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SLIP OPINION NO. 2026-OHIO-4205

A.A., APPELLEE, *v.* S.P., APPELLANT.

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *A.A. v. S.P.*, Slip Opinion No. 2026-Ohio-4205.]

Civil procedure—Appeals—Civil protection orders—Failure to file objections under Civ.R. 65.1(G) does not deprive a court of appeals of jurisdiction over an appeal from a final civil-protection-order judgment, but a party that fails to file objections as required by Civ.R. 65.1(G) forfeits appellate review of an alleged error that could have been raised by objection—Civ.R. 65.1 does not preserve plain-error review for a magistrate's denial or granting of a civil protection order—Because appellant failed to file objections required by Civ.R. 65.1(G), he did not preserve the alleged trial-court errors for appellate review and may not invoke plain-error review as a substitute—Court of appeals' judgment affirmed as modified.

(Nos. 2025-1374 and 2025-1563—Submitted June 10, 2026—Decided October 28, 2026.)

APPEAL from and CERTIFIED by the Court of Appeals for Franklin County,

No. 24AP-639, 2025-Ohio-3081.

SHANAHAN, J., authored the opinion of the court, which KENNEDY, C.J., and DEWINE, DETERS, and HAWKINS, JJ., joined. BRUNNER, J., concurred, with an opinion joined by KENNEDY, C.J. FISCHER, J., concurred in part and dissented in part, with an opinion.

SHANAHAN, J.

{¶ 1} This case concerns whether a party's failure to file objections under Civ.R. 65.1(G) deprives a court of appeals of jurisdiction over an appeal from a trial court's judgment granting a civil protection order. After a magistrate conducted a full hearing and issued a civil stalking protection order against appellant, S.P., the Franklin County Court of Common Pleas adopted the magistrate's decision and entered a judgment granting a civil protection order in favor of appellee, A.A. S.P. did not file objections to the trial court's adoption of the protection order. Instead, he filed a notice of appeal to the Tenth District Court of Appeals. The Tenth District dismissed the appeal, concluding that because S.P. had failed to file objections under Civ.R. 65.1(G), it lacked jurisdiction to review the trial court's judgment. The Tenth District later certified a conflict among Ohio appellate districts concerning whether Civ.R. 65.1(G)'s objection requirement is jurisdictional. We answer the certified-conflict question in the negative. Failure to file objections under Civ.R. 65.1(G) does not deprive a court of appeals of jurisdiction over an appeal from a final civil-protection-order judgment. However, a party who fails to file objections as required by Civ.R. 65.1(G) forfeits appellate review of alleged errors that could have been raised by objection.

{¶ 2} We therefore affirm the Tenth District's judgment but modify that judgment to affirm the judgment of the Franklin County Court of Common Pleas reflecting that although jurisdiction existed, S.P. failed to preserve his right to

challenge on appeal the alleged trial-court errors because he did not comply with Civ.R. 65.1(G)'s objection requirement.

I. FACTS AND PROCEDURAL HISTORY

{¶ 3} A.A. filed a petition seeking a civil stalking protection order against S.P. in the Franklin County Court of Common Pleas. The trial court denied the request for ex parte relief and scheduled the matter for a full hearing. A magistrate conducted a full hearing. Following the hearing, the magistrate granted the requested protection order and issued a written decision.

{¶ 4} The trial court adopted the magistrate's decision and entered a civil stalking protection order under Civ.R. 65.1. S.P. did not file objections to the trial court's adoption of the protection order. Instead, he filed a notice of appeal. There is no dispute that S.P. failed to file objections before he submitted the notice of appeal. The Tenth District dismissed the appeal, concluding that because S.P. had failed to file objections under Civ.R. 65.1(G), it lacked jurisdiction to review the trial court's judgment. 2025-Ohio-3081, ¶ 6 (10th Dist.). The Tenth District subsequently certified a conflict to this court, finding that its decision conflicted with *Hill v. Ferguson*, 2022-Ohio-13 (1st Dist.), and *Danison v. Blinco*, 2019-Ohio-2767 (3d Dist.), and submitted the following question for our review:

> When a party fails to comply with the objection requirement in Civ.R. 65.1(G), does an appellate court lack jurisdiction over the party's appeal?

