# CAPTION: SIMPSON V. SIMPSON

**01-03-24**

APPEAL NO.: C-230079

TRIAL NO.: DR9902814

KEY WORDS: DIVORCE – CIVIL CONTEMPT – SERVICE OF PROCESS – CIV.R. 75(J)

SUMMARY:

The trial court lacked continuing jurisdiction under Civ.R. 75(J) to hold ex-husband in contempt for nonpayment of spousal support where ex-husband presented uncontroverted evidence that rebutted the presumption of effective service of ex-wife’s motion for contempt. [*But see* DISSENT: The order appealed from is not a final, appealable order where the order is an interlocutory order on the issue of compliance with the purge condition which contemplates further action from the trial court, and therefore, the appeal should be dismissed.]

JUDGMENT: VACATED

JUDGES: OPINION by KINSLEY, J.; BOCK, J., CONCURS and ZAYAS, P.J., DISSENTS.