[Cite as *Schreiber v. Robinson*, 2026-Ohio-3169.]

IN THE COURT OF APPEALS OF OHIO
ELEVENTH APPELLATE DISTRICT
LAKE COUNTY

VICTORIA SCHREIBER, Plaintiff-Appellant, - vs - ANDRE ROBINSON, Defendant-Appellee.	**CASE NO. 2026-L-0012** Civil Appeal from the Court of Common Pleas, Juvenile Division Trial Court No. 2018 SE 01058

OPINION AND JUDGMENT ENTRY

Decided: August 17, 2026
Judgment: Affirmed in part and reversed in part; remanded

Bradley Hull, IV, Cavitch, Familo & Durkin Co., L.P.A., 1300 East Ninth Street, 20th Floor, Cleveland, OH 44114 (For Plaintiff-Appellant).

Andre Robinson, pro se, 103 Columbia Street, Unit 4312, Augusta, GA, 30906 (Defendant-Appellee).

JOHN J. EKLUND, J.

{¶1} Appellant, Victoria Schreiber (n.k.a. Victoria Hilditch), appeals the judgment of the Lake County Court of Common Pleas, Juvenile Division, granting in part and overruling in part her objections to the magistrate's decision regarding the child support obligations of Appellee, Andre Robinsion ("Robinson").

{¶2} Appellant raises four assignments of error, arguing that (1) Lake County Job and Family Services ("LCJFS") had no jurisdiction to modify the health insurance obligor in the trial court's prior child support order; (2) the trial court erred by denying Appellant's

motions for a directed verdict; (3) the trial court erred by taxing costs to Appellant; and (4) the trial court erred by making technical errors in its judgment entry.

{¶3} Having reviewed the record and the applicable law, we find that Appellant's first and second assignments of error lack merit. Since the trial court did not modify the health insurance obligor, any error involving LCJFS's alleged lack of jurisdiction is moot or harmless. Further, R.C. 3119.63 and 3119.73 expressly required LCJFS to consider who should be the child's health insurance obligor.

{¶4} Appellant's third assignment of error has merit in part. The trial court abused its discretion in assessing all costs of the action against Appellant. The court had discretion to order Appellant to pay her own costs but not Robinson's.

{¶5} Appellant's fourth assignment of error also has merit in part. The trial court abused its discretion by failing to correct two clerical mistakes in the record. The third challenged item, however, involved a legal decision and could not be corrected as a clerical mistake.

{¶6} Therefore, we affirm in part and reverse in part the judgment of the Lake County Court of Common Pleas, Juvenile Division, and remand for further proceedings.

Substantive and Procedural History

{¶7} The underlying matter began on August 28, 2018, when Appellant filed a complaint against Robinson in the Lake County Court of Common Pleas, Juvenile Division. Appellant requested that Robinson be ordered to pay child support and arrearage with respect to the parties' minor child born in 2015.

{¶8} On April 22, 2019, the matter was tried to the magistrate. On June 20, 2019, the trial court filed a child support order. Among other things, the trial court ordered

Robinson to pay certain sums in child support and arrears, and Appellant was ordered to continue providing health insurance for the child.

{¶9} Robinson filed motions in the trial court to modify his support obligations in September 2019, April 2020, and October 2020. Robinson withdrew the first two motions. The third motion was tried to the magistrate in October 2021. On December 13, 2021, the trial court filed a judgment entry that modified the amounts of Robinson's support obligations. The judgment entry did not modify Appellant's status as the health insurance obligor.

{¶10} The proceedings underlying the instant appeal began in late 2024 or early 2025, when Robinson requested that LCJFS conduct an administrative review of the child support order.

{¶11} On January 28, 2025, LCJFS issued an Administrative Adjustment Recommendation pursuant to R.C. 3119.60 through 3119.71. Among other things, LCJFS recommended that Robinson, instead of Appellant, be named as the health insurance obligor.

{¶12} On February 11, 2025, Appellant filed a request for a hearing in the trial court.

{¶13} The matter was tried to the magistrate on July 25, 2025, and October 10, 2025. At both the start and end of trial, Appellant moved for a directed verdict on the ground that CSEA did not have jurisdiction to modify the health insurance obligor in the child support order. The magistrate denied Appellant's motions.

