

COURT OF APPEALS OF OHIO, NINTH JUDICIAL DISTRICT

Molnar v. Castillo

2026-Ohio-646 · No. 31072 · Decided February 25, 2026

SUMMARY

The Ninth District Court of Appeals of Ohio affirmed the Summit County Court of Common Pleas judgment in a civil trespass dispute involving a fence and yard waste. The court held that Carol Molnar waived her argument that requests for admissions should be deemed admitted by failing to object to the magistrate's decision and by failing to develop a plain-error argument. The judgment awarding Molnar nominal damages and ordering removal of the encroaching fence was affirmed.

CASE DETAILS

COURT	Court of Appeals of Ohio, Ninth Judicial District
WRITING FOR THE COURT	Per curiam; Donna J. Carr; Hensal, J.; Sutton, J.
JURISDICTION	Court of Appeals of Ohio, Ninth Judicial District
DECIDED	February 25, 2026
DOCKET	31072
DISPOSITION	affirmed
PROCEDURAL POSTURE	Carol Molnar brought a civil-trespass action in the Summit County Court of Common Pleas and cross-appealed from the judgment entered after a magistrate's trial decision. The Ninth District considered whether Molnar preserved her challenge to the trial court's treatment of her requests for admissions.
STANDARD OF REVIEW	The court applied the preservation rule governing objections to a magistrate's decision and declined to review the issue absent a developed plain-error argument.
PRECEDENTIAL VALUE	published
PARTIES	Barbara Castillo v. Carol Molnar

TOPICS

- discovery dispute
- preservation of error
- appellate procedure
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Molnar preserved for appellate review her argument that Castillo's failure to timely respond to requests for admissions required the requests to be deemed admitted.
2. Whether the appellate court should review the unpreserved issue for plain error when Molnar did not develop a plain-error argument.

HOLDINGS

1. Molnar forfeited appellate review of the issue by failing to object to the magistrate's decision.
2. The court will not construct a plain-error argument for an appellant who has not developed one.

KEY QUOTATIONS

“If a party fails to file objections, ‘[e]xcept for a claim of plain error, a party shall not assign as error on appeal the court’s adoption of any factual finding or legal conclusion, whether or not specifically designated as a finding of fact or conclusion of law under Civ.R. 53(D)(3)(a)(ii)’” (¶ 11)

FACTUAL BACKGROUND

Molnar alleged that her neighbor, Castillo, committed civil trespass by constructing a fence that extended onto Molnar's property and by dumping yard waste into her yard. Molnar served requests for admissions and later argued that Castillo's allegedly untimely responses should be deemed admissions. After a magistrate's trial, Molnar received \$10 in nominal damages and an order requiring Castillo to remove the encroaching portion of the fence.

PROCEDURAL HISTORY

Molnar sued Castillo over a fence allegedly extending onto Molnar's property and yard waste allegedly dumped in her yard. The trial court denied Molnar's first summary-judgment motion and denied leave to file a second motion based on allegedly unanswered requests for admissions. After a magistrate awarded Molnar nominal damages and ordered removal of part of the fence, Castillo objected; the trial court overruled the objections, adopted the magistrate's decision, and entered judgment. Castillo's appeal was dismissed for failure to file a brief, leaving Molnar's cross-appeal.

DISPOSITION

affirmed

CASES CITED

- Ying v. Hallam, 2024-Ohio-52, ¶ 9 (9th Dist.)
- In re N.F., 2020-Ohio-2701, ¶ 5-14 (9th Dist.)
- Molnar v. Castillo, 9th Dist. Summit No. 31072 (June 6, 2025)

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