[Cite as *Auck v. Stump*, 2026-Ohio-3522.]

IN THE COURT OF APPEALS OF OHIO
THIRD APPELLATE DISTRICT
CRAWFORD COUNTY

PATTY STUMP NKA AUCK,

PLAINTIFF-APPELLEE,

CASE NO. 3-25-26

v.

MARK STUMP,

DEFENDANT-APPELLANT.

OPINION AND JUDGMENT ENTRY

Appeal from Crawford County Common Pleas Court
Domestic Relations Division
Trial Court No. 88-DR-0068

Judgment Affirmed

Date of Decision: September 8, 2026

APPEARANCES:

***Samuel H. Shamansky* and *Ashton C. Gaitanos* for Appellant**

***Thomas L. Cole* for Appellee**

MILLER, J.

{¶1} Defendant-appellant, Mark E. Stump ("Stump"), appeals the August 19, 2025 judgment of the Crawford County Court of Common Pleas overruling his motion for relief from paternity, request for genetic testing, and request for recovery of child support payments. For the reasons that follow, we affirm.

Facts and Procedural History

{¶2} In 1980, Stump married plaintiff-appellee, Patty Auck ("Auck"). According to the parties' testimonies, their marriage was strained between the years of 1980 and 1982. In 1982, Auck had an extramarital affair with a man named Patrick Egnor ("Egnor") during which they had sexual relations. Auck also had intercourse with Stump on his birthday, November 12, 1982. Approximately nine months later, Auck gave birth to Jennifer Stump ("Jennifer") on August 26, 1983. The marriage did not last. The parties' entered a separation agreement and on April 13, 1988 their marriage was dissolved. Pursuant to the separation agreement, Stump paid approximately $41,000 in child support payments over the period of time from the dissolution until Jennifer was emancipated on May 26, 2002.

{¶3} On December 24, 2018, Jennifer received a text message from Egnor claiming he was her real father. Jennifer forwarded the text message to both Stump and Auck. Auck responded that it was possible Egnor could be her father. Shortly thereafter, in January of 2019, Jennifer and Egnor took a commercial DNA test to establish paternity. The results of this DNA test indicated Egnor was Jennifer's father. Until he received the text message from Jennifer, Stump testified he had no reason to believe Jennifer was not his child.

{¶4} Following this revelation, Stump sought legal counsel. He consulted with six or seven different attorneys over a period of two to four years before finally finding counsel willing to take his case. On June 14, 2023, Stump filed a motion for relief from paternity, request for genetic testing, and request for recovery of child support payments ("Motion for Relief"). On July 10, 2023, Auck filed for summary judgment, which the trial court granted on October 31, 2023. This court reversed the summary judgment award and remanded the matter back to the trial court to address several issues in order to permit appellate review. *Auck v. Stump*, 2024-Ohio-2220 (3d Dist.).

{¶5} On September 30, 2024, after discussing the matter with the trial court's magistrate, Auck abandoned her attempt to proceed with summary judgment to defeat Stump's Civ.R. 60(B) motion. Instead, the magistrate conducted an evidentiary hearing on the merits of the Civ.R. 60(B) motion. On March 4, 2025, the magistrate issued a decision denying the Motion for Relief.[1] Stump filed timely objections to the magistrate's decision concerning, among other things, the absence of a formal reference of the matter to the magistrate. The trial judge decided to rehear the motion, himself, and conducted a second hearing on July 22, 2025. The trial court subsequently overruled the Motion for Relief and adopted the magistrate's decision in a judgment entry filed on August 19, 2025.

{¶6} Stump timely appealed. He raises three assignments of error.

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[1]Attached to the magistrate's decision is a "Judgement Entry" signed by the trial judge which reads: "The Court, upon independent consideration and review of the file, the evidence, including the testimony, finds the decision of the Magistrate to be correct in all respects and therefore, adopts the same as the Judgement of this Court." This document bears no case caption and is not file stamped.

First Assignment of Error

> **The trial court abused its discretion and unlawfully deprived appellant of his constitutional right to due process when it improperly adopted the magistrate's decision.**

{¶7} In his first assignment of error, Stump argues his due process rights were violated when the trial court failed to independently review the record and rule on all of the objections raised regarding the magistrate's March 4 decision. We disagree.

