[Cite as *Soyele v. Olalekan*, 2026-Ohio-4594.]

IN THE OHIO COURT OF APPEALS
FIFTH APPELLATE DISTRICT
DELAWARE COUNTY, OHIO

ADESOLA SOYELE	Case No. 26 CAF 06 0063
Petitioner - Appellee	Opinion And Judgment Entry
-vs-	Appeal from the Court of Common Pleas, Domestic Relations Division,
OLAYINKA HAMED OLALEKAN	Case No. 25 DV H 04 0237
Respondent - Appellant	Judgment: Affirmed
	Date of Judgment Entry: November 19, 2026

BEFORE: Craig R. Baldwin; Andrew J. King; Kevin W. Popham, Judges

APPEARANCES: TODD WORKMAN, for Petitioner-Appellee; CHRISTOPHER PAGAN, for Respondent-Appellant.

King, J.

{¶ 1} Respondent-Appellant, Olayinka Hamed Olalekan, appeals the May 21, 2026 judgment entry of the Delaware County Domestic Relations Court overruling his objections and adhering to the magistrate's order for protection in favor of Petitioner-Appellee, Adesola Soyele. We affirm the trial court.

FACTS AND PROCEDURAL HISTORY

{¶ 2} Both Soyele and Olalekan were married to others when they began a dating relationship in the State of Illinois in 2022. The relationship was volatile at times and included physical altercations; the relationship ended in 2024. Thereafter, Soyele moved to Columbus, Ohio. After moving to Ohio, the parties stayed in touch. They saw each other in Dallas, Texas in 2025; the encounter left Soyele fearful for her physical safety and wellbeing. Soyele

received violent and threatening messages in Ohio from anonymous senders that she believed to be from Olalekan based on the language, timing, and circumstances of the messages.

{¶ 3} On April 8, 2025, Soyele filed a petition for domestic violence civil protection order against Olalekan. During the ex parte hearing, the magistrate found Soyele's testimony established the two were not family or household members as contemplated under R.C. 3113.31 and dismissed the petition without prejudice. Thereafter, on the same date, Soyele filed a petition for dating violence civil protection order. During a second ex parte hearing, the magistrate issued an ex parte dating violence civil protection order against Olalekan.

{¶ 4} Service was finally perfected and a full hearing was held before a magistrate on January 13, 2026; both parties appeared for the hearing. By decision filed February 11, 2026, the magistrate recommended a civil protection order against Olalekan for five years; the trial court adopted the decision. Olalekan filed objections. By judgment entry filed May 21, 2026, the trial court denied the objections and adhered to the magistrate's protection order.

{¶ 5} Olalekan filed an appeal with the following assignments of error:

I

{¶ 6} "THE TRIAL COURT ERRED BY FINDING THE COURT HAD LONG-ARM JURISDICTION OVER OLAYINKA, AN ILLINOIS RESIDENT, UNDER CIV.R. 4.3(A)(3) FOR CAUSING TORTIOUS INJURY BY AN ACT IN OHIO."

II

{¶ 7} "THE TRIAL COURT ERRED BY FINDING OLAYINKA WAIVED HIS DUE PROCESS PERSONAL-JURISDICTION RIGHTS BY APPEARING IN THE DVCPO AT A FINAL HEARING."

III

{¶ 8} "THE EXERCISE OF LONG-ARM JURISDICTION OVER OLAYINKA VIOLATED DUE PROCESS DUE TO A LACK OF MINIMUM CONTACTS."

IV

{¶ 9} "THE INITIAL DVCPO PETITION INVOLVED THE SAME PARTIES AND SAME FACTS AND WAS DISMISSED BY THE MAGISTRATE COURT ON THE MERITS AND ADOPTED BY THE TRIAL COURT. THE SUCCESSIVE DVCPO BASED ON A NEW THEORY THAT WAS AVAILABLE IN INITIAL PETITION WAS PROCEDURALLY BARRED BY RES JUDICATA."

V

{¶ 10} "THE TRIAL COURT ERRED BY TREATING CIV.R. 65.1(F)(3)(d)(iv)'s 30-DAY TRANSCRIPT DEADLINE AS ABSOLUTE WHERE OLAYINKA DEMONSTRATED GOOD CAUSE FOR THE BRIEF DELAY."

