly, we overrule Robert’s fifth assignment of error.

Assignments of Error Nos. I & II

{¶28} In his first and second assignments of error, Robert contends that the trial court erred by approving the sale of the marital home. Specifically, Robert

contends the trial court erred by denying him a jury trial and by denying him discovery. We disagree.

{¶29} Under Civ.R. 75, which governs divorce, annulment, and legal separation actions, “there shall be no right to trial by jury.” Civ.R. 75(C); *see also Stuber v. Stuber*, 3d Dist. Allen No. 1-88-25, 1989 WL 156156, *4 (Dec. 28, 1989) (“[I]t is clear that Ohio Law does not afford one a right to a jury trial in a divorce action and related proceedings governed by Civ.R. 75.”); *Koepke v. Koepke*, 52 Ohio App.3d 47, 48 (6th Dist.1989).

{¶30} Robert also argues that the trial court erred by denying him discovery. Robert filed a motion to compel discovery, requesting all documents related to the sale of the marital home. Rebecca responded by stating that there was only one document that she was aware of that concerned the sale and that her real estate agent had already given Robert the requested document. She also stated that the document would be available for inspection at her attorney’s office.

{¶31} “A trial court enjoys broad discretion in the regulation of discovery, and an appellate court will not reverse a trial court’s decision to sustain or overrule a motion to compel discovery absent an abuse of discretion.” *Stark v. Govt. Accounting Solutions, Inc.*, 10th Dist. Franklin No. 08AP-987, 2009-Ohio-5201, ¶ 14. We note that the trial court never ruled on Robert’s motion to compel discovery. Generally, when a trial court fails to rule on a motion, the appellate

court will presume the trial court overruled the motion. *Seff v. Davis*, 10th Dist. Franklin No. 03AP-159, 2003-Ohio-7029, ¶ 8.

{¶32} We find no abuse of discretion in the trial court’s decision to overrule Robert’s motion to compel discovery, as it appears from the record that Rebecca complied with Robert’s discovery request.

{¶33} Accordingly, we overrule Robert’s first and second assignments of error.

Assignment of Error No. VIII

{¶34} In his eighth assignment of error, Robert argues the trial court erred in denying him a jury trial in his contempt proceedings. We disagree.

{¶35} “A contempt proceeding is a special proceeding and is regarded as sui generis in that it is neither civil nor criminal.” *Citicasters Co. v. Stop 26-Riverbend, Inc.*, 147 Ohio App.3d 531, 2002-Ohio-2286, ¶ 74 (7th Dist.), citing *Denovchek v. Trumbull Cty. Bd. of Commrs.*, 36 Ohio St.3d 14, 16 (1988). Nonetheless, for certain purposes, contempt proceedings are characterized as civil or criminal. *Citicasters* at ¶ 74. “When the court seeks to punish the contemnor for a past offense to the court and to vindicate the authority of the court, the sanction is criminal in nature and certain significant constitutional safeguards attach to the contempt proceeding.” *Id.*, citing *Brown v. Executive 200, Inc.*, 64 Ohio St.2d 250, 253 (1980). Despite this, trial by jury is not a necessary

procedure in cases of criminal contempt. *Citicasters* at ¶ 74, citing *State v. Local Union 5760, United Steelworkers of Am.*, 172 Ohio St. 75, 83 (1961); *see also State v. Weiner*, 37 Ohio St.2d 11 (1974), paragraph two of the syllabus (“The penalty provided in R.C. 2705.05 renders contempt of court a petty offense in the constitutional sense, so that one charged with contempt of court has no constitutional right to a jury trial.”).

{¶36} As Robert was not entitled to a jury trial, we overrule his eighth assignment of error.

Assignments of Error Nos. XII & XIII

{¶37} In his twelfth and thirteenth assignments of error, Robert argues that the trial court erred when it issued a nunc pro tunc judgment entry to clarify a prior judgment entry. We disagree.

{¶38} To begin, we note that the Scottrade accounts were marital property that were subject to division. The “division of marital property is not subject to modification through the continuing jurisdiction of the court.” *Robins v. Robins*, 10th Dist. Franklin No. 04AP-1152, 2005-Ohio-4969, ¶ 11, citing *Wolfe v. Wolfe*, 46 Ohio St.2d 399 (1976). Therefore, a domestic relations court lacks continuing jurisdiction to modify a division of martial assets. “Put another way, ‘a court has control over the division of property at the time of the divorce decree, but not

thereafter.’ ” *Robins* at ¶ 11, quoting *Thomas v. Thomas*, 10th Dist. Franklin No. 00AP-541, 2001 WL 422967, *3 (Apr. 26, 2001).

{¶39} “However, a trial court always retains the power to *enforce* the provisions of a divorce decree.” (Emphasis sic.) *Robins* at ¶ 13, citing R.C. 3105.89; *Cherry v. Figart*, 86 Ohio App.3d 123, 126 (12th Dist.1993). If a provision in the decree is ambiguous, then the trial court has the power to hear the matter, to resolve the dispute, and to enforce the decree. *Robins* at ¶ 13, citing *Evans v. Evans*, 4th Dist. Scioto No. 02CA2869, 2003-Ohio-4674. If the decree contains terms ordered by the court and not reached by agreement of the parties, then a determination that the decree is, or is not, ambiguous will only be overturned on appeal if the trial court abused its discretion. *Robins* at ¶ 14. A trial court will be found to have abused its discretion when its decision is contrary to law, unreasonable, not supported by the evidence, or grossly unsound. *Boles*, 2010-Ohio-278, ¶ 16-18. When applying the abuse of discretion standard, a reviewing court may not simply substitute its judgment for that of the trial court. *Blakemore v. Blakemore*, 5 Ohio St.3d 217, 219 (1983).

{¶40} Here, the trial court’s original judgment entry was ambiguous, and Scottrade could not enforce the entry without more specific orders. Therefore, the trial court did not abuse its discretion by clarifying the order and enforcing its judgment.

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{¶41} Accordingly, we overrule Robert's twelfth and thirteenth assignments of error.

{¶42} Having found no error prejudicial to Robert in the particulars assigned and argued, we affirm the trial court's judgment.

Judgment Affirmed

PRESTON and WILLAMOWSKI, J.J., concur.

/jlr