2026-Ohio-156.

{¶ 5} We recognized that a conflict exists, accepted S.P.'s discretionary appeal,[1] and sua sponte consolidated the jurisdictional appeal and certified-conflict

1. A.A. did not file a merit brief in this court.

case. *Id.* In his discretionary appeal, S.P. raises constitutional and statutory challenges to Civ.R. 65.1 and argues that the court of appeals erred in dismissing his appeal after he failed to file objections to the trial court's adoption of the protection order. Because the certified-conflict question and the accepted proposition of law both concern the effect of Civ.R. 65.1(G)'s objection requirement on appellate review, and resolution of the certified conflict resolves the jurisdictional issue that is dispositive of this appeal, we address the certified-conflict question and the discretionary appeal together.

II. ANALYSIS

{¶ 6} This appeal requires us to consider three related but separate questions. First, does a party's failure to file objections under Civ.R. 65.1(G) deprive a court of appeals of jurisdiction over an appeal from a final civil-protection-order judgment? Second, if the court of appeals is not deprived of jurisdiction, does the party's failure to object nevertheless preclude appellate review of the alleged errors? Third, may a party who failed to object obtain review of the alleged errors under the plain-error doctrine? We address each question in turn.

{¶ 7} Civ.R. 65.1 governs specified civil-protection-order proceedings. While most magistrate proceedings are governed by Civ.R. 53, Civ.R. 65.1(F) establishes procedures specifically for civil-protection-order proceedings that are referred to magistrates. After a magistrate conducts a full hearing on a petition for a civil protection order, the trial court may adopt, modify, or reject the magistrate's ruling, Civ.R. 65.1(F)(3)(c), and the trial court's order is immediately effective, Civ.R. 65.1(F)(3)(c)(v), and constitutes a final, appealable order, Civ.R. 65.1(G). Civ.R. 65.1(G) also provides that "a party must timely file objections . . . prior to filing an appeal."

A. The Court of Appeals Had Jurisdiction Over S.P.'s Appeal

{¶ 8} We start by answering the certified-conflict question in the negative. A party's failure to comply with Civ.R. 65.1(G)'s objection requirement does not deprive a court of appeals of jurisdiction over an appeal from a final civil-protection-order judgment.

{¶ 9} Article IV, Section 3(B)(2) of the Ohio Constitution grants courts of appeals jurisdiction to review judgments or final orders of inferior courts. That jurisdiction extends to orders that qualify as final under R.C. 2505.02. Once a trial court enters a final order, a court of appeals possesses appellate jurisdiction over reviewing that order.

{¶ 10} Civ.R. 65.1(G) expressly states that an order entered under Civ.R. 65.1(F)(3)(c) is a "final, appealable order." The rule then provides: "However, a party *must* timely file objections to such an order under [Civ.R. 65.1(F)(3)(d)] prior to filing an appeal." (Emphasis added.) Although the rule requires a party to file objections before filing an appeal, "'not every requirement, even if mandatory, is jurisdictional in nature,'" *Smith v. May*, 2020-Ohio-61, ¶ 31, quoting *Pryor v. Dir., Dept. of Job & Family Servs.*, 2016-Ohio-2907, ¶ 15. In determining whether a requirement is jurisdictional, we distinguish between a court's jurisdiction to hear a case and the legal authority governing the parties' ability to obtain relief. *See Schlegel v. Sweeney*, 2022-Ohio-3841, ¶ 13-15.

{¶ 11} Although Civ.R. 65.1(G) requires a party to file objections before filing an appeal, that requirement does not alter the rule's express designation of the trial court's judgment as a "final, appealable order." Nor does the rule expressly deprive a court of appeals of jurisdiction when a party fails to file objections. *See* Ohio Const., art. IV, § 3(B)(2); R.C. 2505.02(B). Accordingly, once a trial court has adopted a magistrate's decision and entered a civil-protection-order judgment, it has entered a final, appealable order over which a court of appeals possesses jurisdiction upon the filing of a notice of appeal.