Standard of Review

{¶8} In accordance with Civ.R. 53(D)(4)(d), the trial court reviews a magistrate's decision de novo. In contrast, an appellate court reviews a trial court's adoption of a magistrate's decision for abuse of discretion. *In re Estate of Humphrey*, 2014-Ohio-5859, ¶ 15 (10th Dist.). "The term 'abuse of discretion' connotes more than an error of law or judgment; it implies that the court's attitude is unreasonable, arbitrary or unconscionable." *Blakemore v. Blakemore*, 5 Ohio St.3d 217, 219 (1983). "Claims of trial court error must be based on the actions taken by the trial court, itself, rather than the magistrate's findings." *Mayle v. Ohio Dep't of Rehab. & Corr.*, 2010-Ohio-2774, ¶ 15 (10th Dist.). Therefore, the trial court's decision to adopt the magistrate's decision will only be reversed if the trial court acted unreasonably, arbitrarily or unconscionably. *Id*.

Analysis

{¶9} As an initial matter, because there is no judgment entry on the record referring this particular case to the magistrate, Stump contends the magistrate lacked authority to conduct any proceedings in the matter. Indeed, Civ.R. 53(D)(1)(a) states "[a] court of record may. . . refer a particular case or matter or a category of cases or matters to a magistrate by a specific or general order of reference or by rule." In order for an appellate court to reverse a trial court's decision for failure to comply with Civ.R. 53, it must be shown that (1) the alleged error has merit and (2) the appellant was prejudiced. *Vance v. Vance*, 2024-Ohio-1533, ¶ 20 (3d Dist.). "The purpose of a magistrate is to assist the trial court in managing its docket." *Id*. at ¶ 22. The failure of a trial court to refer a case to a magistrate is a procedural, not a jurisdictional matter. *Proctor v. Proctor*, 48 Ohio App.3d 55, 59 (3d Dist. 1988). "'It is only in instances in which the trial court lacks jurisdiction that a judgment is void rather than voidable. Reversible error can only be attained by prejudice that affects the substantial rights of the complaining party. The mere failure to properly journalize a referral to a referee does not produce prejudice per se.'" (Citations omitted.) *Id*., quoting *Hines v Amole*, 4 Ohio App.3d 263, 265 (2d Dist. 1982). Stump fails to identify any prejudice against him as it relates to this procedural matter.

{¶10} Furthermore, while Civ.R. 53 does require an order of reference, it does not proscribe any restrictions on the manner or method by which such order must be submitted. *White v. White*, 50 Ohio App.2d 263. 267 (8th Dist. 1977). "[W]e have no authority before us to indicate . . . the appointment of the referee or the order of reference must be affirmatively displayed in the record in every case," such that "we must presume these events did not occur. On the contrary, absent any indication otherwise, we will presume they did occur." *Proctor* at 59. Such presumption is bolstered in the present case by the order of reference being listed on the court's docket on June 15, 2023, which bears a notation of "Referee Assignment" and the magistrate's name.[2] An individual journal entry reflecting an order of reference to a magistrate is simply not a blanket requirement of Civ.R. 53.

{¶11} Apart from the foregoing initial matter, Stump raises several additional arguments regarding the trial court's adoption of the magistrate's decision. At the July 22, 2025 hearing, the trial court judge acknowledged Stump's objections to the magistrate's decision and stated "the easiest way to solve this particular problem is for me just to handle the case myself." (July 22, 2025 Tr. at 4.) At the conclusion of the hearing, the judge further stated "[w]e're not going to deal with objections from my magistrate. I just decided to hear them all fresh." (*Id*. at 91.) Stump contends the trial court erred by stating he would independently adjudicate the matter but subsequently adopting the magistrate's decision regardless in his judgment entry. He also argues the trial court erred by not specifically ruling on each of his objections. Despite Stump's interpretation of the trial court's statements at the July 22, 2025 hearing, the trial court followed the mandates of Civ.R. 53.

[2] The reference to a "referee" is antiquated as the Civil Rules adopted the term "magistrate" in 1995. Nevertheless, it demonstrates the court's action in referring the matter to be heard by the magistrate.

