

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

Nadezhda Wood,	:	
	:	Case No. 23 CV 4452
Plaintiff,	:	
	:	
v.	:	Judge David C. Young
	:	
Viacheslav Kovalkov, et al.,	:	Magistrate Mark Petrucci
	:	
Defendants.	:	

Order

This case is before the Court on Defendants’ Objection to Magistrate’s Order Denying Motion for Continuance of Eviction Hearing on October 17, 2023. Plaintiff filed a Memo Contra and Defendants filed a Reply on October 23, 2023.¹ Defendants filed the Motion for Continuance on October 3, 2023, and Plaintiff filed a Brief in Opposition on October 6, 2023.

Defendants moved to continue the eviction hearing set before Magistrate Mark Petrucci on October 25, 2023. This case was referred to the magistrate for

a hearing on Plaintiff’s claim for forcible entry and detainer (“FE&D”). In addition, the Magistrate shall have full authority to handle any issues that impact the FE&D. The magistrate may issue orders, set hearings or conferences, and take any other action he deems appropriate.

(OOR, September 26, 2023.) The magistrate issued an Order denying the Defendants’ Motion to Continue. (Mag.’s Order, Oct. 11, 2023.)

“[A] magistrate may enter orders without judicial approval if necessary to regulate the proceedings and if not dispositive of a claim or defense of a party.” Civ.R. 53(D)(2)(a)(i). A

¹ Courtesy copies of the filings were provided to court staff via e-mail allowing for review prior to processing by the Clerk of Courts. This ruling is being expedited because the hearing at issue is set within days.

magistrate's order denying a motion for continuance is effective regardless of adoption by the judge. *State ex rel. E.M. v. Jones*, 2022-Ohio-1178, 189 N.E.3d 357, ¶ 8 (8th Dist.).

Any party may file a motion with the court to set aside a magistrate's order. The motion shall state the moving party's reasons with particularity and shall be filed not later than ten days after the magistrate's order is filed.

Civ.R. 53(D)(2)(b).

Upon review, the Court finds that a continuance is appropriate. Defendants requested a short continuance of two weeks. Allowing a continuance is in line with the longstanding principle that cases should be decided on their merits when possible. *Asamoah v. Sygma Network*, 10th Dist. Franklin No. 21AP-405, 2022-Ohio-1868, ¶ 15. Defendants' request to set aside the Magistrate's Order is **GRANTED**. The October 11, 2023 Order is set aside, and Defendants' request for a continuance is **GRANTED**. The FE&D hearing is **ORDERED CONTINUED** to November 13, 2023 at 11:00 a.m. before Magistrate Petrucci.

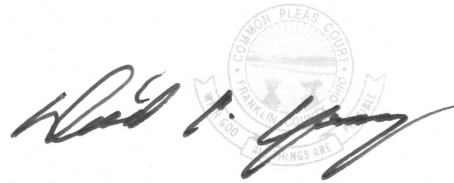
IT IS SO ORDERED.

Copies electronically to counsel of record for the parties.

Franklin County Court of Common Pleas

Date: 10-24-2023
Case Title: NADEZHDA WOOD -VS- VIACHESLAV KOVALKOV ET AL
Case Number: 23CV004452
Type: CONTINUANCE ORDER

It Is So Ordered.

A handwritten signature in black ink, appearing to read "David C. Young", is written over a circular official seal. The seal features a central emblem and the text "COMMON PLEAS COURT" at the top and "FRANKLIN COUNTY OHIO" at the bottom.

/s/ Judge David C. Young