

# memo

To: Judge Quinn, Judge Dezso, Magistrates  
From: Julie Toth  
Date: 11/2/2015  
Re: October 2015 Case Law Update

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**Diana F.-S. v. Pacek**, *2015-Ohio-4310*

The Court of Appeals held that the trial court's findings and decision to grant a CPO were not against the manifest weight of the evidence. However, the Court held that the trial court abused its discretion by barring Respondent from consuming alcohol for five years as part of the CPO. R.C. 3113.31(E)(1)(h) permits courts to add restrictions to a CPO, provided that the additional restrictions are "equitable and fair." Restrictions must bear a sufficient nexus to the conduct that the trial court is attempting to prevent, but there was no evidence on the record that there was a connection between alcohol use and Respondent's behavior.

**Henry v. Henry**, *2015-Ohio-4350*

The Court of Appeals affirmed the trial court's judgment finding Wife in contempt, ordering her to pay attorney fees and costs of her former husband and ordering her to pay \$18,000 to her former husband as part of her purge condition.

**J.T. v. R.T.**, *2015-Ohio-4418*

The Court of Appeals found that the CPO issued in this case was against the manifest weight of the evidence. Based on the review of the record, Petitioner did not meet his burden of proving by a preponderance of the evidence that Respondent had caused any bodily injury to their child, nor did Petitioner satisfy his burden of demonstrating by a preponderance of the evidence that Respondent placed any of the children by the threat of force in fear of imminent serious physical harm.