

T. Nolan

FILED
IN COMMON PLEAS COURT
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DENISE M. KAMINSKI
CLERK OF COURTS
GEAUGA COUNTY

**IN THE COURT OF COMMON PLEAS
GEAUGA COUNTY, OHIO**

CHRISTINA NOLAN : CASE NO. 02 DC 000282
Plaintiff : JUDGE FORREST W. BURT
-vs- : **JUDGMENT ENTRY**
TIMOTHY NOLAN :
Defendant :

This matter came on consideration upon Defendant Timothy Nolan's Motion to Modify Child Support and Vacate Previous Child Support Orders and CSEA Arrearages.

Defendant's Motion to Modify Child Support is referred to this Court's Magistrate for further proceedings.


Within his motion, Defendant has requested that this Court order Plaintiff to produce documents that are relevant to child support modification and to schedule an evidentiary hearing for January 30, 2009, at 1:30 p.m., the same date and time as a previously scheduled hearing.

Any records or documents in Plaintiff's possession that Defendant feels should be brought to a hearing on his Motion to Modify Child Support should be subpoenaed in accordance with the applicable rule of Civil Procedure. Since the Motion to Modify Child Support has been referred to the Court's Magistrate, it cannot be heard at the same time as the previously scheduled Motion to Impose Jail Sentence.

Defendant's Motion to Vacate Previous Child Support Orders and CSEA Arrearages must be overruled.

Defendant has asked this Court to vacate previous judgments entered by this Court in 2003 and 2005. Defendant has already filed appeals from those judgments and the Court of Appeals has disposed of those appeals. Defendant cannot now attempt to utilize Civil Rule 60 as a substitute for his unsuccessful appeals.

Defendant's motion that this Court vacate CSEA arrearages is an indirect attempt to again appeal this Court's prior judgments. Any arrearages determined by CSEA were a result of judgment entered by this Court ordering Defendant to pay child support. The judgment of this Court cannot be attacked by requesting that a determination of arrearages by CSEA be vacated.


FORREST W. BURT, JUDGE

Cc: John Salem, Esq. ✓

CSEA ✓

Timothy Nolan, Pro Se ✓