

COURT OF APPEALS OF OHIO, THIRD APPELLATE DISTRICT

Anderson v. Anderson

2026-Ohio-2246 · No. 14-25-34 · Decided June 15, 2026

SUMMARY

The Ohio Third District Court of Appeals affirmed a Union County divorce judgment involving spousal support, marital-property division, attorney fees, and refinancing of the marital residence. The court held that the appellant failed to preserve his challenges because he did not timely file specific objections to the magistrate’s decision supported by a transcript and did not argue plain error on appeal.

CASE DETAILS

COURT	Court of Appeals of Ohio, Third Appellate District
WRITING FOR THE COURT	Mark C. Miller; John R. Willamowski; Juergen A. Waldick
JURISDICTION	Ohio Court of Appeals, Third Appellate District, Union County
DECIDED	June 15, 2026
DOCKET	14-25-34
DISPOSITION	affirmed
PROCEDURAL POSTURE	Scott Anderson appealed a divorce decree after the trial court overruled his objections to a magistrate's decision, adopted the magistrate's findings and recommendations, and granted the parties a divorce.
STANDARD OF REVIEW	A trial court's decision to adopt, reject, or modify a magistrate's decision is reviewed for abuse of discretion, while the trial court reviews the magistrate's decision de novo. Because Scott failed to file specific objections supported by a transcript, the appellate court declined to review his factually dependent assignments of error and did not conduct a plain-error analysis sua sponte.
PRECEDENTIAL VALUE	published
PARTIES	Scott Anderson v. Susan Anderson

TOPICS

- family law procedure
- divorce
- appellate procedure
- preservation of error
- standard of review

PRACTICE AREAS

family law

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether Scott preserved for appellate review his challenges to the trial court's adoption of the magistrate's factual findings and recommendations when he failed to file specific objections and a supporting transcript in the trial court.
2. Whether the appellate court should conduct a plain-error review of Scott's factually dependent assignments of error despite his failure to argue plain error.

HOLDINGS

1. A party challenging a magistrate's decision must file objections that state with particularity all grounds for objection and must support factual objections with the relevant transcript or a suitable alternative. Scott's general objections and failure to file a transcript or timely supplemental objections did not satisfy these requirements.
2. When a party fails to make specific objections supported by a transcript and does not assign or argue plain error on appeal, the appellate court need not address factually dependent assignments of error and will not sua sponte develop a plain-error argument.

KEY QUOTATIONS

“Civ.R. 53(D)(3)(b) provides that objections to a magistrate’s decision ‘shall be specific and state with particularity all grounds for objection.’” (¶ 12)

“It is well-established that a party cannot raise any new issues or legal theories for the first time on appeal[.] Litigants must not be permitted to hold their arguments in reserve for appeal, thus evading the trial court process.” (¶ 14)

FACTUAL BACKGROUND

Scott and Susan Anderson were married in 1999, and Scott filed for divorce in 2023. Following a divorce hearing before a magistrate, the magistrate issued findings and recommendations concerning the parties' property, spousal support, attorney fees, and marital residence. Scott filed nonspecific objections, did not timely file supplemental objections or a transcript, and later challenged the divorce decree on appeal.

PROCEDURAL HISTORY

Scott filed a complaint for divorce, and Susan filed an answer and counterclaim. After a three-day hearing, the magistrate issued findings and recommendations. Scott filed general objections and sought additional time to file specific supplemental objections and a transcript, but failed to do so within the permitted deadlines. The trial court overruled the objections and entered the divorce decree. Scott then appealed and filed the transcript with the appellate court, asserting errors concerning spousal support, marital-property division, attorney fees, and refinancing of the marital residence.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The cause was remanded to the trial court solely for execution of the judgment for appellate costs. The appellate clerk was directed to certify the judgment entry and opinion to the trial court as the mandate under App.R. 27 and to serve the documents on the parties under App.R. 30.

CASES CITED

- Twalt v. Peacock, 2011-Ohio-1726, ¶ 31 (3d Dist.)
- Figel v. Figel, 2009-Ohio-1659, ¶ 9 (3d Dist.)
- Stumpff v. Harris, 2006-Ohio-4796, ¶ 16 (2d Dist.)
- Depinet v. Norville, 2020-Ohio-3843, ¶ 60 (3d Dist.)
- Wallace v. Willoughby, 2011-Ohio-3008, ¶ 20
- Fogt v. Fogt, 2019-Ohio-1403, ¶¶ 12-13
- Nieto v. Marcellino, 2018-Ohio-4952, ¶ 15 (11th Dist.)
- Krill v. Krill, 2014-Ohio-2577, ¶¶ 70-71
- McMaster v. Akron Health Dept. Hous. Div., 2010-Ohio-3851, ¶¶ 10, 20 (9th Dist.)
- State v. Crayton, 2022-Ohio-3183, ¶ 10 (3d Dist.)
- State v. Talley, 2021-Ohio-2558, ¶ 22 (6th Dist.)
- Snider v. Snider, 2025-Ohio-77, ¶ 29
- Tanner v. Carmichael, 2025-Ohio-4501, ¶ 18 (9th Dist.)