

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

C. VARBLE,

CASE NO. 14-26-05

PETITIONER-APPELLEE,

v.

JOSHUA VARBLE,

**OPINION AND
JUDGMENT ENTRY**

RESPONDENT-APPELLANT.

**Appeal from Union County Common Pleas Court
Domestic Relations Division
Trial Court No. 25-DR-0245**

Judgment Affirmed

Date of Decision: October 26, 2026

APPEARANCES:

***Darren L. Meade* for Appellant**

***C. Joseph Casavecchia* for Appellee**

WILLAMOWSKI, J.

{¶1} Respondent-appellant Joshua J. Varble (“Joshua”) appeals the judgment of the Domestic Relations Division of the Union County Court of Common Pleas, arguing that the trial court erred by issuing a civil protection order requested by petitioner-appellee C. Varble (“C.”). For the reasons set forth below, the appeal from the judgment of the trial court is affirmed.

Facts and Procedural History

{¶2} In 2025, Joshua and C. were in the midst of divorce proceedings. In November of 2025, C. filed a petition that requested a civil stalking protection order (“CPO”). Her petition alleged that Joshua had been sending hundreds of text messages to her on multiple occasions, leading him to be charged and convicted of two counts of telecommunications harassment and one count of menacing by stalking.

{¶3} C. further alleged that Joshua had driven past her residence; run the license plates of a person who was visiting her; and then contacted this visitor. She also alleged that Joshua had been tracking her whereabouts through an application on their daughter’s phone and that he had repeatedly violated no contact orders that had been issued by the Marysville Municipal Court.

{¶4} At the initial CPO hearing on November 20, 2025, C. indicated that Joshua was incarcerated as the result of the criminal proceedings that were described in her petition. The magistrate declined to issue an ex parte CPO but set this matter for a full hearing on December 17, 2025. The magistrate's order noted that Joshua would still be incarcerated at the time of the scheduled full hearing.

{¶5} Joshua did not appear at the full hearing on December 17, 2025. The trial court then issued the CPO requested by C. After Joshua was served with a copy of this order, he *pro se* filed objections to the CPO. He argued that he had not been properly served with notice of the petition or the full hearing because service was issued to his home address, even though the trial court was aware that he was incarcerated.

{¶6} After Joshua's objection was found to have merit, another full hearing was scheduled. On March 17, 2026, Joshua did not appear for the full hearing. At the beginning of this hearing, the magistrate stated:

Joshua John Varble—I was just out in the common area—he has not appeared. And in fact, we are involved, for the record, in the divorce between these two parties. And he's—has stipulated his intention not to appear today for both . . . these hearings that are set. So I'm going to proceed.

(Mar. 17 Tr. 4). On March 20, 2026, the trial court adopted the magistrate's decision and issued a CPO that was to remain in effect for five years. Joshua was personally served with notice of the CPO. However, no objections to the CPO were filed with the trial court.

Assignment of Error

{¶7} Joshua filed his notice of appeal on April 15, 2026 and raises the following assignment of error:

The trial court violated the Appellant's 14th Amendment due process rights when it proceeded with the civil protection order hearing, for which the Appellant was not present, despite the record indicating a court created impediment to the appellant's appearance.

Legal Standard

{¶8} Civ.R. 65.1 addresses the procedures that surround civil protection orders. Civ.R. 65.1(F)(3)(d) sets forth the process for filing written objections to a trial court's adoption of a magistrate's decision to grant a civil protection order. In turn, Civ.R. 65.1(G) reads, in its relevant part, as follows:

[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.). The language in this rule is mandatory and requires a party to file written objections to the trial court's adoption of the magistrate's decision before filing an appeal. *Danison v. Blinco*, 2019-Ohio-2767, ¶ 8 (3d Dist.).

Legal Analysis

{¶9} On appeal, Joshua asserts that his due process rights were violated because the trial court allowed the March 17 full hearing to proceed even though he was not present. In her brief, C. argues that Joshua received notice of the full

hearing held on March 17, 2026 but chose not to appear. At the beginning of the full hearing that was held on March 17, 2025, the magistrate did state that Joshua had “stipulated his intention not to appear” at that proceeding. (Mar. 17 Tr. 4).

{¶10} More importantly, C. points out that Joshua did not file any objections after the trial court adopted the magistrate’s decision and granted the CPO that was issued on March 20, 2026.¹ This Court has previously held that a party’s failure to file objections in compliance with Civ.R. 65.1(G) results in the forfeiture of that party’s arguments on appeal. *Danison*, 2019-Ohio-2767, at ¶ 7-8 (3d Dist.). Since Joshua did not file objections with the trial court, he has failed to preserve his arguments for review on appeal. *Id.* at ¶ 8. For this reason, we decline to address the merits of his assignment of error. *Id.* at ¶ 9.

{¶11} We are aware that the Supreme Court of Ohio accepted a certified-conflict case, *A.A. v. S.P.*, 2026-Ohio-156, in which the effect of a litigant’s failure to comply with Civ.R. 65.1(G) is at issue. *See A.A. v. S.P.*, Case Nos. 2025-1563, 2025-1347. The precedent of this appellate district holds that a party’s failure to comply with Civ.R. 65.1(G) results in the forfeiture of that party’s arguments on appeal but does not affect an appellate court’s jurisdiction over that appeal. *Danison*

¹ In this case, Joshua filed a meritorious objection to the initial CPO that was issued in December of 2025, leading to a second full hearing on C.’s petition for a CPO. Thus, Joshua was clearly aware of the process for filing objections. However, he did not file objections after the second CPO in this case was issued on March 20, 2026. Civ.R. 65.1(F)(3)(d); 65.1(G).

at ¶ 7-8. *See A.A. v. S.P.*, 2025-Ohio-3081, ¶ fn. 1 (10th Dist.) (briefly discussing the position in *Danison*).

{¶12} In contrast, a majority of appellate districts in our state have held that a party’s failure to comply with Civ.R. 65.1(G) “deprives that party of the ability to invoke the jurisdiction of the appellate court” and results in the dismissal of an appeal filed by that party. *A.A.*, 2025-Ohio-3081, fn. 1 (10th Dist.). *See also Daniels v. Daniels*, 2021-Ohio-2076, ¶ 18 (4th Dist.); *H.W. v. M.L.S.*, 2022-Ohio-3840, ¶ 15 (5th Dist.); *Hetrick v. Lockwood*, 2018-Ohio-118, ¶ 1 (6th Dist.); *P.N. v. A.M.*, 2021-Ohio-1163, ¶ 41 (7th Dist.); *Dejanovic v. Kashat*, 2025-Ohio-5865, ¶ 9 (11th Dist.); *Gambrel v. Segal*, 2025-Ohio-215, ¶ 14-15 (12th Dist.). We only mention the majority position in addition to our own to note that, under either standard, Joshua does not prevail.

{¶13} In summary, Joshua failed to preserve his arguments for appeal by neglecting to file objections as required by Civ.R. 65.1(G). *Danison*, 2019-Ohio-2767, at ¶ 7-9 (3d Dist.). Accordingly, the sole assignment of error is overruled.

Conclusion

{¶14} Having found no error prejudicial to the appellant in the particulars assigned and argued, the judgment of the Domestic Relations Division of the Union County Court of Common Pleas is affirmed.

Judgment Affirmed

MILLER and WALDICK, J.J., concur.

JUDGMENT ENTRY

For the reasons stated in the opinion of this Court, the assignment of error is 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.

John R. Willamowski, Judge

Mark C. Miller, Judge

Juergen A. Waldick, Judge

DATED:
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