{¶14} On October 16, 2025, the magistrate filed a decision. Among other things, the magistrate found that it was not in the child's best interest to change the health

insurance obligor. On the same day, the trial court filed a judgment entry adopting the magistrate's decision. Both the magistrate's decision and the judgment entry assessed "[t]he cost of th[e] action" to Appellant to be paid within 30 days. On October 17, 2025, the trial court issued a cost bill to Appellant in the amount $16.43.

{¶15} On October 31, 2025, Appellant filed preliminary objections to the magistrate's decision. Appellant objected to the following: (1) the magistrate's denial of her motions for a directed verdict; (2) the magistrate's finding that LCJFS had jurisdiction to recommend an administrative modification of the child support order; (3) the magistrate's finding that LCJFS could recommend an administrative modification of a court child support order regarding which party is the health insurance obligor; (4) the magistrate's reduction of Robinson's arrearage obligation from a 30% to a 20% rate of collection; (5) the magistrate's finding that Appellant pay all court costs; (6) the magistrate's finding that the matter was brought "pursuant to a Complaint and or Motion regarding Objections to an Administrative Support Order"; and (7) the magistrate's finding that "*Defendant* made Motions for Direct Verdict." (Emphasis added.).

{¶16} On December 30, 2025, Appellant filed supplemental objections and cited portions of the trial transcript.

{¶17} On January 16, 2026, the trial court filed a judgment entry sustaining in part and overruling in part Appellant's objections. The trial court determined that "[a]s there was no modification filed, the arrears shall continue to be collected at the 30% rate." The court overruled Appellant's remaining objections.

{¶18} On January 27, 2026, the trial court scheduled a hearing on Appellant's failure to pay court costs.

{¶19} On February 13 and 17, 2026, Appellant filed identical motions for sanctions and attorney fees against Robinson for frivolous conduct pursuant to R.C. 2323.51, which the trial court denied on February 23, 2026.

{¶20} On February 13, 2026, Appellant timely appealed the trial court's January 16, 2026 judgment entry.[1]

{¶21} On February 20, 2026, Appellant filed a motion to stay the hearing on her failure to pay court costs, which the magistrate granted by order filed on February 23, 2026.

{¶22} On February 26, 2026, Appellant filed a motion for a nunc pro tunc judgment entry, which the trial court denied the same day.

{¶23} Appellant raises four assignments of error. Appellee did not file an answer brief.

Standard of Review

{¶24} Appellant's assignments of error involve the trial court's actions with respect to the magistrate's decision. The trial court's judgment regarding whether to adopt, reject, or modify a magistrate's decision is reviewed for abuse of discretion. *Coliadis v. Holko Enercon, Inc.*, 2016-Ohio-8522, ¶ 18 (11th Dist.). An abuse of discretion is the trial court's "'failure to exercise sound, reasonable, and legal decision-making.'" *State v. Beechler*, 2010-Ohio-1900, ¶ 62 (2d Dist.), quoting *Black's Law Dictionary* (8th Ed. 2004).

LCJFS's Jurisdiction

{¶25} Appellant's first and second assignments of error are related; therefore, we review them together.

1. On July 29, 2026, this Court granted Appellant's Amended Motion to Correct the Record to indicate that Appellant filed her notice of appeal and related documents on February 13, 2026.

{¶26} Appellant's first assignment of error states: "[LCJFS] Had No Jurisdiction to Modify the Health Insurance Obligor."

{¶27} Appellant's second assignment of error states: "The Trial Court committed reversible error in denying [Appellant's] Motion for Directed Verdict."

{¶28} In her first assignment of error, Appellant argues that the trial court erred in finding that LCJFS, through its child support enforcement agency ("CSEA"), had jurisdiction to modify the health insurance obligor in the trial court's prior child support order. In her second assignment of error, Appellant argues that the trial court erred by overruling her motion for a directed verdict based on LCJFS's alleged lack of jurisdiction.

{¶29} Civ.R. 61 provides, in relevant part, that

> no error or defect in any ruling or order or in anything done or omitted by the court . . . is ground . . . for setting aside a verdict or for vacating, modifying or otherwise disturbing a judgment or order, unless refusal to take such action appears to the court inconsistent with substantial justice. The court at every stage of the proceeding must disregard any error or defect in the proceeding which does not affect the substantial rights of the parties.