{¶ 12} Several appellate districts have distinguished between appellate jurisdiction and preservation of error for appellate review. The First District Court of Appeals concluded that because Civ.R. 65.1(G) expressly designates a civil-protection-order judgment as final and appealable, the objection requirement is mandatory but not jurisdictional. *Hill*, 2022-Ohio-13, at ¶ 11-12 (1st Dist.). Likewise, the Third District Court of Appeals concluded that a party's failure to file objections under Civ.R. 65.1(G) does not alter the finality of a judgment granting or denying a civil protection order or deprive the appellate court of jurisdiction over that judgment; rather, the party's failure to object affects whether the party preserved issues for review. *Danison*, 2019-Ohio-2767, at ¶ 7-9 (3d Dist.). The Eighth District Court of Appeals likewise concluded that Civ.R. 65.1(G)'s objection requirement is not jurisdictional, because the rule expressly provides that an order entered under Civ.R. 65.1(F)(3)(c) is a final, appealable order. *M.W. v. D.M.*, 2018-Ohio-392, ¶ 4 (8th Dist.).

{¶ 13} The Tenth District reached the opposite conclusion, holding that a party's failure to object in compliance with Civ.R. 65.1(G) requires dismissal of the appeal for lack of jurisdiction. *See L.F.W. v. M.H.*, 2025-Ohio-1513, ¶ 11 (10th Dist.); *M.Y. v. Dailey*, 2024-Ohio-1757, ¶ 14 (10th Dist.); *E.E.B. v. W.S.*, 2020-Ohio-765, ¶ 6 (10th Dist.).

{¶ 14} We agree with the First, Third, and Eighth Districts that Civ.R. 65.1(G)'s objection requirement is not jurisdictional. As those courts have recognized, the rule expressly provides that a trial court's civil-protection-order judgment is a final, appealable order. A party's failure to comply with the rule's objection requirement does not alter the finality of that judgment or divest a court of appeals of jurisdiction. The Tenth District therefore erred in dismissing S.P.'s appeal for lack of jurisdiction.

B. Although the Court of Appeals Had Jurisdiction, S.P. Did Not Preserve His Right to Challenge on Appeal the Alleged Trial-Court Errors

{¶ 15} That the court of appeals possessed jurisdiction over S.P.'s appeal does not end the inquiry. The trial court entered a final judgment and the court of appeals therefore possessed authority to review and dispose of the appeal. But appellate jurisdiction over a judgment does not relieve a party of the obligation to preserve alleged errors for appellate review. *See State v. Rogers*, 2015-Ohio-2459, ¶ 21.

{¶ 16} Civ.R. 65.1(G) requires a party to timely file objections to the civil-protection-order judgment before filing an appeal. The timely filing of objections stays the running of the time for appeal until the filing of the court's ruling on the objections, *id.*, which affords the trial court the first opportunity to correct any factual, evidentiary, or legal errors before the case proceeds to appellate review.

{¶ 17} The First and Third Districts recognized that distinction in materially similar circumstances to those here. In *Hill*, 2022-Ohio-13 (1st Dist.), and *Danison*, 2019-Ohio-2767 (3d Dist.), the appellants sought review of civil-protection-order judgments without first filing the objections required by Civ.R. 65.1(G). Both appellate districts held that the appellants' failures to object did not deprive the appellate court of jurisdiction, because the underlying order was final and appealable. *Hill* at ¶ 11-12; *Danison* at ¶ 7. But both courts also concluded that the failure to object prevented consideration of alleged errors that had not been preserved. *Hill* at ¶ 12-13; *Danison* at ¶ 8-9. We agree. Civ.R. 65.1(G)'s objection requirement is a mandatory rule of preservation, not a limitation on the subject-matter jurisdiction of the courts of appeals. S.P.'s failure to file objections therefore did not deprive the Tenth District of jurisdiction over his appeal but did leave unpreserved his right to challenge on appeal the alleged trial-court errors.

