[Cite as *Morgan v. Recklaw*, 2026-Ohio-4557.]

IN THE COURT OF APPEALS OF OHIO

SEVENTH APPELLATE DISTRICT
COLUMBIANA COUNTY

CATHERINE MORGAN,

Plaintiff-Appellee,

v.

JOSEPH RECKLAW,

Defendant-Appellant.

OPINION AND JUDGMENT ENTRY
Case No. 26 CO 0002

Motion for Reconsideration

BEFORE:
Mark A. Hanni, Cheryl L. Waite, Katelyn Dickey, Judges.

JUDGMENT:
Denied.

Atty. Ashley E. Stowers, Stowers Law Office, LLC, for Plaintiff-Appellee and

Joseph Recklaw, *Pro se*, Defendant-Appellant.

Dated: November 17, 2026

PER CURIAM.

{¶1} Defendant-Appellant, Joseph Recklaw, has filed an application for reconsideration asking this Court to reconsider our decision and judgment entry in which we affirmed the trial court overruling of Appellant's "motion to set aside custody judgment pursuant to Civ.R. 60(B)." *Morgan v. Recklaw*, 2026-Ohio-3782 (7th Dist.).

{¶2} App.R. 26, which provides for the filing of an application for reconsideration in this Court, includes no guidelines to be used in the determination of whether a decision is to be reconsidered and changed. *Matthews v. Matthews*, 5 Ohio App.3d 140, 143 (10th Dist. 1981). The test generally applied is whether the motion for reconsideration calls to the attention of the court an obvious error in its decision or raises an issue for our consideration that was either not at all or was not fully considered by us when it should have been. *Id*. An application for reconsideration is not designed for use in instances where a party simply disagrees with the conclusions reached and the logic used by an appellate court. *State v. Owens*, 112 Ohio App.3d 334, 336 (11th Dist. 1996). Rather, App.R. 26 provides a mechanism by which a party may prevent miscarriages of justice that could arise when an appellate court makes an obvious error or renders an unsupportable decision under the law. *Id.*

{¶3} Appellant raised six assignments of error, which we addressed in his appeal. He now argues that we failed to consider his argument that he was not permitted to attend seven pre-trial hearings (January 10, 2024; January 29, 2024; March 29, 2024; August 5, 2024; September 11, 2024; October 28, 2024; and December 3, 2024).

{¶4} In addressing this issue, we reasoned:

> After he filed his notice of appeal, on January 8, 2026, Appellant filed what he terms "Appellant's statement of the evidence pursuant to App.R. 9(C)" in this Court. It simply lists dates for seven hearings that Appellant stated were not recorded. Then on February 23, 2026, he filed with this Court "Appellant's statement of the evidence and proceedings." In this filing, Appellant rehashes his arguments, claims he was not permitted into certain hearings, argues he was coerced into signing the separation agreement, and talks about motions he states the trial court did not rule on.

He also attached affidavits from various friends/family members in an attempt to support his claims.

Appellant seems to confuse this assignment of error with his attempt at appellate practice.

App.R. 9(C) provides a means for an appellant to provide the appellate court with the evidence presented before the trial court when no recording was made or when a transcript of the proceedings is not available. Pursuant to the rule:

(1) If no recording of the proceedings was made, if a transcript is unavailable, or if a recording was made but is no longer available for transcription, the appellant may prepare a statement of the evidence or proceedings from the best available means, including the appellant's recollection. The statement shall be served on the appellee no later than twenty days prior to the time for transmission of the record pursuant to App.R. 10 and the appellee may serve on the appellant objections or propose amendments to the statement within ten days after service of the appellant's statement; these time periods may be extended by the court of appeals for good cause. *The statement and any objections or proposed amendments shall be forthwith submitted to the trial court for settlement and approval.* The trial court shall act prior to the time for transmission of the record pursuant to App.R. 10, and, as settled and approved, the statement shall be included by the clerk of the trial court in the record on appeal.

(Emphasis added); App.R. 9(C)(1).

Appellant did not follow the procedure set out in the rule. Appellant did not submit any factual statement to the trial court "for settlement and approval" in accordance to the appellate rules.

If no transcript is available, then it is the Appellant's duty to present this court with one of the transcript substitutes as provided for in App.R. 9(C). App.R. 9(B). Since Appellant failed to file a transcript or transcript

> substitute, we are left to consider this appeal based solely on the information in the record. Appellant makes no further discernable argument in this assignment of error.

Morgan, 2026-Ohio-3782, at ¶ 43-47 (7th Dist.).

{¶5} Appellant claims we failed to consider his argument that he was not present at the seven hearings listed above, and therefore he could not recreate the record.

{¶6} But the magistrate's orders of January 11, 2024; January 31, 2024; August 7, 2024; October 28, 2024; and December 3, 2024 *specifically state that Appellant was present* with counsel at five of the seven hearings Appellant claims he was precluded from attending. The magistrate's September 13, 2024 order states that only the parties' attorneys participated in the September 11, 2024 telephone conference. There is no indication either way as to the March 29, 2024 pretrial; although the January 31, 2024 magistrate's order states that "Parties and counsel shall appear" at the March 29 pretrial.

{¶7} Based on the above, Appellant merely disagrees with our resolution in this case.

{¶8} Moreover, this was an appeal from the overruling of a Civ.R. 60(B) motion, which this Court and the trial court noted was atypical because the case was determined on its merits. *Morgan*, 2026-Ohio-3782, at ¶ 7, 11 (7th Dist.). And the underlying judgment was agreed to by Appellant. As we pointed out:

> "It has long been the rule in Ohio that if the parties voluntarily enter into a separation agreement, the agreement becomes a valid and binding contract between the parties." *Russell v. Russell*, 1999 WL 437003, *1 (5th Dist. June 7, 1999), citing *Tullis v. Tullis*, 138 Ohio St. 187 (1941). A shared parenting agreement will not be set aside based on a change of heart or poor legal advice. *Haas v. Bauer*, 2004-Ohio-437, ¶ 19 (9th Dist.).

*Morga*n, 2026-Ohio-3782, at ¶ 39 (7th Dist.).

{¶9} In sum, Appellant merely disagrees with the conclusions reached and the logic used by this Court.

{¶10} For the reasons stated, the application for reconsideration is denied.

JUDGE MARK A. HANNI

JUDGE CHERYL L. WAITE

JUDGE KATELYN DICKEY

NOTICE TO COUNSEL

This document constitutes a final judgment entry.