{¶30} Here, the trial court agreed with Appellant's substantive position at trial and did not modify the health insurance obligor in the child support order; therefore, any error with respect to the denial of Appellant's motion for a directed verdict is moot or harmless. *See Paul Davis Restoration of Cleveland Metro West v. Karaman*, 2005-Ohio-4017, ¶ 37 (8th Dist.); *Kluss v. Alcan Aluminum Corp.*, 106 Ohio App.3d 528, 536 (8th Dist. 1995).

{¶31} Even if we reviewed the issue, however, Appellant's argument would lack merit. R.C. 3119.60 provides that a parent may request that CSEA review a "child support order in accordance with the rules adopted pursuant to" R.C. 3119.76. The term "child support order" in R.C. Ch. 3119 means "either a court child support order or an administrative child support order." R.C. 3119.01(B)(2).

{¶32} R.C. 3119.63 sets forth the requirements for CSEA's review of a "court child support order." Among other requirements, the statute requires CSEA to "[c]alculate a revised child support computation worksheet and issue a child support recommendation under the court child support order . . . ." R.C. 3119.63(A). R.C. 3119.73 provides that "[i]n calculating a revised amount of child support to be paid" under R.C. 3119.63, CSEA "shall consider," among other factors, "[t]he appropriate person, whether it is the obligor, obligee, or both, to be required to provide health insurance coverage for the" child. R.C. 3119.73(A)(1).

{¶33} Contrary to Appellant's assertion, CSEA's express statutory authority does not conflict with the trial court's authority under R.C. 3119.30. R.C. 3119.30(A) provides, in relevant part:

> In any action or proceeding in which a child support order is issued or modified, the court, with respect to court child support orders, . . . shall determine the person or persons responsible for the health care coverage of the children subject to the child support order and shall include provisions for the health care coverage of the children in the child support order.

{¶34} R.C. 3119.30(A) indicates that the trial court ultimately determines the health insurance obligor. By contrast, CSEA is statutorily-required to "consider" who should be the health insurance obligor and to issue a "child support recommendation." Therefore, we see no conflict.

{¶35} Appellant's first and second assignments of error are without merit.

Costs

{¶36} Appellant's third assignment of error states: "The Trial Court Committed Reversible Error in Taxing Court Costs to [Appellant]."

{¶37} Appellant argues that she was the prevailing party; therefore, the trial court should not have assessed her any costs. We agree with Appellant in part.

{¶38} Civ.R. 54(D) provides, "Except when express provision therefor is made either in a statute or in these rules, costs shall be allowed to the prevailing party *unless the court otherwise directs*." (Emphasis added.) The Supreme Court of Ohio has explained that Civ.R. 54(D) "is not a grant of absolute right for court costs to be allowed to the prevailing party . . . ." *State ex rel. Gravill v. Fuerst*, 24 Ohio St.3d 12, 13 (1986). The Court has held that the phrase "'unless the court otherwise directs' grants the court discretion to order that the prevailing party bear all or part of his or her own costs." *Vance v. Roedersheimer*, 1992-Ohio-24, ¶ 11. However, the phrase does not "empower[ ] the court to award costs to a non-prevailing party." *Id*.

{¶39} "'Costs are generally defined as the statutory fees to which officers, witnesses, jurors and others are entitled for their services in an action *and* which the statutes authorize to be taxed and included in the judgment.'" (Emphasis in original.) *Williamson v. Ameritech Corp.*, 1998-Ohio-347, ¶ 6, quoting *Benda v. Fana*, 10 Ohio St.2d 259 (1967), paragraph one of the syllabus.

{¶40} "A prevailing party is the party 'who successfully prosecutes the action or successfully defends against it, prevailing on the main issue, even though not necessarily to the extent of his original contention. The one in whose favor the decision or verdict is rendered and judgment entered.'" (Emphasis deleted.) *Wigglesworth v. St. Joseph Riverside Hosp.*, 143 Ohio App.3d 143, 150 (11th Dist. 2001), quoting *Woyma v. Johnson*, 1994 WL 638493 (11th Dist. Nov. 16, 1994).