{¶ 18} S.P. urges us to follow the Eighth District's holding in *M.W.*, in which the court concluded that a party's failure to file objections under Civ.R.

65.1(G) before filing an appeal did not affect the court of appeals' jurisdiction over the appeal but, rather, resulted in a procedural defect in the appeal that the opposing party could forfeit by failing to raise, 2018-Ohio-392, at ¶ 7 (8th Dist.). Because the appellee in *M.W.* had not raised the appellant's failure to object as a procedural defect, the court proceeded to address the assignments of error. *Id.* We disagree with that approach. Civ.R. 65.1(G) expressly requires a party to timely file objections before filing an appeal. That requirement serves to preserve the party's right to challenge alleged errors on appeal, and the court of appeals' ability to deny review of the alleged errors does not depend on whether the opposing party raises the issue.

{¶ 19} S.P. also argues that enforcing Civ.R. 65.1(G)'s objection requirement in this case violates his due-process rights because the notice he received accompanying the civil-protection-order judgment described the order as final and appealable without expressly warning him that he must first file objections to preserve issues for appeal. We are not persuaded. Civ.R. 65.1(G) expressly provides that a party "must timely file objections . . . prior to filing an appeal." The absence of an additional notification accompanying the judgment does not alter the rule's mandatory terms or excuse a party's failure to comply with them. Although the Third District in *Danison* expressed concern about the form's lack of a conspicuous warning, it nevertheless enforced Civ.R. 65.1(G) and declined to consider the appellant's unpreserved arguments. *Danison* at ¶ 9, fn. 1.

C. Civ.R. 65.1 Does Not Permit Plain-Error Review as a Substitute to Evaluate the Alleged Trial-Court Errors

{¶ 20} S.P. argues that the trial court's alleged errors are reviewable under plain-error review. Plain-error review is expressly authorized in criminal cases. *See* Crim.R. 52(B). Although certain civil rules expressly provide for plain-error review in specific circumstances, *see, e.g.*, Civ.R. 53(D)(3)(b)(iv), we have emphasized that, outside those circumstances, the doctrine applies "only in the

extremely rare case involving exceptional circumstances" that "seriously affect[] the basic fairness, integrity, or public reputation of the judicial process, thereby challenging the legitimacy of the underlying judicial process itself," *Goldfuss v. Davidson*, 1997-Ohio-401, syllabus. That limitation in civil cases reflects the necessity of enforcing procedural rules and requiring parties to raise alleged errors when the trial court has an opportunity to correct them. *See id.* at ¶ 26.

{¶ 21} The Rules of Civil Procedure expressly preserve plain-error review when a party fails to object to a magistrate's decision. *See* Civ.R. 53(D)(3)(b)(iv) ("Except for a claim of plain error, a party shall not assign as error on appeal the court's adoption of any factual finding or legal conclusion . . . unless the party has objected to that finding or conclusion . . . .").

{¶ 22} Civ.R. 65.1 contains no comparable language. Instead, it provides only that a party "must timely file objections" before filing an appeal. The omission of a plain-error exception is significant—while Civ.R. 53(D)(3)(b)(iv) preserves plain-error review of a magistrate's finding or conclusion, Civ.R. 65.1 does not preserve that review for a magistrate's denial or granting of a civil protection order. *See Curry v. Bettison*, 2023-Ohio-1911, ¶ 63-68 (2d Dist.) (reasoning from the textual distinction between Civ.R. 53 and Civ.R. 65.1 that plain-error review should not be applied in cases involving Civ.R. 65.1).

{¶ 23} We decline to read into Civ.R. 65.1 an exception that its text does not contain. Because Civ.R. 65.1 does not authorize plain-error review as a substitute to evaluate the alleged trial-court errors S.P. could have timely raised as objections, he may not invoke that doctrine to obtain review of alleged errors he failed to preserve.

