

IN THE COURT OF APPEALS OF OHIO
FOURTH APPELLATE DISTRICT
LAWRENCE COUNTY

Plibrico Company, LLC,	:	
	:	Case No. 25CA11
Petitioner-Appellee,	:	
	:	
v.	:	<u>DECISION AND JUDGMENT</u>
	:	<u>ENTRY</u>
Roy Clyde Hall, Sr.,	:	
	:	
Respondent-Appellant.	:	RELEASED: 01/22/2026

APPEARANCES:

James R. Kingsley, Kingsley Law Office, Circleville, Ohio, for appellant.

Frederick C. Fisher, Jr., McCown, Fisher, and Cremeans, LPA, Ironton, Ohio, for appellee.

Wilkin, J.

{¶1} This is an appeal from a Lawrence County Court of Common Pleas decision granting Plibrico Company, LLC's, application for a civil protection order ("CPO") as an organization against its adjacent neighbor, Roy Clyde Hall, Sr. The protection order request was filed to protect the company, its employees, sub-contractors, and independent contractors from Hall, who was threatening to cause property damage. After a full hearing, the trial court granted Plibrico's petition for a protection order for one year. The protection order expired on October 29, 2025. There is nothing in the record indicating that the protection order was extended. Accordingly, with the protection order having been expired, we dismiss the appeal as being moot.

FACTS AND PROCEDURAL BACKGROUND

{¶2} Plibrico is a brick making company located adjacent to property owned by Hall. The parties had multiple property line and easement disputes over the years. In 2024, the parties reached an agreement regarding the easement and use of a road, but their conflict continued.

{¶3} Plibrico hires independent contractors including Michael Phipps and his employee Doug Barlow. In July 2024, Hall had an interaction with Phipps in which Hall threatened to cause damage to Phipps and Plibrico's equipment, and in August 2024, Hall threatened to close the road and block all access to the company and its equipment. Both of Hall's threats were made to Phipps and in the presence of Phipps' employee Barlow. Phipps took the threats seriously, fearing damage to his expensive equipment and Plibrico's equipment. Phipps explained that there was a previous occasion where he observed footprints on Plibrico's property and around its equipment and he suspected Hall. Phipps called Hall, and Hall admitted to coming on Plibrico's property after hours and walking around. Phipps also testified that they have experienced a lot of equipment breakdowns, which he found coincidentally suspicious, though he could not confirm if they were intentional.

{¶4} On October 1, 2024, Plibrico as an organization filed a petition for a protection order pursuant to R.C. 2903.215 and requested protection for its employees, sub-contractors, and independent contractors. An affidavit was filed with the request for the protection order, in which the company's CEO, Brad Taylor, stated that Phipps is a sub-contractor and was a victim of menacing

committed by Hall. Attached to Taylor's affidavit was a police report from August 23, 2024, documenting Hall's threat to Phipps that he was going to block the company's road access.

{¶5} The ex parte order was granted and the matter was scheduled for a full hearing on October 29, 2024. Prior to the hearing, Hall filed a civil stalking protection order against Phipps claiming Phipps threatened to cause him physical harm if Hall came on the company's property.

{¶6} At the full hearing, Hall and Phipps testified. After hearing the evidence, the trial court denied Hall's request for a civil stalking protection order because it was based on one incident. The trial court, however, granted Plibrico's request for a protection order for one year.

{¶7} Hall filed objections and requested the transcript of the hearing. An objection hearing was held on March 6, 2025. At the hearing, Hall argued that the trial court did not have jurisdiction to issue the protection order because R.C. 2903.215, requires an organization to have two or more employees, and in their application, Plibrico only named one sub-contractor, Phipps. Hall also argued that the evidence did not establish menacing and that the magistrate failed to issue findings of fact supporting the issuance of the protection order. Plibrico disagreed with the arguments and indicated that their petition requested protection of employees, sub-contractors, and independent contractors, and that Phipps and Barlow were both present during Hall's threatening conduct.

{¶8} At the conclusion of the objection hearing, the trial court took the matter under advisement and issued an entry overruling Hall's objection and affirmed the one-year protection order. It is from this judgment entry that Hall appeals.

ASSIGNMENTS OF ERROR

- I. NO FINAL APPEALABLE ORDER EXISTS.
- II. THE PETITION WAS INVALID ON ITS FACE.
- III. THE PETITION FAILED DUE TO FAILURE OF PROOF.

FIRST ASSIGNMENT OF ERROR

Law and analysis

{¶9} In the first assignment of error, Hall contends that he filed a request for findings of fact and conclusions of law. But the trial court's "final appealable order" filed on March 17, 2025, failed to include any findings of fact. Thus, Hall maintains that the trial court's decision overruling his objection and affirming the one-year protection order is not a final appealable order.