{¶12} Civ.R. 53(D)(4)(b) states "[w]hether or not objections are timely filed, a court may adopt or reject a magistrate's decision in whole or in part, with or without modification." Civ.R. 53(D)(4)(d) controls the court's actions if one or more objections to a magistrate's decision are timely filed, stating "the court shall rule on those objections. In ruling on objections, the court shall undertake an independent review as to the objected matters to ascertain that the magistrate has properly determined the factual issues and appropriately applied the law." The burden of proof is on the party asserting the trial court failed to independently review the magistrate's decision, to show that the trial court failed to do so. *Gilleo v. Gilleo*, 2010-Ohio-5191, ¶ 46 (3d. Dist.).

{¶13} In the present case, the trial court conducted a separate hearing. At this hearing many of the essential facts were agreed to. Additionally, the court indicated it would review the testimony from the September 30, 2024 hearing conducted by the magistrate. Stump had the opportunity to present his arguments and objections directly to the trial court. Afterwards, on August 19, 2025, the trial court filed a judgment entry with its own factual findings and legal conclusions.[3] The trial court's judgment entry concluded with the sentence: "IT IS SO ORDERED The Magistrate's Decision is here by adopted as an Order of the Court." Because of this additional language Stump complains the trial court erred by not ruling on his objections to the magistrate's decision. We disagree.

[3] While the trial judge came to the same conclusion as the magistrate, it did so on a slightly different basis. The magistrate found that Stump failed to comply with R.C. 3119.962 which required him to provide the court with the results of a genetic test administered no more than six month prior to the filing of the motion. In contrast, the trial judge found that R.C. 3119.961 et seq. did not apply and Stump could only seek relief pursuant to Civ.R. 60(B)(5).

{¶14} While the trial court's August 19, 2025 judgement entry did adopt the magistrate's decision, the trial judge nevertheless conducted his own analysis of the issues and came to the same decision as the magistrate, albeit for different reasons. As to the trial court failing to enumerate each specific objection, we find such argument to be immaterial. When a trial court fails to expressly address every objection to the magistrate's decision, "it is presumed that the trial court, *sub silentio*, overruled the objections when it proceeded to enter judgment disposing of the objections." *Shaffer v. Shaffer*, 109 Ohio App.3d 205, 212 (3d Dist. 1996).

{¶15} Further, we find the trial court's judgment entry resolved all of Stump's substantive objections. As to Stump's objection regarding the referral to the magistrate, the docket reflects the matter was referred to the magistrate, and an individual journal entry is not required, as discussed above. The trial court responded to Stump's objection to the magistrate's failure to state the relevant facts in his decision by providing a thorough and efficient summary of the facts in the trial court's judgment entry. It is also noteworthy that the facts were generally undisputed and repeatedly set forth by the parties in various pleadings. As to objections to the magistrate's decisions regarding the applicability of R.C. 3119.961 and 3119.962 to the facts of this case, the trial judge disagreed with the magistrate's ruling that these provisions required Stump to provide the court with the results of a genetic test administered no more than six month prior to the filing of the motion. Instead, the trial judge found the statutory provision did not apply. Accordingly, the trial court focused on Stump's remaining Civ.R. 60(B) objections related to timeliness and fraud, which we discuss in relation to the third assignment of error. Therefore, the trial court's judgment entry reflects that all of defendant's objections were properly addressed pursuant to Civ.R. 53.

{¶16} We find the trial court followed the mandates of Civ.R. 53, and, therefore, did not abuse its discretion in adopting the magistrate's decisions. Stump's first assignment of error is overruled.

Second Assignment of Error

> **The trial court abused its discretion by denying appellant's request for relief pursuant to R.C. 3119.961, *et seq.*, as that denial was premised on an erroneous interpretation of the statute's plain language and resulted in a deprivation of appellant's rights to due process and fundamental fairness as guaranteed by the federal and state constitutions.**

Third Assignment of Error

> **The trial court abused its discretion by denying appellant relief under Civ.R. 60(B) by concluding that fraud upon the court did not exist so as to warrant application of Civ.R. 60(B)(5), and by further determining that appellant's filing was not made within a reasonable time.**

{¶17} Stump's second and third assignments of error are factually and legally related and share the same standard of review. Accordingly, we will discuss both of these assignments of error together.

{¶18} In his second assignment of error, Stump argues the trial court erred, based on plain statutory language, in its finding that relief cannot be granted because a genetic test was not filed with the court six months prior to his Motion for Relief, pursuant to R.C. 3119.962(A)(1)(a). In his third assignment of error, Stump contends Auck committed fraud upon the court during the original dissolution proceedings in 1988 and that the trial court erred by not applying Civ.R. 60(B)(5).

