

OHIO COURT OF APPEALS, FIRST APPELLATE DISTRICT, HAMILTON
COUNTY

LVNV Funding, L.L.C. v. Evans

2026-Ohio-1078 · No. C-250383 · Decided March 27, 2026

SUMMARY

The Ohio First District Court of Appeals affirmed summary judgment for LVNV Funding LLC in an action to recover an outstanding credit-card balance. The court held that Shirley Evans’s failure to object to the magistrate’s decision limited review to plain error, which was neither argued nor apparent in the record. The court therefore overruled all five assignments of error.

CASE DETAILS

COURT	Ohio Court of Appeals, First Appellate District, Hamilton County
WRITING FOR THE COURT	Zayas, Presiding Judge; Nestor, Judge; Moore, Judge
JURISDICTION	Ohio Court of Appeals, First Appellate District, Hamilton County
DECIDED	March 27, 2026
DOCKET	C-250383
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a judgment of the Hamilton County Municipal Court adopting a magistrate's decision and granting summary judgment to LVNV Funding LLC in an action to recover an alleged credit-card debt.
STANDARD OF REVIEW	Because Evans failed to object to the magistrate's decision, the appellate court reviewed for plain error. In civil cases, plain error is disfavored and applies only in extremely rare cases involving exceptional circumstances that seriously affect the fairness, integrity, or public reputation of the judicial process.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Shirley Evans v. LVNV Funding LLC

TOPICS

- summary judgment
- preservation of error
- standard of review
- appellate procedure
- commercial litigation

PRACTICE AREAS

civil procedure

consumer protection

commercial litigation

appellate procedure

QUESTIONS PRESENTED

1. Whether Evans's failure to object to the magistrate's summary-judgment decision limited appellate review to plain error.
2. Whether plain error was apparent in the trial court's adoption of the magistrate's decision granting LVNV summary judgment on the alleged credit-card debt.

HOLDINGS

1. A party's failure to file objections to a magistrate's summary-judgment decision results in plain-error review on appeal.
2. No plain error was apparent in the record or the trial court's decision, so the appellate court overruled Evans's assignments of error and affirmed the judgment granting LVNV summary judgment.

KEY QUOTATIONS

“ “[I]n appeals of civil cases, the plain error doctrine is not favored and may be applied only in the extremely rare case involving exceptional circumstances where error, to which no objection was made at the trial court, seriously affects the basic fairness, integrity, or public reputation of the judicial process, thereby challenging the legitimacy of the underlying judicial process itself.” (¶ 12)

FACTUAL BACKGROUND

LVNV alleged that Evans owed \$1,063.21 on a charged-off Credit One Bank credit-card account ending in 5789 and that LVNV acquired the account through a series of assignments. LVNV supported its summary-judgment motion with an affidavit and business records concerning the account's transaction history, chain of title, and card terms. Evans denied owing the debt and challenged LVNV's ownership, the sufficiency and admissibility of the evidence, the amount owed, and compliance with assignment and notice requirements.

PROCEDURAL HISTORY

LVNV sued Evans for \$1,063.21 allegedly owed on a charged-off Credit One Bank credit-card account. The magistrate granted LVNV summary judgment, denied Evans's competing summary-judgment motions, and awarded LVNV \$1,063.21 plus post-judgment interest and costs. Evans filed no objections to the magistrate's decision, the trial court adopted it, and Evans appealed. The First District reviewed for plain error and affirmed.

DISPOSITION

affirmed

CASES CITED

- Crown Asset Mgt., LLC v. Gaynor, 2022-Ohio-1468, ¶¶ 8, 13 (1st Dist.)

- Wells Fargo Bank, N.A. v. Lundeen, 2020-Ohio-28, ¶ 11 (8th Dist.)
- Hudson v. Lager & Vine Gastro Pub & Wine Bar, 2018-Ohio-2802, ¶ 18 (9th Dist.)
- Goldfuss v. Davidson, 79 Ohio St.3d 116, 122-123 (1997)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/ohio-court-of-appeals-first-appellate-district-hamilton-county-ohio-court-of-appeals-first-appellate/2026/lvny-funding-l-l-c-v-evans-aa44nzb>