

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

Rachel Sumerford (nka Tjaden),	:	
Plaintiff-Appellant,	:	
v.	:	No. 11AP-1051
Michael Sumerford,	:	(C.P.C. No. 07JU-01-809)
Defendant-Appellee.	:	(REGULAR CALENDAR)

D E C I S I O N

Rendered on June 26, 2012

Hillard M. Abrams, for appellant.

Tyack, Blackmore, Liston & Nigh Co., LPA, Margaret L. Blackmore, and Jennifer L. Prindle, for appellee.

APPEAL from the Franklin County Court of Common Pleas,
Division of Domestic Relations, Juvenile Branch

CONNOR, J.

{¶ 1} Plaintiff-appellant, Rachel Sumerford (nka Tjaden) ("appellant"), appeals from a judgment of the Franklin County Court of Common Pleas, Division of Domestic Relations, Juvenile Branch, entered on November 4, 2011 in which the trial court, inter alia, overruled appellant's objections to the magistrate's decision rendered June 21, 2011. In that decision, the magistrate determined the Franklin County court had jurisdiction to modify the parties' Oklahoma divorce decree as it pertained to parental rights and responsibilities and granted defendant-appellee, Michael Sumerford's ("appellee"), motion for a modification of the parenting time schedule. Because we have already

considered and decided the issue of jurisdiction in a previous appeal involving the same parties, we find the law-of-the-case doctrine is applicable and therefore, we affirm.

{¶ 2} On April 26, 2012, this court issued a decision in which we held that the Franklin County court had jurisdiction to modify the Oklahoma custody determination, pursuant to R.C. 3127.15(A)(1) and 3127.17(B), without an express relinquishment of jurisdiction by the Oklahoma court. *See Sumerford v. Sumerford*, 10th Dist. No. 11AP-29, 2012-Ohio-1842, ¶ 24-30. Under the law-of-the-case doctrine, "the decision of a reviewing court in a case remains the law of that case on the legal questions involved for all subsequent proceedings in the case at both the trial and reviewing levels." *Nolan v. Nolan*, 11 Ohio St.3d 1, 3 (1984). *See also State v. Davis*, 131 Ohio St.3d 1, 2011-Ohio-5028, ¶ 30. The law-of-the-case doctrine "is necessary to ensure consistency of results in a case, to avoid endless litigation by settling the issues, and to preserve the structure of superior and inferior courts as designed by the Ohio Constitution." *State ex rel. Jelinek v. Schneider*, 127 Ohio St.3d 332, 2010-Ohio-5986, ¶ 12, quoting *Hopkins v. Dyer*, 104 Ohio St.3d 461, 2004-Ohio-6769, ¶ 15.

{¶ 3} The assignment of error raised in the instant appeal challenges whether the trial court had jurisdiction to modify companionship on August 23, 2010. This is one of the very same issues we decided in the prior appeal. Furthermore, appellant failed to appeal that decision and has failed to raise any valid arguments which point to an error in our analysis of that issue. As a result, the law-of-the-case doctrine is applicable here. Having previously determined that the Franklin County court did have jurisdiction to modify companionship, we make that same determination again here, and therefore, we affirm the judgment of the Franklin County Court of Common Pleas, Division of Domestic Relations, Juvenile Branch.

Judgment affirmed.

KLATT and FRENCH, JJ., concur.
