

[Cite as *Solovyov v. Solovyov*, 2006-Ohio-6406.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 86045

ALEXANDER M. SOLOVYOV

PLAINTIFF-APPELLANT

vs.

ALINA S. SOLOVYOV

DEFENDANT-APPELLEE

**JUDGMENT:
AFFIRMED**

Civil Appeal from the
Cuyahoga County Common Pleas Court
Domestic Relations Division
Case No. D-271154

BEFORE: Corrigan, J., Sweeney, P.J., and Gallagher, J.

RELEASED: December 7, 2006

JOURNALIZED:

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MICHAEL J. CORRIGAN, J.:

{¶ 1} This is an appeal from a domestic relations division order which modified the terms of a separation agreement. The issue is whether the court acted in an ex parte manner by doing so.

{¶ 2} Plaintiff Alexander Solovyov and defendant Alina Solovyov were divorced in 2000 pursuant to the terms of a separation agreement in which the parties agreed to share custody of their two children. In 2003, Alina asked the court to terminate the shared parenting plan and grant her sole custody. A series of delays postponed a hearing on the motion until February 2, 2005. The day before that hearing, Alexander filed a motion for a continuance. The court did not rule on the motion, but held the scheduled hearing and granted Alina's motion. Alexander did not attend this hearing.

{¶ 3} The above are all the relevant facts contained in the record.

{¶ 4} Alexander's attorney insists that he and his client did not fail to attend the hearing and, in fact, spoke with the judge and a member of the judge's staff just 45 minutes before the hearing was to begin. He claims the judge orally told him that the hearing was continued. Alexander's counsel also states that the court's journal entry was hand-written by Alina's counsel, in violation of Loc.R. 28(B) of the Domestic Relations Division, Cuyahoga County Court of Common Pleas, which requires that any order prepared by counsel at the direction of the court must be submitted to opposing counsel for approval or rejection. Alexander claims that Alina

did not submit the proposed entry to him, hence his claim that the order went out ex parte.

{¶ 5} It is a basic tenet of appellate review that the appellant must provide an adequate record on appeal which exemplifies the claimed error. See App.R. 9(B); *Knapp v. Edwards Laboratories* (1980), 61 Ohio St.2d 197. Alexander's claim that the court verbally informed him that a continuance had been granted and that the court's journal entry had been written out by Alina's counsel are not supported by the record. They are purely anecdotal and, as such, not permissible as a means for obtaining a reversal of the court's judgment. In short, we have no basis for reviewing Alexander's arguments.

{¶ 6} The proper vehicle for addressing Alexander's complaint is by way of a motion for relief from judgment. The record shows that Alexander did file a motion for relief from judgment and, despite a temporary remand from this court, that motion remains pending at this time. Any satisfaction Alexander hopes to receive will have to come from that motion.

Judgment affirmed.

It is ordered that appellee recover of appellant her costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the Cuyahoga County Common Pleas Court – Domestic Relations Division to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27
of the Rules of Appellate Procedure.

MICHAEL J. CORRIGAN, JUDGE*

JAMES J. SWEENEY, P.J., and
SEAN C. GALLAGHER, J., CONCUR

(*Sitting by Assignment: Judge Michael J. Corrigan, Retired, of the Eighth District
Court of Appeals.)