

[Cite as *Halliday v. Halliday*, 2010-Ohio-3194.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 93763

NATALIE PRODAN HALLIDAY

PLAINTIFF-APPELLEE

vs.

BRIAN J. HALLIDAY

DEFENDANT-APPELLANT

**JUDGMENT:
AFFIRMED**

Civil Appeal from the
Domestic Relations Division of
Cuyahoga County Court of Common Pleas
Case No. D-291466

BEFORE: Blackmon, J., Kilbane, P.J., and Stewart, J.

RELEASED: July 8, 2010

JOURNALIZED:

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N.B. This entry is an announcement of the court's decision. See App.R. 22(B) and 26(A); Loc.App.R. 22. This decision will be journalized and will become the judgment and order of the court pursuant to App.R. 22(C) unless a motion for reconsideration with supporting brief per App.R. 26(A), or a motion for consideration en banc with supporting brief per Loc.App.R. 25.1(B)(2), is filed within ten days of the announcement of the court's decision. The time period for review by the Supreme Court of Ohio shall begin to run upon the journalization of this court's announcement of decision by the clerk per App.R. 22(C). See, also, S.Ct. Prac.R. 2.2(A)(1).

PATRICIA ANN BLACKMON, J.:

{¶ 1} Appellant Brian J. Halliday (“father”) appeals the trial court’s

refusal to conduct an evidentiary hearing or permit limited discovery regarding the income of appellee Natalie Prodan Halliday (“mother”), and the court’s failure to grant his request for findings of fact and conclusions of law regarding the calculation of child support. The father assigns the following two errors for our review:

“I. The trial court clearly erred and abused its discretion by not permitting discovery regarding appellee’s income.”

“II. The trial court clearly had an obligation to provide findings of fact and conclusions of law and failed to do so.”

{¶ 2} Having reviewed the record and pertinent law, we affirm the trial court’s judgment. The apposite facts follow.

FACTS

{¶ 3} After 33 days of trial, the lower court issued a divorce decree regarding the parties’ marriage on September 12, 2008. This decree resolved all issues except for child support and guardian ad litem fees. The court reserved jurisdiction to address these two issues at a later date based upon the lack of sufficient evidence of the mother’s income.

{¶ 4} The mother repeatedly refused to comply with the court’s order to present the documentation throughout the trial, claiming she needed more time to compile the information. The court eventually issued an order post-trial finding her in contempt and sentenced her to 30 days in jail that

would be suspended when she complied with the court order to submit documentation by October 15, 2008.

{¶ 5} On October 16, 2008, the mother provided her tax returns for 2006 and 2007. The father filed a motion for an evidentiary hearing and limited discovery regarding the documents, which the court overruled. The court also overruled the father's subsequent motion for reconsideration. On November 12, 2008, the court issued its support obligation based on the mother's and father's 2007 tax returns. The court ordered the father to pay \$855.69 per month for child support and attached a child support worksheet indicating the amount ordered.

{¶ 6} The father filed a motion for findings of fact and conclusions of law as to the November 12, 2008 judgment entry. On August 3, 2009, the trial court issued a judgment entry containing findings of fact and conclusions of law as to issues regarding custody, visitation, and counseling for the child. The court did not further elaborate on the child support obligation.

Discovery and Evidentiary Hearing

{¶ 7} In his first assigned error, the father argues the trial court erred by denying his motion to conduct further limited discovery and request for an evidentiary hearing regarding the mother's income because she failed to produce the requested documents at trial.

{¶ 8} Generally, trial courts are given broad discretion in the

management of discovery. *State ex rel. Daggett v. Gessaman* (1973), 34 Ohio St.2d 55, 57, 295 N.E.2d 659. Absent an abuse of that discretion, a trial court's decision on discovery issues will not be reversed. *State ex rel. The V. Cos. v. Marshall* (1998), 81 Ohio St.3d 467, 469, 692 N.E.2d 198. An abuse of discretion connotes more than an error of law or judgment; it implies an unreasonable, arbitrary or unconscionable decision. *Booth v. Booth* (1989), 44 Ohio St.3d 142, 144, 541 N.E.2d 1028; *Kucmanic v. Kucmanic* (1997), 119 Ohio App.3d 609, 612, 695 N.E.2d 1205.

{¶ 9} We conclude the trial court did not abuse its discretion by denying the father's request for an evidentiary hearing and additional discovery. During discovery, the father was given ample opportunity to depose the mother regarding her income; thus, an additional hearing was not necessary. The trial court obviously believed the documents satisfied the purge order as no jail time was ordered for the mother. Therefore, additional discovery was not necessary. Moreover, given that this was a case that involved years of discovery and litigation and involved a 33 day trial, the trial court did not abuse its discretion in refusing to unnecessarily reopen issues. Accordingly, the father's first assigned error is overruled.

Findings of Fact and Conclusions of Law

{¶ 10} In his second assigned error, the father argues the trial court erred by not complying with his request for findings of fact and conclusions of

law regarding his child support obligation.

{¶ 11} Under Civ.R. 52, the purpose of findings of fact and conclusions of law is “to aid the appellate court in reviewing the record and determining the validity of the basis of the trial court’s judgment.” *In re Adoption of Gibson* (1986), 23 Ohio St.3d 170, 172, 492 N.E.2d 146, 147, quoting *Werden v. Crawford* (1982), 70 Ohio St.2d 122, 124, 435 N.E.2d 424, 426. “The purpose of separately stated findings of fact and conclusions of law is to enable a reviewing court to determine the existence of assigned error. * * * If the [trial] court’s ruling or opinion, together with other parts of the trial court’s record, provides an adequate basis upon which an appellate court can decide the legal issues presented, there is * * * substantial compliance” with the procedural rule requiring the court to make separate findings of fact and conclusions of law. *Abney v. W. Res. Mut. Cas. Co.* (1991), 76 Ohio App.3d 424, 431, 602 N.E.2d 348.

{¶ 12} In the instant case, the court in the November 12, 2008 journal entry adequately set forth the basis for the child support order. The court stated that it considered the parties’ 2007 tax returns in determining the child support obligation. Therefore, the court utilized the same basis for the calculation of each parties’ support obligation. It also attached a child support worksheet indicating how the support was calculated. Therefore, it provided an adequate basis upon which we, the appellate court, can review

the calculation of support. Thus, there was no need for the trial court to further extrapolate how it determined the amount of the father's child support obligation. Accordingly, the father's second assigned error is overruled.

Judgment affirmed.

It is ordered that appellee recover from appellant her costs herein taxed. The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate be sent to said court 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.

PATRICIA ANN BLACKMON, JUDGE

MARY EILEEN KILBANE, P.J., and
MELODY J. STEWART, J., CONCUR