Standard of Review

{¶19} "Issues of child support are reviewed under an abuse of discretion standard." *Van Hoose v. Brown*, 2004-Ohio-4701, ¶ 7 (3d Dist.). Likewise, an appellate court reviews a trial court's adoption of a magistrate's decision for abuse of discretion. *In re Estate of Humphrey*, 2014-Ohio-5859, ¶ 15 (10th Dist.). "The term 'abuse of discretion' connotes more than an error of law or judgment; it implies that the court's attitude is unreasonable, arbitrary or unconscionable." *Blakemore*, 5 Ohio St.3d at 219 (1983).

Analysis

{¶20} In its August 19, 2025 judgment entry, the trial court ruled that relief under R.C. 3119.961, *et seq*, is unavailable in the present case, because "this relief only applies to a party currently paying child support and for relief from future payments. There is no mechanism of for [sic] child support that has already been paid." Indeed, this court has previously held, regarding monies paid pursuant to a lawful court order, "[b]ecause [R.C. 3119.961, *et seq*,] does not expressly provide for the ability to recover monies previously paid, it is presumed to operate prospectively only." *Van Hoose* at ¶ 8. R.C. 3119.964(B) leaves open the possibility of recovering previously paid child support under a separate action, stating in pertinent part:

> If a court grants relief from a child support order pursuant to section 3119.962 of the Revised Code and support arrearages are owed, the court

> may issue an order canceling that arrearage. *Nothing in this section limits any actions that may be taken by the person or male minor granted relief under this section to recover support paid under the child support order from which relief was granted.*

(Emphasis added.) R.C. 3119.964(B). The statute provides no mechanism for recovery for prior child support payments. *Van Hoose* at 9. Therefore, Stump could only pursue relief for previously paid child support payments under some authority outside of the statute. *See id.* Accordingly, because the relief for which Stump seeks cannot be granted under R.C. 3119.961, we do not find the trial court abused its discretion in denying the Motion for Relief as it relates to this statute. Because we agree with the trial court that R.C. 3119.961 *et. seq.* provides no mechanism for Stump to recover the child support he previously paid, the issue of genetic testing pursuant to R.C. 3119.962 is moot.

{¶21} Stump did venture outside the realm of the R.C. 3119.961 to pursue relief pursuant to Civ.R. 60(B)(5). He argued that fraud committed by Auck at the time of the dissolution warrants him being relieved from the final judgment of the dissolution decree which adopted the parties' separation agreement requiring him to pay child support for Jennifer, who is not his biological child. Civ.R. 60(B)'s mechanism for relief would constitute a separate action that avoids the prospective nature of R.C. 3119.961 and would allow for the recoupment of previously paid child support payments.

{¶22} Civ.R. 60(B) states the court may relieve a party from final judgment for the following reasons:

> (1) Mistake, inadvertence, surprise or excusable neglect; (2) Newly discovered evidence which by due diligence could not have been discovered

> in time to move for a new trial under Rule 59(B); (3) Fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation or other misconduct of an adverse party; (4) The judgment has been satisfied, released or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or (5) Any other reason justifying relief from the judgment. The motion shall be made within a reasonable time, and for reasons (1), (2) and (3) not more than one year after the judgment, order or proceeding was entered or taken.
>
> To prevail on Civ.R. 60(B) motion, the movant must demonstrate the following:
>
> (1) the party has a meritorious defense or claim to present if relief is granted; (2) the party is entitled to relief under one of the grounds stated in Civ. R. 60(B)(1) through (5); and (3) the motion is made within a reasonable time, and, where the grounds of relief are Civ. R. 60(B)(1), (2) or (3), not more than one year after the judgment, order or proceeding was entered or taken.

GTE Automatic Electric, Inc. v. ARC Industries, Inc., 47, Ohio St.2d 146, 150-151 (1976).

