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

BRADLEY BAIRD,	:	APPEAL NO. C-260138 TRIAL NO. 25CV38369
Plaintiff-Appellant,	:	
vs.	:	
ART DANIELS, d.b.a. ART DANIELS POOL SERVICE,	:	*JUDGMENT ENTRY*
Defendant-Appellee.	:	

This cause was heard upon the appeal, the record, and the briefs.

For the reasons set forth in the Opinion filed this date, the judgment of the trial court is reversed and the cause is remanded.

Further, the court holds that there were reasonable grounds for this appeal, allows no penalty, and orders that costs be taxed under App.R. 24.

The court further orders that (1) a copy of this Judgment with a copy of the Opinion attached constitutes the mandate, and (2) the mandate be sent to the trial court for execution under App.R. 27.

To the clerk:

Enter upon the journal of the court on 9/4/2026.

Pursuant to App.R. 30, the clerk is directed to send all parties, or their counsel if represented, a copy of the court's judgment and note such action on the docket.

By: Jennifer Hunsley
Administrative Judge

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vs.	:	
ART DANIELS, d.b.a. ART DANIELS POOL SERVICE,	:	*O P I N I O N*
Defendant-Appellee.	:	

Civil Appeal From: Hamilton County Municipal Court

Judgment Appealed From Is: Reversed and Cause Remanded

Date of Judgment Entry on Appeal: September 4, 2026

Bradley Baird, pro se,

Art Daniels, pro se.

KINSLEY, Presiding Judge.

{¶1} Plaintiff-appellant Bradley Baird appeals the judgment of the Hamilton County Municipal Court in favor of defendant-appellee Art Daniels, d.b.a Art Daniels Pool Service, on Daniels's counterclaim for a balance due on a loan Daniels made to Baird. In its entry awarding judgment to Daniels, the trial court indicated that Baird was not present for trial and would not be granted a new trial, given his failure to appear.

{¶2} Baird appeals, contending that he lacked sufficient notice of the trial date. The record supports Baird's contention. Baird was not served with actual notice of the trial setting, nor did he receive adequate constructive notice to be aware of the date that the municipal court was adjudicating Daniels's counterclaim. We accordingly reverse the trial court's judgment as to Daniels's counterclaim and remand the cause to the trial court.

Background

{¶3} On December 18, 2025, Baird sued Daniels, his former employer, for wrongful termination. In response, Daniels counterclaimed against Baird, contending that Baird owed him money for a loan, as well as other expenses related to a company vehicle and cell phone. Daniels answered Baird's complaint, but Baird never responded to Daniels's counterclaim.

{¶4} A magistrate heard the case on January 21, 2026. Apparently unhappy with the outcome, Baird filed a motion for new trial the same day. His motion indicated that there had been an accident on the interstate, causing him to arrive ten minutes late to court.

{¶5} A magistrate granted Baird's motion for new trial on January 29, 2026, but did not schedule a new trial date. The magistrate's entry contained a handwritten

notation indicating that the clerk served the entry on the parties by mail the same day it was issued. The magistrate's January 29, 2026 entry was docketed by the clerk on February 3, 2026. The clerk did not separately notate on the record that notice of the January 29, 2026 entry was served on the parties.

{¶6} On February 13, 2026, a magistrate reissued the entry granting Baird's motion for a new trial. This time, the entry contained a new trial date of February 18, 2026 at 9:30 a.m., a mere five days later. February 13 was a Friday, so the five-day period between the reissued entry containing the trial date and the trial setting included two nonworking weekend days. As to service, the clerk's handwritten notation that the order was mailed to the parties on January 29 remained unchanged. The docket contains no separate entry indicating that the clerk served notice of the February 13 entry on Baird.

{¶7} A magistrate heard the case again on February 18, 2026. That same day, the magistrate entered an order finding in favor of Daniels on Baird's wrongful termination claim and on Daniels's counterclaim against Baird and awarding Daniels $1619.50 in damages. The magistrate's entry indicated that Baird did not appear for trial.

