

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
OTTAWA COUNTY

In re A.G.

Court of Appeals No. OT-14-043

Trial Court No. 20630010

DECISION AND JUDGMENT

Decided: July 10, 2015

* * * * *

Lolita B., pro se.

Patrick G., pro se.

* * * * *

SINGER, J.

{¶ 1} Appellant, mother, appeals from a decision of the Ottawa County Juvenile Court denying her various motions. For the reasons that follow, we affirm.

{¶ 2} Appellant and appellee, father, have been divorced since 2001. For years they were involved in an extended, bitter custody dispute over their daughter. Each

parent absconded with her at some point, and she was once forcibly abducted from her mother. *See In re A.G.*, 139 Ohio St.3d 572, 2014-Ohio-2597, 13 N.E.3d 1146.

Ultimately, appellant was granted custody and appellee was granted unsupervised visitation. Their daughter, A.G., is now 20 years-old.

{¶ 3} The motions at issue in this appeal and their disposition are summarized below.

Appellant's motion for sanctions

{¶ 4} On December 26, 2013, the trial court issued a judgment entry ordering appellant to provide appellee with Internal Revenue Service form 8332¹ for tax year 2012. It stated: “[S]aid form shall bear her signature and shall be provided through the Ottawa County Juvenile Court. Upon receipt by the court, the deputy clerk shall forward said document to [appellee].”

{¶ 5} On March 7, 2014, appellee filed a motion for contempt alleging that appellant had failed to comply with the court's December order.

{¶ 6} On March 11, 2014, the court forwarded the form provided by appellant to appellee.

{¶ 7} On May 2, 2014, appellant filed a motion for sanctions against appellee alleging he maliciously filed his motion for contempt in an effort to harass her. The court found her motion for sanctions moot as appellee had withdrawn his motion for contempt a month earlier.

¹ Release/revocation of release of claim to exemption for child by custodial parent.

Appellant's motion to set aside June 17, 2013 court order

{¶ 8} On June 17, 2013, the court issued an order terminating appellee's child support. The court also ordered appellee to cease contact with his daughter, appellant and appellant's husband. The order stated that "contact" meant contact by any means including written, electronic, telephone, text messaging, email and social media. The court further ordered: [Appellee] will be permitted to author a final letter expressing his farewell to [A.G.], which letter will be delivered to and presented by the court for later disclosure to [A.G.]."

{¶ 9} In her motion to set aside the order pursuant to Civ.R. 60(B), appellant alleged that appellee has continuously violated the no contact order through filing motions with the court and contacting A.G.'s school. The trial court found that appellant had failed to present sufficient evidence to set aside the order.

Motion for a copy of exparte communications

{¶ 10} On May 2, 2014, appellant filed a motion for a copy of all exparte communications that appellee initiated with the court. The trial court cited the motion in its final judgment entry but did not address appellant's request.

Objection to notice of assignment motion to stay/dismiss

{¶ 11} On September 29, 2014, appellant filed this motion objecting to the court issuing a notice to A.G. to appear in chambers on October 3, 2014 so that she could receive appellee's farewell letter. In its final judgment entry, the court noted that A.G.,

19 years old and believed by the court to be attending college, failed to appear. The court stated:

{¶ 12} It is clear to this court, by the filings, actions and statements of [appellant] that [A.G.] has no intent of presenting herself to the court upon request for the sole purpose of handing to her the farewell letter. Although her unwillingness in this regard is unfortunate, this court will not issue a warrant compelling A.G. to do so. This simply needs to be concluded.

{¶ 13} The court then modified its prior order to direct A.G.'s counsel to deliver the letter to her, in person, and out of appellant's presence.

{¶ 14} Appellant now appeals setting forth the following assignments of error:

I. The trial court's summary of denial of sanctions against appellee, denial to set aside the June 17, 2013 court order, the failure to provide information of ex-parte communications between [appellee] and the court, and forcing an emancipated woman to receive a letter against her will constituted an abuse of discretion.

II. The trial court's summary of denial of sanctions against appellee, denial to set aside the June 17, 2013 court order, failure to provide information of ex-parte communications between [appellee] and the court, and forcing an emancipated woman to receive a letter against her will was against the manifest weight of the evidence.

{¶ 15} Appellant’s assignments of error will be addressed together. An abuse of discretion connotes that the trial court's decision was arbitrary, unreasonable, or unconscionable. *Blakemore v. Blakemore* (1983), 5 Ohio St.3d 217, 219, 450 N.E.2d 1140. “Judgments supported by some competent, credible evidence going to all the essential elements of the case will not be reversed by a reviewing court as being against the manifest weight of the evidence.” *C.E. Morris Co. v. Foley Constr. Co.*, 54 Ohio St.2d 279, 376 N.E.2d 578 (1978), paragraph one of the syllabus.

{¶ 16} Upon a review of the record in this case, we find that the trial court did not abuse its discretion in denying appellant’s motions. Moreover, we find that the court’s decisions were supported by competent, credible evidence. Appellee withdrew his motion for contempt, thus, appellant’s motion for sanctions was moot. Appellant offered nothing but unsubstantiated allegations that appellee had violated the no contact order, thus, the court correctly decided against setting aside the June 2013 judgment. As for her request for information regarding ex parte communications, the record does show that appellee frequently emailed the judge about the case. The record also shows that the judge, recognizing the impropriety of these contacts, provided copies of these file stamped emails to be distributed to both parties. Finally, appellant contends that it is an abuse of discretion for the trial court to force and emancipated woman to receive a letter. The court merely ordered the letter to be delivered to A.G. by her attorney. What she decides to do with the letter is entirely up to her. In light of the protracted history of this case, we find that the court’s order was a fair resolution.

{¶ 17} The parties have been involved in litigation over their daughter, who is now an adult, since 2009. To quote the trial court, albeit out of context, “[T]his simply needs to be concluded.” Appellant’s two assignments of error are found not well-taken.

{¶ 18} For the foregoing reasons, the judgment of the Ottawa County Court of Common Pleas, Juvenile Division, is affirmed. Appellant is ordered to pay the costs of this appeal pursuant to App.R. 24.

Judgment affirmed.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27.
See also 6th Dist.Loc.App.R. 4.

Mark L. Pietrykowski, J.

JUDGE

Arlene Singer, J.

JUDGE

Thomas J. Osowik, J.
CONCUR.

JUDGE

<p>This decision is subject to further editing by the Supreme Court of Ohio’s Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court’s web site at: http://www.sconet.state.oh.us/rod/newpdf/?source=6.</p>