{¶23} In his motion, Stump argued that Auck's alleged misrepresentation of Jennifer's parentage at the time of the dissolution was a fraud upon the court, pursuant to Civ.R. 60(B)(5) and not fraud by an adverse party pursuant to Civ.R. 60(B)(3). The distinction is critical to Stump as fraud by an adverse party must be alleged in a Civ.R. 60(B)(3) motion within one year after issuance of the judgment. By contrast, Civ.R. 60(B)(5) has no such limitation and must only be filed within a reasonable time.[4] *GTE Automatic Electric, Inc.* at 150. The trial court denied Stump's Motion for Relief, because it found Auck's alleged misrepresentation regarding paternity would more properly be

[4] While we find that there was no fraud upon the court, we further hold that Stump's motion would not have been filed within a reasonable time under Civ.R. 60(B)(5). Stump first learned that Egnor might be Jennifer's father in December 2018, yet he did not file his motion until March 2022, more than three years later. Stump's argument that his delay should be excused because he was unable to retain counsel is unpersuasive. A three-year delay between discovering the grounds for relief and filing the motion would fail to satisfy the reasonable time requirement of Civ.R. 60(B)(5).

classified as fraud between the parties, and not fraud against the court, and would therefore make Stump's Civ.R. 60(B) motion untimely. We agree with the trial court.

{¶24} We find that if any fraud occurred, it was fraud between the parties, pursuant to Civ.R. 60(B)(3), and not the catch-all provision found in Civ.R. 60(B)(5). The Supreme Court of Ohio has addressed the issue of whether Civ.R. 60(B)(5) can be invoked when other provisions of Civ.R. 60(B) apply:

> Civ.R. 60(B)(5) is intended as a catch-all provision reflecting the inherent power of a court to relieve a person from the unjust operation of a judgment. However, the grounds for invoking said provision should be substantial. (Internal citations omitted). Nor should Civ.R. 60(B)(5) be used as a substitute for any of the other more specific provisions of Civ.R. 60(B).

Caruso-Ciresi, Inc. v. Lohman, 5 Ohio St.3d 64, 66 (1983).

{¶25} "A court may grant relief under Civ.R. 60(B)(5), the so-called 'catchall' provision, only in those extraordinary and unusual cases where the moving party demonstrates substantial grounds warranting relief from judgment." *Luke v. Roubanes*, 2018-Ohio-1065, ¶ 22 (10th Dist.). "Such substantial grounds exist if the moving party establishes a fraud upon the court." *Id.*

> Fraud upon the court is an 'elusive concept.' Nevertheless, the Ohio Supreme Court has cited one commentator's definition with approval: "'Fraud upon the court' should, we believe, embrace only that species of fraud which does or attempts to, defile the court itself, or is a fraud perpetrated by the officers of the court so that the judicial machinery cannot perform in the usual manner its impartial task of adjudging cases that are presented for adjudication.''

(Citations omitted.) *Mancz v. McHenry*, 2022-Ohio-3256, ¶ 26.

{¶26} Given the scope of Civ.R. 60(B)(5), we find the alleged misrepresentation of paternity to be more attributable to Civ.R. 60(B)(3) as fraud of an adverse party. "Fraud of an adverse party may exist when, for example, a party presents material false testimony at trial, and the falsity is not discovered until after the trial." *In re Dankworth Trust*, 2014-Ohio-5825, ¶ 38 (7th Dist.). Such conduct falls under Civ.R. 60(B)(3) because "[t]he possibility of perjury, even concerted, is a common hazard of the adversary process," and "litigants are equipped to deal [with the potential for perjury] through discovery and cross-examination. . . ." *Luke*, 2018-Ohio-1065, at ¶ 24 (10th Dist.). Indeed, the Supreme Court of Ohio has identified that generally "'[a]ny fraud connected with the presentation of a case to a court is a fraud upon the court, in a broad sense.' 11 Wright & Miller, Federal Practice and Procedure (1973) 253, Section 2870. Thus, in the usual case, a party must resort to a motion under Civ.R. 60(B)(3)." *Coulson v. Coulson*, 5 Ohio St.3d 12, 15 (1983).

{¶27} In finding this is a "usual case," in which the parties must resort to Civ.R. 60(B)(3), we agree with the trial court that the facts of the present case are parallel to the facts found in *Stairwalt v. Stairwalt*, 2008-Ohio-2597 (2d Dist.). Like the facts of the present case, the plaintiff in *Stairwalt* sought relief from previously paid child support payments pursuant to Civ.R. 60(B)(5), alleging that his ex-wife committed fraud upon the court by lying about paternity of the son she gave birth to while they were married. *Stairwalt* at ¶ 1. The *Stairwalt* court disagreed and found that these allegations did not demonstrate "the type of fraud upon the court contemplated by Civ.R. 60(B)(5), and the catch all provision is accordingly unavailable. . ." *Id*. at 17. We find these facts analogous to the facts of this case and agree with the *Stairwalt* court's conclusions.