{¶8} Baird filed a motion to set aside the magistrate's order on February 24, 2026. In the motion, he argued that the docket did not demonstrate that he had been served with the February 13 order, which set the February 18 trial date. He also attached a sworn affidavit in which he attested that he had not received notice of the trial date. On March 6, 2026, the trial court denied Baird's motion and adopted the magistrate's decision as its judgment.

{¶9} Baird appealed.

Analysis

{¶10} Baird raises two assignments of error on appeal, both of which challenge his lack of notice of the February 18 trial date. In the first, he argues that the trial court erred and violated his right to due process by conducting the February 18 trial without providing adequate notice to him. In the second, he argues that the trial court abused its discretion in denying his motion to set aside the magistrate's order without adequately examining the evidence of lack of notice. Because both assignments of error raise questions as to the adequacy of notice, we address them together.

{¶11} To comport with due process, a trial court is required to give the parties "reasonable notice" of the trial date. *See Ohio Valley Radiology Assocs. v. Ohio Valley Hospital Assn.*, 28 Ohio St.3d 118, 125 (1986). Notice fulfills this purpose when it is "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." *Id.* at 124-125. Reasonable notice may either be accomplished by actually notifying the parties of the event or by providing constructive notice. *Baker v. Austin*, 2019-Ohio-5261, ¶ 10 (1st Dist.).

{¶12} Docketing the trial date on the court's public docket can constitute constructive notice, as parties are expected to keep themselves abreast of developments in their case. *See, e.g., Sturkie v. Auxier*, 2025-Ohio-2399, ¶ 11 (11th Dist.). Whether the placement of an event on the public docket constitutes constructive notice is a case-by-case inquiry. *Baker* at ¶ 10. Courts have found constructive notice to exist where the trial court's docket reflects the trial date several months in advance. *See, e.g., Yoder v. Thorpe*, 2007-Ohio-5866, ¶ 16 (10th Dist.) (holding five months' notice on the public docket to constitute constructive notice); *In re D.R.*, 2007-Ohio-5840, ¶ 23 (8th Dist.) (holding two months' notice on the public

docket to constitute constructive notice). Conversely, where the trial date was posted on the docket the same day as the trial, we have concluded that constructive notice did not occur. *See Baker* at ¶ 11. A party may also rebut the presumption of constructive notice by providing sworn testimony that they did not receive notification of the trial date. *See id.* (observing that the defendant attested he had not received notice of the trial date); *Yoder* at ¶ 17.

{¶13} There is no doubt here that Baird did not receive actual notice of the February 18 court date. At most, the record reflects that the clerk may have mailed the magistrate's January 29 entry to the parties—a fact that is somewhat unclear from the record given that the entry itself notates service but the record does not. But the January 29 entry does not contain a trial date, and the record does not otherwise indicate that the February 13 entry, which scheduled the February 18 trial, was served on Baird.

{¶14} This leaves the question of constructive notice. The February 13 entry was placed on the trial court's public docket the same day it was entered. In theory, the February 13 entry notified the parties of the February 18 trial date. But because it was posted only five days before the trial, and because two of those days were over the weekend, the public docket gave Baird very little time to both learn about the trial setting and then to appear in court. Cases finding constructive notice through the public docket typically involve a much longer public notice period. *See, e.g., Yoder* at ¶ 16. And while a party has a general obligation to stay informed about his case, we can find no authority requiring a party to check the public docket every day. We decline to impute that responsibility to Baird here.

{¶15} Moreover, even if placement of the February 13 entry on the public docket created the presumption of constructive notice, Baird rebutted that

presumption in his sworn affidavit. *See Yoder*, 2007-Ohio-5866, at ¶ 17 (10th Dist.). Baird attested under oath that he was unaware of the February 18 trial date. Given the absence of actual notice and the very short period of time between the February 13 entry and the trial date, we agree with Baird that the trial court should have more carefully scrutinized his claimed lack of notice.

{¶16} We accordingly sustain Baird's assignments of error, reverse the judgment of the trial court, and remand the cause for further proceedings on the parties' respective claims.

Judgment reversed and cause remanded.

CROUSE and **NESTOR, JJ.,** concur.