III. CONCLUSION

{¶ 24} The Tenth District had jurisdiction over S.P.'s appeal from the final civil-protection-order judgment. However, because S.P. failed to file the objections required by Civ.R. 65.1(G), he did not preserve the alleged trial-court errors for

appellate review and may not invoke plain-error review as a substitute to evaluate those alleged errors that he could have raised as objections. Accordingly, we affirm the judgment of the Tenth District Court of Appeals but modify that judgment to affirm the judgment of the Franklin County Court of Common Pleas reflecting that although jurisdiction existed, S.P. failed to preserve his right to challenge on appeal the alleged trial-court errors because he did not comply with Civ.R. 65.1(G)'s objection requirement.

Judgment affirmed as modified.

BRUNNER, J., joined by KENNEDY, C.J., concurring.

{¶ 25} I agree with the court's holding that a party's failure to file objections to a civil protection-order judgment does not deprive a court of appeals of jurisdiction to hear an appeal from that judgment. The failure to file such objections does, however, waive any alleged errors that could have been raised by filing the objections in accordance with Civ.R. 65.1(F)(3)(d). In my view, courts should ensure that pro se litigants such as appellant, S.P., can more easily understand the consequences of failing to file such objections.

{¶ 26} In this case, the magistrate's decision, which was adopted by the court, included the following language:

> All objections and/or appeals may be made pursuant to the Civil Rules of Procedure as applies to civil protection orders under Civ. Rule 65.1. Copies of the foregoing Order, which is a final appealable order, was/were served on the parties indicated below pursuant to Civil Rule 65.1.

Franklin C.P. No. 24 CV 3578, 19 (Aug. 20, 2024).

{¶ 27} The protection-order form issued by the trial court—a form similar

to this court's standardized protection-order form—included a bold, conspicuous notice warning S.P. about the import of the order on his future conduct and notifying him that the order was final and appealable. However, S.P. and other pro se litigants do not receive explicit notice that under Civ.R. 65.1(G), the failure to file objections to the magistrate's order waives those objections on appeal. Although the court-adopted magistrate's decision pointed S.P. in the direction of Civ.R. 65.1 with "may" language, a simple sentence added to the court-adopted magistrate's decision or to the protection order's "Notice of Final Appealable Order" box could assist pro se litigants such as S.P. in understanding his procedural rights and responsibilities to litigate the issues that might later land him before a court with potential jail time.

{¶ 28} The requirement that a litigant file objections to a final civil protection order before instituting an appeal was added to Civ.R. 65.1(G) in 2016 with the goals of (1) "promot[ing] the fair administration of justice, including affording the trial court an opportunity to review the transcript and address any insufficiency of evidence or abuse of discretion that would render the order or a term of the order unjust" and (2) "creat[ing] a more robust record upon which the appeal may proceed." 2016 Staff Note to Civ.R. 65.1(G), 146 Ohio St.3d CVI-CVII. Civ.R. 65.1(F) provides litigants with a method to seek the trial court's review of the civil-protection-order judgment, and such a review is often speedier or more accessible than an appellate-court review. *See* 2012 Staff Note to Civ.R. 65.1(F), 131 Ohio St.3d CLIII. If the goal of Civ.R. 65.1(F) and (G) is to assist courts and litigants, civil-protection-order judgments and forms should include a conspicuous notice regarding the potential consequence of a party's failure to file objections in the trial court before instituting an appeal. This could be done in the same manner that litigants are notified of a similar forfeiture issue under Civ.R. 53. *See* Civ.R. 53(D)(3)(a)(iii) (requiring a magistrate's decision to "indicate conspicuously" the consequences on appeal for a party's failure to timely object).

Our forms should be revised, and in the meantime, courts should include conspicuous language notifying the parties of Civ.R. 65.1(G)'s requirement that they "must timely file objections . . . prior to filing an appeal."

FISCHER, J., concurring in part and dissenting in part.

{¶ 29} I agree with the majority that a party who failed to file objections under Civ.R. 65.1(F)(3) cannot raise plain-error arguments on appeal. I disagree, however, with the majority's answer to the certified-conflict question as to whether an appellate court has jurisdiction under Civ.R. 65.1(G) when the appealing party failed to file objections in the trial court. I would answer the certified-conflict question in the affirmative and hold that the failure to file objections under Civ.R. 65.1(F)(3)(d) operates as a jurisdictional bar to an appeal under Civ.R. 65.1(G). Therefore, I would simply affirm the Tenth District Court of Appeals' dismissal of appellant S.P.'s appeal in this case.