{¶10} Plibrico disagrees and asserts that the trial court's decision is a final appealable order. This is because for protection orders that have been granted after a full hearing, there is no requirement for findings of fact and conclusions of law.

{¶11} We find that the trial court's March 17, 2025, decision is a final appealable order. On October 29, 2024, a full hearing was held regarding Plibrico's request for a protection order. At the conclusion of the hearing, the magistrate granted the petition for one year. That same day, the trial court

adopted the magistrate's decision. Hall on November 7, 2024, filed a request for findings of fact and conclusions of law, and the next day, filed a timely objection and requested a trial transcript. An objection hearing was held on March 6, 2025. At the objection hearing, both parties presented their arguments and the trial court took the matter under advisement. On March 17, the trial court issued its decision overruling Hall's objection finding that:

the magistrate correctly decided that there was evidence of a second employee victim, Doug Barlow, in this matter based on testimony elicited from Michael Phipps. Further, evidence upon which the magistrate relied in deciding to grant the petitioner's request for a CPO, and the conclusion of law following therefrom, are adequately contained within the four corners of the Protection Order on behalf of Organization entered October 30, 2024, and within the transcript from the full hearing on October 29, 2024.

{¶12} Plibrico is correct in that the protection order at issue is a final appealable order and the trial court is not required to make findings of fact or conclusions of law. Plibrico filed the protection order pursuant to R.C. 2903.215 and R.C. 2903.214, on behalf of an organization to protect its employees, subcontractors, and independent contractors, asserting that Hall was menacing them.

{¶13} First, R.C. 2903.214(G)(1) states that “[a]n order issued under this section, other than an ex parte order, that grants a protection order, or that refuses to grant a protection order, is a final, appealable order.” Second, Civ.R. 65.1(A) provides that it supersedes other rules and applies to protection orders filed pursuant to R.C. 2903.214. And one such superseding rule is Civ.R. 65.1(F)(3)(b) that relates to the full hearing protection order proceedings and provides that:

A magistrate's denial or granting of a protection order after full hearing under this division 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.

{¶14} The requirement for a magistrate to issue findings of fact and conclusions of law after a party's request pursuant to Civ.R. 53(D)(3)(ii) is inapplicable to the protection order filed here. Our conclusion is consistent with the holding by the Tenth District Court of Appeals in *J.S. v. L.S.*, in which the court stated:

Effective June 1, 2012, Civ.R. 65.1 governs domestic violence civil protection orders, civil stalking protection orders, and sexually-oriented offense civil protection orders. *M.D. v. M.D.*, 8th Dist. No. 106581, 2018-Ohio-4218, ¶ 46, 121 N.E.3d 819, citing *Weber v. Forinash*, 6th Dist. No. S-14-034, 2015-Ohio-3187, ¶ 30. Civ.R. 65.1 was enacted, in part, to expedite the process of obtaining a protection order after a full hearing, which was inconsistent with aspects of Civ.R. 53. *M.D.* at ¶ 47-48. "As such, it 'uniquely applies to the special statutory proceeding set forth in R.C. 3113.31, which provides the requirements for the entry of a CPO against adults for the protection of victims of domestic violence.' " *Besman v. Leventhal*, 8th Dist. No. 104414, 2017-Ohio-464, ¶ 4, quoting *Heimann v. Heekin*, 1st Dist. No. C-130613, 2014-Ohio-4276, ¶ 5. In an effort to streamline proceedings for protection orders, Civ.R. 65.1, unlike Civ.R. 53, "does not provide for a request for findings of fact and conclusions of law." *B.L.L. v. M.T.*, 7th Dist. No. 21MA0021, 2021-Ohio-4300, ¶ 39, quoting *Insa v. Insa*, 2d Dist. No. 26909, 2016-Ohio-7425, ¶ 27, 72 N.E.3d 1170.

2022-Ohio-2485, ¶ 44 (10th Dist.).

{¶15} Therefore, the trial court in the matter at bar was not required to issue findings of fact and conclusions of law. Accordingly, the protection order before us is a final appealable order.

SECOND AND THIRD ASSIGNMENTS OF ERROR

{¶16} In the second and third assignments of error, Hall challenges the trial court's decision to grant Plibrico's request for a protection order for one year. Hall first maintains that Plibrico did not establish it was an organization, as only one sub-contractor, Phipps, was named as a victim in the petition, and, secondly, Hall contends that the evidence did not establish he committed any conduct to warrant the protection order.