I, II, III

{¶ 11} In Olalekan's first, second, and third assignments of error, he argues the trial court erred in finding it had jurisdiction over him. We disagree.

{¶ 12} Personal jurisdiction is a question of law that this court reviews de novo. *Kauffman Racing Equip., L.L.C. v. Roberts,* 2010-Ohio-2551, ¶ 27. As explained by the *Kauffman* Court at ¶ 28:

> Determining whether an Ohio trial court has personal jurisdiction over a nonresident defendant involves a two-step analysis: (1) whether the long-arm statute and the applicable rule of civil procedure confer jurisdiction and, if so,

(2) whether the exercise of jurisdiction would deprive the nonresident defendant of the right to due process of law under the Fourteenth Amendment to the United States Constitution. (Citations omitted.)

{¶ 13} As for due process under the Fourteenth Amendment, in order to subject a nonresident defendant to a judgment in personam, the nonresident must have certain "minimum contacts" with the forum, such that "'traditional notions of fair play and substantial justice'" are not offended by requiring the defendant to defend in that forum. *International Shoe Co. v. Washington,* 326 U.S. 310, 316 (1945), quoting *Milliken v. Meyer,* 311 U.S. 457, 463 (1940). "[I]t is essential in each case that there be some act by which the defendant purposefully avails itself of the privilege of conducting activities within the forum State, thus invoking the benefits and protections of its laws." *Hanson v. Denckla,* 357 U.S. 235, 253 (1958).

{¶ 14} R.C. 2307.382 governs Ohio's long-arm personal jurisdiction. Subsection (A) states in part:

(A) A court may exercise personal jurisdiction over a person who acts directly or by an agent, as to a cause of action arising from the person's:

* * *

(3) Causing tortious injury by an act or omission in this state;

* * *

(6) Causing tortious injury in this state to any person by an act outside this state committed with the purpose of injuring persons, when he might reasonably have expected that some person would be injured thereby in this state.

{¶ 15} Civ.R. 4.3(A)(3) and (9) permit out-of-state service of process upon a person who is a nonresident of Ohio and has caused "tortious injury by an act or omission in this state" or has caused "tortious injury in this state to any person by an act outside this state committed with the purpose of injuring persons, when the person to be served might reasonably have expected that some person would be injured by the act in this state."

{¶ 16} "It has been recognized that the existence of telephonic and electronic communications that originate from out-of-state respondents to in-state petitioners satisfies Ohio's long-arm statute for the purpose of protection orders as long as the content of the communications forms the basis of the alleged tortious conduct." *M.W. v. D.M.,* 2018-Ohio-392, ¶ 14 (8th Dist.), citing *Burnett v. Burnett,* 2012-Ohio-2673, ¶ 21 (6th Dist.).

{¶ 17} In this case, Soyele alleged in her petition that after moving to Ohio, she "received weekly violent messages from various numbers" that "included curses, and death wishes which I strongly believe were sent by the respondent"; he "has shown volatile behavior, he threatened my job to ruin my financial stability." *See* Petition filed April 8, 2025. The trial court found Olalekan sent threatening communications to Soyele, threatening to contact her employer in Ohio and telling her not to do anything stupid; the communications included death wishes to her and her family. Thus, Soyele's petition was based in part on the content of electronic communications Olalekan sent to Soyele in Ohio, a basis for exercising personal jurisdiction over Olalekan under R.C. 2307.382(A) and service of process under Civ.R. 4.3(A). Soyele's petition arose from Olalekan's purposeful communications with Soyele, made with the alleged intent to threaten and cause "harmful consequences." *Goddard v. Goddard,* 2022-Ohio-3113. ¶ 26 (11th Dist.). "It should be foreseeable to one who makes

threatening communications that he may be haled into the jurisdiction to answer a petition seeking protection against him." *Id.* Olalekan has not been deprived of his due process rights under the Fourteenth Amendment.

{¶ 18} Further, Olalekan appeared for and participated in the hearing and at the start of the hearing, when asked if anything procedurally needed to be discussed, Olalekan did not contest personal jurisdiction. January 13, 2026 T. at 3. Olalekan never filed a motion to dismiss on the issue and never objected to personal jurisdiction until after the magistrate's hearing in his objections to the trial court. *Maryhew v. Yova,* 11 Ohio St.3d 154, 159 (personal jurisdiction may be acquired by the voluntary appearance and submission of the defendant or his legal representative). We concur with the trial court that Olalekan waived the affirmative defense of lack of personal jurisdiction.