{¶ 30} Civil-protection-order cases referred to magistrates under Civ.R. 65.1 proceed in a fundamentally different manner than other civil cases referred to magistrates under Civ.R. 53. For example, while Civ.R. 53(D)(2)(b) permits a party to file a motion to set aside a magistrate's order and Civ.R. 53(D)(3)(a)(ii) permits a party to file a request for findings of fact and conclusions of law, a magistrate's denial or granting of a protection order after a full hearing under Civ.R. 65.1(F)(3) is not subject to a motion to set aside or to a request for findings of fact and conclusions of law. *See* Civ.R. 65.1(F)(3)(b) ("A magistrate's denial or granting of a protection order after full hearing . . . does not constitute a magistrate's order or a magistrate's decision under Civ.R. 53(D)(2) or (3) and is not subject to the requirements of those rules.").

{¶ 31} Furthermore, under Civ.R. 53(D)(4)(e)(i), the timely filing of objections to a magistrate's decision operates as an automatic stay, but under Civ.R. 65.1(F)(3) a court's adoption, modification, or rejection of a magistrate's denial or

granting of a protection order is not automatically stayed by the filing of objections. *See* Civ.R. 65.1(F)(3)(c)(iv) ("A court's adoption, modification, or rejection of a magistrate's denial or granting of a protection order after a full hearing . . . does not constitute a judgment or interim order under Civ.R. 53(D)(4)(e) and is not subject to the requirements of that rule.").

{¶ 32} In other words, once a magistrate enters a decision under Civ.R. 65.1(F)(3), the matter proceeds directly to the trial court for its review. Once the trial court conducts its review and issues an order either adopting, modifying, or rejecting the magistrate's denial or granting of a protection order, the trial court's order is effective. Civ.R. 65.1(F)(3)(c)(v).

{¶ 33} That's not to say that parties have no right to object to a decision entered under Civ.R. 65.1(F)(3). "A party may file written objections to a court's adoption, modification, or rejection of a magistrate's denial or granting of a protection order after a full hearing, or any terms of such an order, within fourteen days of the court's filing of the order. If any party timely files objections, any other party may also file objections not later than ten days after the first objections are filed." Civ.R. 65.1(F)(3)(d)(i). Again, however, the filing of objections will not stay the execution of the trial court's order. Civ.R. 65.1(F)(3)(d)(ii).

{¶ 34} That brings us then to Civ.R. 65.1(G), which states: "Notwithstanding the provisions of any other rule, an order entered by the court under division (F)(3)(c) . . . of this rule is a final, appealable order. *However*, a party *must* timely file objections to such an order under division (F)(3)(d) of this rule *prior to filing an appeal*, and the timely filing of such objections shall stay the running of the time for appeal until the filing of the court's ruling on the objections." (Emphasis added.)

{¶ 35} According to the majority, a party need not comply with the plain language in Civ.R. 65.1(G) and may file an appeal without having timely filed objections. The majority justifies its interpretation of the rule by focusing

