

OHIO COURT OF APPEALS, NINTH JUDICIAL DISTRICT

Kiltau v. Pugh

2025-Ohio-5841 · No. 31211 · Decided December 31, 2025

SUMMARY

The Ninth District Court of Appeals of Ohio affirmed a Summit County domestic-relations judgment concerning custody, parenting time, child support, and related obligations involving a minor child. The court overruled the appellant’s assignments of error, including challenges concerning service, jurisdiction, the magistrate’s decision, an App.R. 9(C) statement of proceedings, and courtroom participation. The court emphasized the appellant’s failure to timely object to the magistrate’s decision and failure to provide a hearing transcript.

CASE DETAILS

COURT	Ohio Court of Appeals, Ninth Judicial District
WRITING FOR THE COURT	Scot Stevenson; Flagg Lanzinger; Patricia Hensal
JURISDICTION	Ohio Court of Appeals, Ninth Judicial District
DECIDED	December 31, 2025
DOCKET	31211
DISPOSITION	affirmed
PROCEDURAL POSTURE	Pro se appeal from a Summit County Court of Common Pleas, Domestic Relations Division, judgment adopting a magistrate's decision and denying the appellant's motions concerning custody, parenting time, child support, and related matters.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Kyle Kiltau v. Mysteria Pugh, Russell Pugh, Gary Kiltau

TOPICS

- family law procedure
- child custody
- appellate procedure
- preservation of error
- service of process

PRACTICE AREAS

- family law
- civil procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court violated App.R. 9(C) and due process by refusing to settle or approve Kiltau's statement of the proceedings.
2. Whether Kiltau could challenge on appeal the trial court's alleged lack of jurisdiction based on defective service and acceptance of a waiver of service when he failed to timely object to the magistrate's decision.
3. Whether Kiltau established plain error concerning the alleged service, jurisdiction, courtroom-removal, cross-examination, and guardian ad litem issues.
4. Whether the absence of a transcript prevented appellate review of the challenged issues.

HOLDINGS

1. App.R. 9(C) does not authorize preparation of a statement of the evidence or proceedings conducted before a magistrate; objections to factual findings in a magistrate's decision must instead comply with Civ.R. 53(D)(3)(b), including the transcript-or-affidavit requirement.
2. Except for a properly developed plain-error claim, a party may not assign as error on appeal the trial court's adoption of a magistrate's factual finding or legal conclusion unless the party timely objected as required by Civ.R. 53(D)(3)(b).
3. When an appellant fails to provide a transcript of the evidentiary hearings, the appellate court cannot fully review the merits of issues dependent on those proceedings.
4. Pro se litigants are entitled to reasonable leeway and liberal construction of their pleadings, but they remain subject to the same rules and procedures as represented litigants and are not entitled to greater rights.

KEY QUOTATIONS

“pro se litigants should be granted reasonable leeway such that their motions and pleadings should be liberally construed so as to decide the issues on the merits, as opposed to technicalities. However, a pro se litigant is presumed to have knowledge of the law and correct legal procedures so that he remains subject to the same rules and procedures to which represented litigants are bound.” (§ 10)

“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, whether or not specifically designated as a finding of fact or conclusion of law under Civ.R. 53(D)(3)(a)(ii), unless the party has objected to that finding or conclusion as required by Civ.R. 53(D)(3)(b).” (§ 12)

FACTUAL BACKGROUND

Kyle Kiltau and Mysteria Pugh are the unmarried parents of A.K. After Pugh's 2022 arrest on drug charges, the trial court prohibited her contact with the child; Kiltau's request for temporary custody was denied after he initially refused drug testing and later tested positive for methamphetamines. The child's maternal grandfather, Russell Pugh, received exclusive temporary custody, while Kiltau received supervised visitation. Following multiple motions and seven evidentiary hearings, the trial court adopted the magistrate's decision naming Russell Pugh sole custodian and imposing related parenting-time and support obligations.

PROCEDURAL HISTORY

The trial court adopted a magistrate's decision after seven evidentiary hearings. The judgment denied Kiltau's motions for reallocation of parental rights and responsibilities and other relief, named Russell Pugh the child's sole custodian, and established supervised parenting time, child support, extraordinary medical expense, and arrearage-payment obligations. Kiltau appealed, but he had not timely objected to the magistrate's decision and did not provide a transcript of the hearings.

DISPOSITION

affirmed

CASES CITED

- Sherlock v. Myers, 2004-Ohio-5178, ¶ 3 (9th Dist.)
- First Communications, LLC v. Helms, 2016-Ohio-7586, ¶ 6 (9th Dist.)
- In re Guardianship of P.S., 2024-Ohio-1310, ¶ 6 (9th Dist.)
- Stevens v. Stevens, 2019-Ohio-264, ¶ 17 (9th Dist.)