

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

KELLI A. CASE,	:	APPEAL NO. C-080230
Plaintiff-Appellee,	:	TRIAL NO. 07CV-21333
vs.	:	JUDGMENT ENTRY.
WALTER K. HOFFMEIER,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

Walter Hoffmeier rented a house to Kelli Case. Although the lease agreement was silent about the electric bills, Hoffmeier claimed that there had been an oral agreement that Case would pay the electric bills for both her house and another smaller house rented by a third party. Case claimed that she had not known about such an agreement. Case sued Hoffmeier for half of her electric bills, which totaled about \$1,300.

Hoffmeier counterclaimed. He alleged that Case owed two months' rent and money for property damage.

At trial, Case presented receipts for her rent paid. Hoffmeier denied signing the receipts and said that it had not been his practice to give receipts unless the tenant had requested one. Hoffmeier hired an expert to analyze the signatures—the expert concluded that the signatures were not Hoffmeier's.

On November 7, in open court, the magistrate awarded Case \$1,000 for the electric bills. She awarded Hoffmeier \$200 for cleaning costs. The magistrate

¹See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

considered the expert's opinion, but specifically denied Hoffmeier's request for unpaid rent because he had not customarily issued receipts to his tenants and could not prove that Case had not paid rent. Copies of the magistrate's decision were mailed the same day.

On November 30, Hoffmeier moved to set aside the magistrate's decision—he claimed that he had not been notified of the decision until November 29. His motion was denied on December 21. Copies of that decision were mailed three days later.

On January 3, Hoffmeier filed a motion to reconsider. The trial court denied his motion. Hoffmeier again moved to set aside the decision and requested findings of fact, conclusions of law, and an oral hearing. The trial court denied all of Hoffmeier's motions.

Hoffmeier now appeals, arguing that the trial court erred by (1) failing to record the proceedings until 15 minutes into the trial, and (2) disregarding proof that Case had forged receipts. (Case has not submitted a brief.)

Hoffmeier did not file objections to the magistrate's decision within the 14 days provided by law.² Although he claimed that he had not received a copy of the decision, the magistrate had announced the decision in open court; thus, Hoffmeier knew of the magistrate's decision. Because Hoffmeier failed to file objections to the magistrate's decision within 14 days, as required by Civ.R. 53(E), he has waived all but plain error.³ Nothing on the face of the magistrate's decision indicates plain error.

Furthermore, even if one of Hoffmeier's other motions could have been substituted for objections to the magistrate's decision, Hoffmeier failed to provide

² Civ.R. 53(E).

³ *Abolfatzadeh v. Abolfatzadeh*, 1st Dist. Nos. C-050039 and C-050056, 2006-Ohio-573, at ¶57.

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the trial court with a transcript of the proceedings. It would not have been proper for the trial court to sustain Hoffmeier's objections to the magistrate's factual findings without a transcript of the proceedings.⁴

Hoffmeier acted pro se and likely failed to understand the procedural rules. But to ensure that our justice system runs smoothly, pro se litigants must operate under the same rules as represented litigants.⁵ Thus, we affirm the trial court's judgment.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App. R. 27. Costs shall be taxed under App.R. 24.

PAINTER, P.J., SUNDERMANN and DINKELACKER, JJ.

To the Clerk:

Enter upon the Journal of the Court on January 14, 2009
per order of the Court _____
Presiding Judge

⁴ Civ.R 53(E)(3)(b)(iii).

⁵ *Chase Manhattan Mtge. Corp. v. Smith*, 1st Dist. No. C-061069, 2007-Ohio-5874, at ¶30.