

The Court finds that Defendant's Motions to Hold Plaintiff in Contempt (Motions #439005 and #439324) are denied for the reasons that follow.

Law and analysis

Contempt of court

The prima facie elements of civil contempt include the existence of a court order and the party's noncompliance with the terms of that order. The burden then shifts to the defendant to establish any defense he or she may have * * *. (Citations omitted.)

Abernethy v. Abernethy, 8th Dist. Cuyahoga No. 92708, 2010-Ohio-435, ¶27.

To hold the Plaintiff in contempt there must be an existing Court order and noncompliance with that order. Defendant asserts via motions 439005 and 439324 that there is a violation of the Court's Mutual Restraining Order issued on August 24, 2020 pursuant to Local Rule 24. Defendant alleges Plaintiff changed life insurance information. The Court finds that no evidence of alteration was presented to the Court to establish a violation of the Court's Order. Motions 439005 and 439324 are therefore denied.

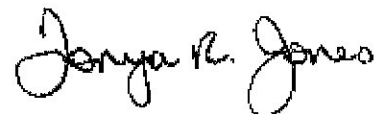
The Court further finds that the Plaintiff has leave of fourteen days to file a response to Defendant's Motion to Hold Plaintiff in Contempt (#439325). In this Motion the Defendant asserts that the Plaintiff has changed his cell phone services through the joint cell phone plan.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Motions #439326, 439324, 439323, 439005, 438841, and 438771 are denied.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED Motion #438555 is granted.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED the Plaintiff is permitted fourteen days to respond to Defendant's Motion to Hold Plaintiff in Contempt filed on March 15, 2020, Motion # 439325, regarding the inference in the parties cell phone plan.

IT IS SO ORDERED.



JUDGE TONYA R. JONES

HORNER vs. HORNER

H110 (Revised 04/2014)

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