

OHIO NINTH DISTRICT COURT OF APPEALS

R.C. v. A.C.

2026-Ohio-2016 · No. 2025CA0062-M · Decided May 29, 2026

SUMMARY

The Ninth District Court of Appeals of Ohio affirmed the Medina County Court of Common Pleas' denial of A.C.'s Civ.R. 60(B) motion seeking relief from a domestic violence civil protection order. The court held that, even assuming A.C. could establish incompetency or improper service as a meritorious defense, his motion was not filed within a reasonable time after he learned of the order. The court also held that additional arguments concerning unauthorized representation and allegedly false testimony were forfeited because they had not been raised in the trial court.

CASE DETAILS

COURT	Ohio Ninth District Court of Appeals
WRITING FOR THE COURT	Betty Sutton; Flagg Lanzinger; Stevenson
JURISDICTION	Ohio Ninth District Court of Appeals
DECIDED	May 29, 2026
DOCKET	2025CA0062-M
DISPOSITION	affirmed
PROCEDURAL POSTURE	A.C. appealed the Medina County Court of Common Pleas, Domestic Relations Division's denial of his Civ.R. 60(B) motion seeking relief from a five-year domestic violence civil protection order.
STANDARD OF REVIEW	Abuse of discretion for denial of a Civ.R. 60(B) motion; an abuse of discretion is a decision that is unreasonable, arbitrary, or unconscionable. For issues not raised below, appellate review is generally forfeited absent a developed plain-error argument.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	A.C. v. R.C.

TOPICS

- domestic violence
- family law procedure
- appellate procedure
- remedies
- preservation of error

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying A.C.'s Civ.R. 60(B)(5) motion based on alleged lack of service and notice of the full civil protection order.
2. Whether alleged incompetency at the time of the full civil protection-order hearing could constitute a meritorious defense under Civ.R. 60(B).
3. Whether A.C. could raise on appeal arguments concerning unauthorized representation, evidentiary misconduct, and the truth or sufficiency of the allegations when those issues were not raised in the Civ.R. 60(B) motion.

HOLDINGS

1. The trial court did not abuse its discretion in denying A.C.'s Civ.R. 60(B)(5) motion because he failed to establish that the motion was filed within a reasonable time after he learned of the protection order and the grounds for relief.
2. A.C. forfeited arguments that he failed to raise in the trial court and could not obtain appellate consideration absent a developed plain-error argument.

KEY QUOTATIONS

“Civ.R. 60(B)(5) is reserved for extraordinary and unusual cases when the interests of justice necessitate it and “[t]he grounds for relief should be substantial.”” (¶ 16)

“To prevail on a Civ.R. 60(B) motion, A.C. was required to establish: (1) a meritorious claim or defense in the event relief is granted; (2) entitlement to relief under one of the provisions of Civ.R. 60(B); and (3) timeliness of the motion.” (¶ 18)

FACTUAL BACKGROUND

R.C. petitioned for a domestic violence civil protection order, alleging that A.C. had repeatedly physically abused, threatened, and harassed her, including threats to rape and kill her. After an ex parte order was issued and A.C. was personally served, the full hearing was continued at his request; A.C. was absent from the rescheduled hearing, although counsel appeared, and the trial court later entered a five-year protection order. A.C. claimed he was abroad and hospitalized when the hearing occurred, learned of the order upon his return and arrest, but waited approximately fourteen months after learning of the order to seek Civ.R. 60(B) relief.

PROCEDURAL HISTORY

R.C. obtained an ex parte domestic violence civil protection order against A.C. on March 13, 2024, followed by a five-year full civil protection order entered April 23, 2024, after a hearing at which A.C. was absent but counsel appeared. A.C. filed a Civ.R. 60(B) motion on July 29, 2025, alleging lack of notice, improper service, and incompetency at the time of the hearing. The trial court denied the motion, and the Ninth District affirmed.

DISPOSITION

affirmed

CASES CITED

- Thornton v. Borstein, 2021-Ohio-2231, ¶ 24 (9th Dist.)
- Smith v. Smith, 2019-Ohio-129, ¶¶ 9, 17 (9th Dist.)
- State ex rel. Hatfield v. Miller, 2023-Ohio-429, ¶ 12
- Rose Chevrolet, Inc. v. Adams, 36 Ohio St.3d 17, 21 (1988)
- Strack v. Pelton, 70 Ohio St.3d 172, 174 (1994)
- Blakemore v. Blakemore, 5 Ohio St.3d 217, 219 (1983)
- Pons v. Ohio State Med. Bd., 66 Ohio St.3d 619, 621 (1993)
- GTE Automatic Elec., Inc. v. ARC Industries, Inc., 47 Ohio St.2d 146 (1976)
- Summit Gardens Assn. v. Lemongelli, 2007-Ohio-6720, ¶ 36 (11th Dist.)
- Sturges v. Longworth, 1 Ohio St. 544, 556-557 (1853)
- Shover v. Cordis Corp., 61 Ohio St.3d 213, 220 (1991)
- Collins v. Sotka, 81 Ohio St.3d 506 (1998)
- Deutsche Bank Nat'l Tr. Co. v. Stone, 2021-Ohio-3007, ¶ 12 (10th Dist.)
- In re G.M., 2015-Ohio-582, ¶ 27 (9th Dist.)
- Bass-Fineberg Leasing, Inc. v. Modern Auto Sales, Inc., 2015-Ohio-46, ¶ 24 (9th Dist.)