exclusively on the first sentence of Civ.R. 65.1(G), which provides that a trial court's order issued under Civ.R. 65.1(F)(3)(c) "is a final, appealable order." The majority ignores that the second sentence of Civ.R. 65.1(G) begins with the word "however," which plainly places a condition on the first sentence. "'To interpret court rules, this court applies general principles of statutory construction. . . . Therefore, we must read undefined words or phrases in context and then construe them according to rules of grammar and common usage.' If a court rule is unambiguous, we apply it as written." (Ellipsis added in *Erwin*.) *Erwin v. Bryan*, 2010-Ohio-2202, ¶ 22, quoting *State ex rel. Law Office of Montgomery Cty. Pub. Defender v. Rosencrans*, 2006-Ohio-5793, ¶ 23. "'However' can signal a contrast in the sense of 'on the other hand' or 'but.'" *State ex rel. Howard v. Chief Inspector's Office*, 2026-Ohio-1428, ¶ 72 (Kennedy, C.J., concurring in part and dissenting in part), quoting *Webster's Third New International Dictionary* (2002). So while the first sentence of Civ.R. 65.1(G) provides that a trial-court order entered under Civ.R. 65.1(F)(3)(c) is a "final, appealable order," the second sentence plainly limits the term "appealable" to require a party to timely file objections before filing an appeal. The majority reasons that Civ.R. 65.1(G) does not "expressly deprive a court of appeals of jurisdiction when a party fails to file objections." Majority opinion, ¶ 11. But the appealability of an order is a jurisdictional requirement that must be met before the order may be reviewed by an appellate court. *Noble v. Colwell*, 44 Ohio St.3d 92, 94 (1989); *see, e.g.*, *In re Special Grand Jury Investigation*, 2018-Ohio-760, ¶ 6 (10th Dist.), citing *State v. Boschulte*, 2003-Ohio-1276, ¶ 4 (10th Dist.) ("If a judgment is not a final, appealable order, then an appellate court has no jurisdiction to review the matter, and it must be dismissed."). What Civ.R. 65.1(G) means when read in total and in the context of the broader rule is that an order entered by a trial court after a full hearing under Civ.R. 65.1(F)(3)(c) is a valid, final order, but it is not appealable unless timely objections have been filed under Civ.R. 65.1(F)(3)(d) and ruled on in

the trial court. *See State ex rel. DeDonno v. Mason*, 2010-Ohio-4903, ¶ 5 (8th Dist.) (recognizing "the apparent anomaly under Ohio law that a decision may be final, but not appealable").

{¶ 36} Article IV, Section 5(B) of the Ohio Constitution, the Modern Courts Amendment, gives this court authority to "prescribe rules governing practice and procedure in all courts of the state," which includes rules governing the timing of appeals as laid out in the Ohio Rules of Civil Procedure and the Ohio Rules of Appellate Procedure. "Procedural rules promulgated pursuant to the Modern Courts Amendment supersede conflicting statutes that affect procedural matters . . . ." *Havel v. Villa St. Joseph*, 2012-Ohio-552, ¶ 2. These procedural rules must "not abridge, enlarge, or modify any substantive right," Ohio Const. art. IV,§ 5(B), but Civ.R. 65.1, like Civ.R. 54(B), is "purely procedural" and "does not affect either the substantive right to appeal or the merits of the claims," *Alexander v. Buckeye Pipe Line Co.*, 49 Ohio St.2d 158, 159 (1977). Civ.R. 65.1(G) does not deprive a party of an appeal, because a party who is dissatisfied with a magistrate's denial or granting of a protection order may file objections with the trial court and under division (G), the filing of objections stays the running of the time for filing an appeal.

{¶ 37} Under the majority's holding on the certified-conflict question, appellate courts cannot dismiss a party's appeal for lack of jurisdiction under Civ.R. 65.1(G) when the appealing party has failed to file objections, but, paradoxically, appellate courts also cannot consider any of the appealing party's arguments. The majority's rule requires the parties and the appellate court to proceed through the phases of briefing and oral argument when, all the while, the appellate court is powerless to do anything with the judgment on appeal except affirm it because the appealing party failed to file objections. It seems to me that the dismissal of an appeal for failure to comply with Civ.R. 65.1(G) at the earliest opportunity would prevent any futile prolonging of the resolution of these civil-protection-order cases,

which is precisely what Civ.R. 65.1 was designed to do. Dismissal would also serve the interests of judicial economy.

{¶ 38} Therefore, because S.P. failed to file objections under Civ.R. 65.1(F)(3)(d), I would hold that the Tenth District Court of Appeals correctly dismissed S.P.'s appeal for lack of a final, appealable order under Civ.R. 65.1(G). I would affirm the Tenth District's judgment, but I would not modify the judgment as the majority does. Therefore, I respectfully concur in part and dissent in part.

S.P., pro se.