

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

NADEZHDA WOOD,	:	
	:	
Plaintiff,	:	Case No. 23CVH-06-4452
	:	
vs.	:	Judge Young
	:	
VIACHESLAV KOVALKOV, ET AL.	:	Magistrate Petrucci
	:	
Defendants.	:	

**MAGISTRATE’S ORDER**  
**DENYING THE DEFENDANTS’ MOTION**  
**TO CONTINUE THE OCTOBER 25, 2023 HEARING**  
**AS FILED ON OCTOBER 3, 2023**

**Petrucci, Mag.**

Pursuant to Civ.R. 53 and Loc. R. 99.02, this case was referred to the undersigned magistrate for a hearing on the Plaintiff’s claim for forcible entry and detainer. (FE&D) See the Order of Reference as filed on September 26, 2023. The same Order provided the undersigned with the authority to handle “any issues that impact the FE&D.”

On October 3, 2023 the Defendants filed their Motion to Continue the hearing date. On October 6, 2023 the Plaintiff filed a Brief in Opposition. The matter is ready for review.

**Procedural History**

An overview of the pending matter is warranted. In February of 2023 the Plaintiff gave notice to the Defendants that she intended to evict them. This action was commenced by the Plaintiff in the Franklin County Municipal Court. It appears that the Municipal filing happened on April of 2023. A hearing date was set for April 25, 2023. It further appears from the filings that the Defendants’ requested that the April hearing be continued. It was continued to May 2, 2023.

In a not uncommon tactic and/or stratagem, the Defendants filed a counterclaim that exceeded the jurisdictional limits of the Municipal Court. That triggered the necessary need to

transfer the matter to this court. Thereby avoiding the May 2, 2023 hearing. The gist of the counterclaim was that the Defendants asserted that they own the property not the Plaintiff. It appears that this case is dealing with a family dispute.

The matter was finally transferred officially to this court on June 23, 2023. The parties engaged in motions practice until the Plaintiff filed the September 21, 2023 Request for Hearing. Five days later, this court issued the Order of Reference that set this matter for an October 25, 2023 FE&D hearing. As already noted a Motion for Continuance was filed by the Defendants on October 3, 2023 followed by the brief in opposition filed on October 6, 2023.

### Analysis

Defendants' Motion asserted that they could not attend the hearing because they had purchased tickets to fly to Norway. Defendants claimed said tickets were nonrefundable and that the tickets had been purchased prior to the Order of Reference. Defendants did not characterize their trip as a vacation but as an effort to help relatives avoid the current war between Russia and Ukraine. Defendants asserted that the tickets had been purchased before the hearing date was set by this court. However, the Defendants were clearly aware of this litigation and therefore were taking a chance by unilaterally engaging in travel plans.

Defendants also claimed that it was the Plaintiff who had already delayed the case by not asking for the hearing earlier. Hence, Defendants asserted that a little more delay was justified. Defendants claimed that Plaintiff could/should have requested the hearing months ago when the matter was first transferred to this court. Finally, the Defendants' counsel claimed that – during conversations with the Plaintiff's counsel – he was led to believe that the Plaintiff may not have been available on October 25, 2023 anyway.

Plaintiff's filing reminded the court that an FE&D is a claim that attempts to expedite the

legal issues. Plaintiff claims that the Defendants' conduct – in the Municipal court and in this court – is nothing more than a delaying tactic. Plaintiff not only contested that the tickets purchased were nonrefundable – but also claimed that the Defendants trip was for leisure. The Plaintiff argued that to allow another delay would be a violation of the whole purpose and spirit of the FE&D. The Plaintiff – in compromise – indicated that Defendants could attend remotely if in fact they were unwilling to change their plans.

The undersigned notes that the Defendants are requesting a brief continuance from 10-25-23 until a date after November 9, 2023. But that is not really a mitigating factor because resetting the hearing will require coordination between lawyers, the clients and the court. There can be no guarantee that the next date that works for all parties will be anytime this year.

Weighing all of the equities and considerations, the undersigned **DENIES** the request for a continuance.

**IT IS SO ORDERED:**

Mark Petrucci, Magistrate

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Franklin County Court of Common Pleas

**Date:** 10-11-2023  
**Case Title:** NADEZHDA WOOD -VS- VIACHESLAV KOVALKOV ET AL  
**Case Number:** 23CV004452  
**Type:** MAGISTRATE ORDER

So Ordered

/s/ Magistrate Mark Petrucci

Court Disposition

Case Number: 23CV004452

Case Style: NADEZHDA WOOD -VS- VIACHESLAV KOVALKOV ET  
AL

Motion Tie Off Information:

1. Motion CMS Document Id: 23CV0044522023-10-0399980000  
Document Title: 10-03-2023-MOTION FOR CONTINUANCE -  
DEFENDANT: VIACHESLAV KOVALKOV  
Disposition: MOTION DENIED