{¶41} As stated, the trial court assessed "the cost of th[e] action" to Appellant. Although Appellant was the prevailing party, the trial court had discretion to order her to pay her own costs. The trial court did not have discretion to award costs to Robinson. However, it appears the trial court effectively did so by assessing costs solely against Appellant. Accordingly, the trial court erred.

{¶42} Appellant's third assignment of error has merit in part.

Technical Errors

{¶43} Appellant's fourth assignment of error states: "The Trial Court Committed Reversible Error in Making Technical Errors in its Judgment Entry."

{¶44} Appellant argues that the trial court erred by failing to correct three "technical" errors. Although Appellant's assignment of error references the court's judgment entry, her argument focuses on the magistrate's decision. First, Appellant challenges the magistrate's finding that the matter came before it "pursuant to a complaint/motion regarding: . . . Objection to Administrative Support Order." According to Appellant, "[t]he matter was brought pursuant to an Administrative Appeal, Request for an Administrative Adjustment Hearing, filed by Victoria Hilditch on February 11, 2025." Second, Appellant challenges the magistrate's finding that "Defendant" (i.e., Robinson), instead of Appellant, moved for a directed verdict at trial. As a third "technical" error, Appellant challenges the following:

> The finding of the Magistrate, upheld by the Trial Court, that the Court could not or should not consider the increase in Father's income, and that for this to be modified, the parties must file a Motion to Modify or reach an agreement. This juxtaposes with the Magistrate's implicit finding that the Court could and should consider (and even grant) a modification to Andre Robinson's JFS arrearage collection without the parties filing a Motion to Modify or reach an agreement.

{¶45} Civ.R. 60(A) provides, in relevant part, that "[c]lerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time on its own initiative or on the motion of any party and after such notice, if any, as the court orders." The Supreme Court of Ohio has explained that "Civ.R. 60(A) permits a trial court, in its discretion, to correct clerical mistakes which are apparent on the record, but does not authorize a trial court to make substantive changes in judgments." *State ex rel. Litty v. Leskovyansky*, 1996-Ohio-340, ¶ 13. According to the Court, "[t]he term 'clerical mistake' refers to a mistake or omission, mechanical in nature and apparent on the record which does not involve a legal decision or judgment." *Id*.

{¶46} We find that the first and second challenged items are clerical mistakes in the record arising from oversight or omission. The trial court did not state any reasons for overruling Appellant's objection on this issue, and we see no valid reason why the record should not be accurate. The third challenged item, however, does not qualify as a clerical mistake; rather, it involved a legal decision.

{¶47} Appellant's fourth assignment of error has merit in part.

Conclusion

{¶48} In sum, the trial court abused its discretion by assessing the costs of the action solely to Appellant and by failing to correct two clerical errors in the record. On remand, the trial court shall reassess the costs of the action in accordance with Ohio law set forth above. The trial court shall also issue an order of correction indicating that (1) the case came before the magistrate pursuant to Appellant's request for a court hearing filed on February 11, 2025, regarding the revised amount of child support calculated by

CSEA, and (2) Appellant (i.e., Plaintiff or Victoria Hilditch) moved for a directed verdict at trial.

{¶49} For the foregoing reasons, the judgment of the Lake County Court of Common Pleas, Juvenile Division, is affirmed in part and reversed in part, and this matter is remanded for further proceedings consistent with this opinion.

MATT LYNCH, P.J.,

EUGENE A. LUCCI, J.,

concur.

JUDGMENT ENTRY

For the reasons stated in the opinion of this Court, it is the judgment and order of this Court that the judgment of the Lake County Court of Common Pleas, Juvenile Division, is affirmed in part and reversed in part, and that this matter is remanded for further proceedings consistent with this Opinion.

Costs to be taxed equally against Appellant and Appellee.

JUDGE JOHN J. EKLUND

PRESIDING JUDGE MATT LYNCH,
concurs

JUDGE EUGENE A. LUCCI,
concurs

THIS DOCUMENT CONSTITUTES A FINAL JUDGMENT ENTRY

A certified copy of this opinion and judgment entry shall constitute the mandate pursuant to Rule 27 of the Ohio Rules of Appellate Procedure.