

IN THE COURT OF APPEALS OF OHIO

SEVENTH APPELLATE DISTRICT
JEFFERSON COUNTY

STACEY KAINE,

Plaintiff-Appellee,

v.

RONALD KAINE,

Defendant-Appellant.

OPINION AND JUDGMENT ENTRY
Case No. 23 JE 0008

Motion for Leave to Request Civ.R. 60(A) Correction
Case No. 16 DR 308

BEFORE:

Cheryl L. Waite, Mark A. Hanni, Judges.

JUDGMENT:

Overruled.

Atty. Francesca T. Carinci, for Plaintiff-Appellee

Atty. Danielle C. Kulik, for Defendant-Appellant

Dated: April 5, 2024

PER CURIAM

{¶1} Appellant Ronald Kaine has filed a “Motion for Leave to Request Civ.R. 60(A) Correction” in our Opinion in *Kaine v. Kaine*, 7th Dist. Jefferson No. 23 JE 0008, 2023-Ohio-4743. Appellant contends that a clerical error exists within that Opinion pertaining to the amount this Court awarded for damage to a front door and threshold. No other challenges to our Opinion are raised within the motion. Appellee Stacey Kaine has not filed a response.

{¶2} Civ.R. 60(A) addresses clerical mistakes and provides 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. During the pendency of an appeal, such mistakes may be so corrected before the appeal is docketed in the appellate court, and thereafter while the appeal is pending may be so corrected with leave of the appellate court.

{¶3} The rule is designed to correct clerical mistakes made within a trial court entry. While the appellate process is referenced within the rule, the rule itself does not apply to appellate courts. It provides that a trial court’s clerical errors may be corrected at any time before an appeal is docketed in the appellate court, or thereafter with leave first obtained from the appellate court. It does not, however, provide a mechanism to

correct an alleged clerical error in an appellate Opinion or order. No parallel rule exists within the Ohio Rules of Appellate Procedure. As such, Appellant’s motion is overruled.

JUDGE CHERYL L. WAITE

JUDGE MARK A. HANNI

NOTICE TO COUNSEL

This document constitutes a final judgment entry.