

[Cite as *J.K. v. T.J.*, 2017-Ohio-9239.]

STATE OF OHIO, MAHONING COUNTY
IN THE COURT OF APPEALS
SEVENTH DISTRICT

J.K.	)	
	)	
PETITIONER-APPELLEE	)	
	)	CASE NO. 17 MA 0002
VS.	)	
	)	OPINION
T.J.	)	
	)	
RESPONDENT-APPELLANT	)	

CHARACTER OF PROCEEDINGS: Civil Appeal from the Court of Common Pleas, Mahoning County, Ohio
Case No. 16 CV 3193

JUDGMENT: Dismissed.

APPEARANCES:
For Petitioner-Appellee

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JUDGES:

Hon. Mary DeGenaro
Hon. Cheryl L. Waite
Hon. Carol Ann Robb

Dated: December 11, 2017

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DeGENARO, J.

{¶1} Respondent-Appellant, T.J., appeals a Mahoning County Court of Common Pleas decision issuing a protection order against him in favor of Petitioner-Appellee, J.K.

{¶2} J.K. is employed as a police officer and assigned a K-9 partner named Goose. T.J. resides next door and T.J.'s mother lived two doors down from J.K. On November 22, 2016, T.J. went to retrieve his mail and took his mother's dog with him. J.K. observed T.J.'s mother's dog enter his property but lost sight of Goose as the dog wandered behind the garage. J.K. called for Goose; he heard T.J. yelling and two gunshots in quick succession. J.K. ran towards his garage and saw Goose had been shot. T.J. gave contradictory statements both at the time of the incident and at the hearing explaining why he shot the dog. The situation escalated to an argument between the parties and allegations that T.J. threatened to shoot J.K. Days after the incident T.J. was looking into J.K.'s home with binoculars.

{¶3} On November 23, 2016, an ex-parte hearing was held before the magistrate, and J.K. was granted a civil stalking protection order (CSPO). A full hearing was held before the magistrate on December 8, 2016, and adopting the magistrate's recommendation, the trial court granted J.K.'s CSPO until December 8, 2018. T.J. did not file objections.

{¶4} T.J. timely appealed and raises two assignments of error that challenge the issuance of the CSPO.

{¶5} "On July 1, 2016, the Rules of Civil Procedure were amended with regards to protection orders." *K.U. v. M.S.*, 7th Dist. No. 16 MA 0165, 2017-Ohio-8029, ¶ 16. Civ.R. 65.1(G) provides:

"Notwithstanding the provisions of any other rules, an order entered by the court under division (F)(3)(c) or division (F)(3)(e) of this rule is a final appealable order. However, a party must timely file objections to such an order under division (F)(3)(d) of this rule prior to filing an appeal, and the timely filing of such objections shall stay the running of the time for appeal until the filing of the court's ruling on the objections."

{¶6} A full hearing on the CSPO was conducted by a magistrate, and the trial judge adopted the decision pursuant to Civ.R. 65.1(F)(3)(c). Consequently, Civ.R. 65.1(G) required T.J. to timely file objections to the magistrate's decision with the trial court prior to filing an appeal. *J.S. v. D.E.*, 7th Dist. No. 17 MA 0032, 2017-Ohio-7507, ¶ 21. "Timely objections are defined as those filed within fourteen days of the court's filing of the order." *Id.* citing Civ.R. 65.1(F)(3)(d)(i).

{¶7} The record demonstrates that T.J. failed to file objections to the magistrate's decision granting J.K. a CSPO against him. Without any objection filed, pursuant to Civ.R. 65.1(G), this Court lacks jurisdiction to hear this case. Accordingly, consistent with our decisions in *K.U. v. M.S.*, and *J.S. v. D.E.*, supra, the appeal is dismissed.

Waite, J., concurs.

Robb, P. J., concurs.