{¶28} Stump identifies two Ohio appellate cases he asks us to, instead, find as analogous to the case at hand. First, the court in *Schaefer v. Mazii*, 2019-Ohio-3808 (1st Dist.), was faced with truly exceptional circumstances that warranted a relief from judgment based on Civ.R. 60(B)(5). In *Mazii*, the plaintiff sought relief from a divorce judgment pursuant to Civ.R. 60(B)(5) when she learned the defendant (her then husband) was married to two other women, the parties were battling over competing custody orders from both Bahrain and Russia, and the defendant was using the Ohio divorce decree as leverage in the Russian custody battle. *Id*. at ¶1-6. *Stump* in his brief argues the *Mazii* court did not base its decision to grant relief from judgment on these convoluted facts, but rather "focused on whether a party's deceitful conduct undermined the integrity and reliability of judicial proceedings." (Appellant's Brief at 22). However, in addition to considerations of integrity and reliability of judicial proceedings, the *Mazii* court had "little hesitation in finding" this case exhibited extraordinary circumstances and held that "extraordinary or unusual circumstances creating a pattern of inequities may, taken together, justify relief under Civ.R. 60(B)(5)." *Mazii* at ¶14, 19. We do not find the facts of the present case to be so extraordinary or unusual when compared to *Mazii* to justify relief under Civ.R. 60(B)(5), especially considering the analogous nature of this case to *Stairwalt*, which held that Civ.R. 60(B)(3) was the applicable avenue for relief.

{¶29} Stump also relies on *In re Dissolution of Marriage of Watson*, 13 Ohio App. 3d 344 (1983) as an analogous example of a case that granted relief from judgment based on Civ.R. 60(B)(5). In *Watson*, the wife concealed her pregnancy prior to the trial court dissolving her marriage with her husband. *Id*. at 345. It was undisputed the husband was the child's father. *Id*. The husband later moved the trial court to reopen its judgment of dissolution of marriage so as to make an order providing for custody and visitation rights. *Id*. The *Watson* court provided scant analysis regarding why it found that Civ.R. 60(B)(5) applied, merely stating "[w]hether characterized as fraud upon the court or whether the unusual circumstances of this case call for relief under the court's inherent power over its own judgments, we conclude that the court committed no abuse of its discretion in finding that Watson's motion set forth ground for relief under Civ.R. 60(B)(5)." (Citations omitted). *Id*. at 346. Regardless of the *Watson* court's reasoning, we find *Watson* involved urgent and extraordinary circumstances involving the custody and support of a minor child such that it is inapplicable to the facts of the current case.

{¶30} Because we find the Motion for Relief should have been brought under Civ.R. 60(B)(3) and the one-year limitation period has long passed, and because we find no mechanism for relief for previously paid child support under R.C. 3119.961, we find the trial court did not abuse it discretion in dismissing the Motion for Relief.

{¶31} Stump's second and third assignments of error are overruled.

Conclusion

{¶32} Having found no error prejudicial to the Appellant herein in the particulars assigned and argued in the assignments of error, we affirm the judgment of the Crawford County Court of Common Pleas.

Judgment Affirmed

ZIMMERMAN, P.J. and WILLAMOWSKI, J., concur.

JUDGMENT ENTRY

For the reasons stated in the opinion of this Court, the assignments of error are overruled and it is the judgment and order of this Court that the judgment of the trial court is affirmed with costs assessed to Appellant for which judgment is hereby rendered. The cause is hereby remanded to the trial court for execution of the judgment for costs.

It is further ordered that the Clerk of this Court certify a copy of this Court's judgment entry and opinion to the trial court as the mandate prescribed by App.R. 27; and serve a copy of this Court's judgment entry and opinion on each party to the proceedings and note the date of service in the docket. See App.R. 30.

Mark C. Miller, Judge

William R. Zimmerman, Judge

John R. Willamowski, Judge

DATED:
/jlm