{¶17} We do not reach the merits of Hall's arguments because the protection order at issue expired on October 29, 2025. This court's judicial power is limited to deciding " 'actual controversies where the judgment can be carried into effect, and not . . . give opinions upon moot questions or abstract propositions, or . . . declare principles or rules of law which cannot affect the matter at issue in the case before [us].'" *Maurent v. Spatny*, 2025-Ohio-5002, ¶ 9, quoting *Travis v. Public Util. Comm.*, 123 Ohio St. 355, 359 (1931). Thus, "[t]he judicial power does not extend to moot cases, because when a case becomes moot, there is no longer any controversy for a court to decide." *Id.* at ¶ 10.

{¶18} "An issue becomes moot when it is or has 'become fictitious, colorable, hypothetical, academic or dead.'" *Jones v. Jones*, 2021-Ohio-1498, ¶ 53 (4th Dist.), quoting *Culver v. Warren*, 84 Ohio App. 373, 393 (7th Dist. 1948). Therefore, "when events occur that make it impossible for a court to grant 'any effectual relief whatever,' a case is moot and the court must dismiss the appeal." *Maurent* at ¶ 11. In the matter at bar, the protection order expired on October 29,

2025, thus, we cannot grant Hall any effectual relief, which makes this case moot.

{¶19} And the collateral-consequences exception to the mootness doctrine does not apply here. We previously outlined that

[t]here are exceptions to the mootness doctrine, such as when issues are “capable of repetition, yet evading review.” See *State ex rel. Beacon Journal Publishing Co. v. Donaldson* (1992), 63 Ohio St.3d 173, 175, 586 N.E.2d 101. “[T]his exception applies only in exceptional circumstances in which the following two factors are both present: (1) the challenged action is too short in its duration to be fully litigated before its cessation or expiration, and (2) there is a reasonable expectation that the same complaining party will be subject to the same action again.” *State ex rel. Calvary v. Upper Arlington* (2000), 89 Ohio St.3d 229, 231, 729 N.E.2d 1182; see, also, *State ex rel. White v. Kilbane Koch*, 96 Ohio St.3d 395, 2002-Ohio-4848, 775 N.E.2d 508. The Supreme Court of Ohio has recognized two other exceptions to the mootness doctrine: (1) when the issue involves “a matter of great public interest,” or (2) when “there remains a debatable constitutional question to resolve.” *Franchise Developers, Inc. v. Cincinnati* (1987), 30 Ohio St.3d 28, 505 N.E.2d 966, paragraph one of the syllabus; see, also, *State ex rel. White*.

McClead v. McClead, 2007-Ohio-4624, ¶ 15 (4th Dist.).

{¶20} The Supreme Court stated that “speculation is insufficient to establish a legally cognizable interest for which a court can order relief using the collateral-consequences exception to the mootness doctrine.” *Cryan v. Cryan*, 2018-Ohio-24, ¶ 11. Moreover, the Supreme Court held that “in the absence of demonstrated legal collateral consequences, the collateral-consequences exception to the mootness doctrine does not apply to an expired domestic-violence civil protection order.” *Id.* at ¶ 7. The Supreme Court continued that “[u]nder current law, the collateral-consequences exception to mootness applies in cases in which the collateral consequence is imposed as a matter of law.” *Id.*

at ¶ 9. And “there is no provision of Ohio law that imposes a restriction as a result of an expired protection order.” *Id.* at ¶ 11.

{¶21} Recently, the Third District Court of Appeals dismissed an appeal involving an expired protection order because “there is no longer an actual legal controversy between the parties.” *Norman v. Branco*, 2025-Ohio-791, ¶ 7 (3d Dist.). Similarly, here, the protection order issued expired on October 29 while the appeal was pending. The case is therefore moot, and we accordingly, dismiss the appeal.

CONCLUSION

{¶22} Hall’s assignments of error challenge a protection order that expired on October 29, 2025. With the expiration of the protection order, we cannot grant Hall any effectual relief. Therefore, this case is moot.

APPEAL DISMISSED.

JUDGMENT ENTRY

It is ordered that the CAUSE IS DISMISSED. Appellant shall pay the costs.

The Court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this Court directing the Lawrence County Common Pleas Court to carry this judgment into execution.

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

Smith, P.J. and Hess, J.: Concur in Judgment and Opinion.

For the Court,

BY: _____
Kristy S. Wilkin, Judge

NOTICE TO COUNSEL

Pursuant to Local Rule No. 14, this document constitutes a final judgment entry and the time period for further appeal commences from the date of filing with the clerk.