

NINTH DISTRICT COURT OF APPEALS OF OHIO

E.S. v. L.J.

2026-Ohio-900 · No. 31614 · Decided March 18, 2026

SUMMARY

The Ohio Ninth District Court of Appeals dismissed E.S.’s appeal from the denial of a domestic violence civil protection order sought on behalf of a minor child. The court held that under Civ.R. 65.1(G), objections to the trial court’s adoption of a magistrate’s decision must be ruled upon or otherwise resolved before an appeal is filed.

CASE DETAILS

COURT	Ninth District Court of Appeals of Ohio
WRITING FOR THE COURT	Jill Flagg Lanzinger, Presiding Judge; Hensal, J.; Sutton, J.
JURISDICTION	Ohio Ninth District Court of Appeals
DECIDED	March 18, 2026
DOCKET	31614
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from the Summit County Court of Common Pleas judgment adopting a magistrate's decision dismissing a petition for a domestic violence civil protection order.
STANDARD OF REVIEW	The appellate court did not reach the merits of the assignments of error because the appeal was not procedurally subject to review before the trial court ruled on the timely objections.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals decision
PARTIES	E.S. v. L.J.

TOPICS

- domestic violence
- family law procedure
- appellate procedure
- final judgment rule
- civil procedure

PRACTICE AREAS

- family law
- domestic violence
- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether an appeal from a domestic violence civil protection order decision is procedurally ripe when the appellant has timely filed objections under Civ.R. 65.1(F)(3)(d) but the trial court has not yet ruled on them.
2. Whether the appellate court could review the appellant's evidentiary and abuse-of-discretion challenges to the denial of the domestic violence civil protection order before the trial court resolved the objections.

HOLDINGS

1. Under Civ.R. 65.1(G), timely objections to a trial court's adoption, modification, or rejection of a magistrate's decision concerning a domestic violence civil protection order must be filed and ruled upon or otherwise resolved before an appeal is filed. An appeal filed after objections but before the trial court rules on them is procedurally premature and must be dismissed.

KEY QUOTATIONS

“Consequently, ‘Civ.R. 65.1(G) requires objections to a civil protection order to be both timely filed and ruled upon or otherwise resolved by the trial court prior to the filing of an appeal to this Court.’” (¶ 7)

“Therefore, this matter is not yet procedurally subject to appeal and must be dismissed.” (¶ 8)

FACTUAL BACKGROUND

E.S. filed a petition for a domestic violence civil protection order against L.J. on behalf of their minor child, Z.S. A magistrate initially granted an ex parte order, but after a full hearing dismissed the petition, and the trial court adopted that dismissal. E.S. filed objections to the magistrate's decision and then filed an appeal before the trial court resolved the objections.

PROCEDURAL HISTORY

E.S. petitioned for a domestic violence civil protection order on behalf of his minor child under R.C. 3113.31. After an ex parte order and a full hearing, the magistrate dismissed the petition on August 11, 2025, and the trial court adopted the dismissal the same day. E.S. timely filed objections but filed a notice of appeal before the trial court ruled on those objections. The appellate court dismissed the appeal as procedurally premature.

DISPOSITION

dismissed

CASES CITED

- P.D. v. R.M., 2023-Ohio-4176
- V.O. v. S.C.L., 2021-Ohio-683
- F.M. v. M.M., 2025-Ohio-4651
- Frith v. Frith, 2017-Ohio-7848

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