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

KATLIN MYERS,	:	APPEAL NO. C-260083 TRIAL NO. DV-2501426
Petitioner-Appellee,	:	
vs.	:	*JUDGMENT ENTRY*
JOSHUA MYERS,	:	
Respondent-Appellant.	:	

NESTOR, Judge.

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); Loc.R. 11.1.

In December 2025, petitioner-appellee Kaitlin Myers ("Mother") filed a petition for an ex parte domestic violence civil protection order ("DVCPO") on behalf of herself and her two children against respondent-appellant Joshua Myers ("Father"). The trial court granted Mother's petition and subsequently held a full hearing on the matter on January 30, 2026. The trial court heard testimony from Mother, Father, and their parenting coordinator. The court found that Father's actions constituted abuse under R.C. 2151.031 and granted Mother's petition for a DVCPO. The DVCPO expired on August 17, 2026.

Father appealed from the trial court's order on March 3, 2026, and raised two assignments of error. In his first assignment of error, Father argues that the trial court's order was based on insufficient evidence. In his second assignment of error,

Father argues the trial court erred in granting the DVCPO because there was no admissible evidence that the children were victims of domestic violence.

We do not address Father's assignments of error because his appeal is moot. Although Father timely appealed from the trial court's order, the DVCPO has since expired. This court is "'required to raise justiciability *sua sponte*.'" *Saqr v. Naji*, 2017-Ohio-8142, ¶ 20 (1st Dist.), quoting *Stewart v. Stewart*, 134 Ohio App.3d 556, 558 (4th Dist. 1999). We "will not decide cases in which there is no longer an actual legal controversy between the parties." *Cyran v. Cyran*, 2018-Ohio-24, ¶ 9. Dismissal of an appeal "is proper to avoid 'rende[ring] an advisory opinion on a moot question or rul[ing] on a question of law that cannot affect matters at issue in the case.'" *Andrew v. Dennis*, 2022-Ohio-2567, ¶ 6 (1st Dist.), quoting *Hempen v. Bailey (In re Bailey)*, 2005-Ohio-3039, ¶ 9 (1st Dist.).

An appeal of an expired DVCPO is moot "in the absence of demonstrated legal collateral consequences." *Cyran* at ¶ 14; *see also Toombs v. McGuire*, 2021-Ohio-387 (5th Dist.) (holding that appellant's otherwise timely appeal was moot because the protection order expired and appellee did not seek an extension of the order). For the collateral consequences exception to apply, two factors must be present: "(1) the challenged action is too short in its duration to be fully litigated before its cessation or expiration, and (2) there is a reasonable expectation that the same complaining party will be subject to the same action again." *State ex rel. Calvary v. City of Upper Arlington*, 2000-Ohio-142, ¶ 9. However, the appeal is moot when "the appellant did 'not demonstrate or argue that he has suffered any consequences.'" *A.F. v. R.A.T.*, 2021-Ohio-2568, ¶ 6, quoting *Cyran* at ¶ 11. "Speculation is insufficient to establish a legally cognizable interest for which a court can order relief using the collateral-consequences exception to the mootness rule." *Cyran* at ¶ 11.

Father filed a timely appeal prior to the expiration of the trial court's DVCPO. However, because the DVCPO expired on August 17, 2026, this appeal is now moot. Neither Father nor the trial court's docket indicates that Mother has filed for an extension of the order. Father has not raised a legally cognizable interest that would justify us holding that the collateral consequence exception applies here.

Because there is no longer an actual legal controversy before us, we dismiss Father's appeal.

The court further orders that (1) a copy of this Judgment constitutes the mandate, (2) the mandate be sent to the trial court for execution under App.R. 27, and (3) costs shall be taxed under App.R. 24.

KINSLEY, P.J., and **MOORE, J.,** concur.

To the clerk:

Enter upon the journal of the court on 10/21/2026.

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 A. Kinsley
Administrative Judge