{¶ 19} Upon review, we find the trial court had personal jurisdiction over Olalekan.

{¶ 20} Assignments of Error I, II, III are denied.

IV

{¶ 21} In Olalekan's fourth assignment of error, he argues the trial court erred in finding the dating violence civil protection petition was not barred by res judicata. We disagree.

{¶ 22} Olalekan argues Soyele's petition is barred by res judicata because the doctrine applies "when the same party presents the same facts in a successive action that is decided by a court of competent jurisdiction and results in a final judgment." Appellant's Brief at 9, citing *Hankinson v. Cooper,* 2022-Ohio-1896, ¶17 (12th Dist.). Olalekan asserts claim preclusion.

{¶ 23} "Claim preclusion bars claims that were or might have been litigated in an earlier lawsuit between the parties that resulted in a valid final judgment." *Sheetz, Inc. v. City*

of Centerville, 2026-Ohio-3531, ¶ 8, citing *AJZ's Hauling, L.L.C. v. Trunorth Warranty Programs of N. Am.,* 2023-Ohio-3097, ¶ 16. "For purposes of res judicata, a claim includes all theories of recovery or 'forms of relief flowing from those theories' that arise from a particular transaction or occurrence." *Id.,* citing 1 Restatement of the Law 2d, Judgments, § 24, at 197 (1982). Claim preclusion has four elements: "'(1) a prior final, valid decision on the merits by a court of competent jurisdiction; (2) a second action involving the same parties, or their privies, as the first; (3) a second action raising claims that were or could have been litigated in the first action; and (4) a second action arising out of the transaction or occurrence that was the subject matter of the previous action.'" *Lycan v. City of Cleveland,* 2022-Ohio-4676, ¶ 23, quoting *Hapgood v. Warren,* 127 F.3d 490, 493 (6th Cir. 1997); *accord Williams v. Mid-Ohio Coal Co.,* 2026-Ohio-1245, ¶ 30 (5th Dist.); *Sheetz* at ¶ 9.

{¶ 24} Soyele first filed a petition for domestic violence civil protection order against Olalekan. During the ex parte hearing, the magistrate found Soyele's testimony established the two were not family or household members as contemplated under R.C. 3113.31 and dismissed the petition without prejudice. Thereafter, on the same day, Soyele filed a petition for dating violence civil protection order. While the two petitions involved the same parties and alleged the same set of underlying facts, the claim for dating violence could not have been raised or litigated under the petition for domestic violence civil protection order form. The trial court never entered a judgment on the merits on dating violence. And while the first petition was dismissed, it was done so without prejudice. Soyele could refile her petition.

{¶ 25} Upon review, we find Soyele's second petition was not barred under the doctrine of claim preclusion.

{¶ 26} Assignment of Error IV is denied.

V

{¶ 27} In Olalekan's fifth assignment of error, he argues the trial court erred in treating the transcript deadline under Civ.R. 65.1(F)(3)(d)(iv) as absolute. We disagree.

{¶ 28} The trial court spent some four pages in its judgment entry discussing the issue of the transcript. May 21, 2026 Judgment Entry at 6-10. The trial court found Olalekan failed to comply with the rule in filing the transcript in a timely manner and it was within its discretion to consider Olalekan's objections without reviewing the untimely transcript. The trial court concluded with or without the transcript, Olalekan's objections lacked merit. The trial court then reviewed the objections in light of the magistrate's findings of fact and cited to testimony in the transcript to support those findings. Clearly the trial court did not find the transcript deadline "absolute" because it referenced the transcript in its judgment entry which it had the discretion to do. *S.T.C. v. J.P.C.,* 2026-Ohio-3880, ¶ 24 (8th Dist.) ("when a transcript is filed out of time, a trial court has broad discretion in deciding whether to consider the transcript").

{¶ 29} Upon review, we find the trial court did not err in its treatment of the untimely transcript.

{¶ 30} Assignment of Error V is denied.

{¶ 31} For the reasons stated in our accompanying Opinion, the judgment of the Delaware County Domestic Relations Court is AFFIRMED.

{¶ 32} Costs to Appellant.

By: King, J.

Baldwin, P.J. and

Popham, J. concur.