

OHIO COURT OF APPEALS, TENTH APPELLATE DISTRICT

Kim v. Kim

2026-Ohio-3003 · No. 25AP-722 · Decided August 4, 2026

SUMMARY

The Tenth District Court of Appeals affirmed a Franklin County Municipal Court judgment ordering Gyuri Kim to pay \$3,049.17 in unpaid utility expenses incurred during her exclusive occupancy of the marital residence. The court held that she waived all but plain-error review by failing to object to the magistrate’s decision and failing to provide a transcript. Because she did not establish plain error, the court overruled her assignment of error based on res judicata and affirmed the judgment.

CASE DETAILS

COURT	Ohio Court of Appeals, Tenth Appellate District
WRITING FOR THE COURT	Jamison, J.; Dorria n, J.; Edelstein, J.
JURISDICTION	Ohio
DECIDED	August 4, 2026
DOCKET	25AP-722
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed the Franklin County Municipal Court's adoption of a magistrate's decision awarding the plaintiff utility expenses. The appellate court reviewed the appeal under the plain-error standard because the defendant did not object to the magistrate's decision or file a transcript.
STANDARD OF REVIEW	Because appellant did not object to the magistrate's decision, appellate review was limited to plain error. In a civil case, plain error requires a deviation from a legal rule, an obvious error, and an error affecting the basic fairness, integrity, or public reputation of the judicial process. The appellant also bears the burden of demonstrating error from the record.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Gyuri Kim v. Shihyoung Kim

TOPICS

appellate procedure

preservation of error

standard of review

civil procedure

res judicata

PRACTICE AREAS

civil procedure

appellate procedure

family law

QUESTIONS PRESENTED

1. Whether the appellate court could review the merits of appellant's res judicata challenge when appellant failed to object to the magistrate's decision or file a transcript.
2. Whether the record showed plain error warranting reversal of the trial court's judgment.

HOLDINGS

1. A party who fails to timely object to a magistrate's factual findings or legal conclusions waives appellate review of those issues except for plain error.
2. Plain error in a civil case requires a deviation from a legal rule, an obvious error, and an error affecting the basic fairness, integrity, or public reputation of the judicial process; the doctrine is reserved for exceptional cases.

KEY QUOTATIONS

“Except 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 . . . unless the party has objected to that finding or conclusion as required by Civ.R. 53(D)(3)(b).” (¶ 8)

“reviewing courts must proceed with the utmost caution, limiting the doctrine strictly to those extremely rare cases where exceptional circumstances require its application to prevent a manifest miscarriage of justice” (¶ 9)

“A party who does not file written objections to a magistrate’s decision may not raise on appeal issues on the merits that might have been the basis of the objections.” (¶ 10)

FACTUAL BACKGROUND

The parties were formerly married, and their divorce was finalized on November 14, 2024. The complaint alleged that Gyuri Kim exclusively occupied the residence during the relevant period and failed to pay utility bills, leaving \$3,049.17 in unpaid gas, electricity, and water charges and penalties. After a hearing, the magistrate found that Gyuri Kim solely occupied the residence and admitted liability for the utility balance.

PROCEDURAL HISTORY

Shihyoung Kim filed claims for property damage, conversion, and unjust enrichment in the Franklin County Municipal Court. After a hearing, the magistrate ordered Gyuri Kim to pay \$3,049.17 in utility fees plus 8 percent annual interest. The trial court adopted the magistrate's decision, and Gyuri Kim appealed without filing objections or a transcript.

DISPOSITION

affirmed

CASES CITED

- Buford v. Singleton, 2005-Ohio-753 (10th Dist.)
- Goldfuss v. Davidson, 1997-Ohio-401
- Tanner v. Umeh, 2020-Ohio-3470, ¶ 11 (10th Dist.)
- Brown v. Zurich, 2020-Ohio-6099, ¶ 40 (10th Dist.)
- In re G.S., 2011-Ohio-2487, ¶ 6 (10th Dist.)
- Graddic v. Wharton, 2025-Ohio-5157, ¶ 6 (10th Dist.)
- Campbell v. Campbell, 2021-Ohio-2045, ¶ 15 (10th Dist.)

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