

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

RAJNIKANTH REDDY SIDDENKI,	:	APPEAL NO. C-120659
Plaintiff-Appellee,	:	TRIAL NO. DR-1101949
vs.	:	<i>JUDGMENT ENTRY.</i>
HARIKA NALLAVELLI,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

This is an appeal from a judgment decree of divorce. Harika Nallavelli contends that Rajnikanth Siddenki's complaint for divorce should have been dismissed by the trial court due to insufficiency of process. We conclude that the trial court's decision that service had been perfected is supported by the record, so we affirm the trial court's judgment.

Ms. Nallavelli and Mr. Siddenki were married in Hyderabad, India in April 2010. Mr. Siddenki later moved to Cincinnati in June 2010. Ms. Nallavelli came to Cincinnati in April 2011, and remained here for a brief time before going to New Jersey to stay with her brother.

Mr. Siddenki filed a complaint for divorce on September 22, 2011. A copy of the complaint was sent via certified mail to Ms. Nallavelli's brother's address in New Jersey.

When the certified mail was returned unclaimed, a copy was sent via regular mail. The regular mail service was not returned.

Ms. Nallavelli filed a motion to dismiss the divorce complaint, contending that service was insufficient. *See* Civ.R. 12(B)(5). A magistrate of the domestic relations court conducted a hearing, during which Ms. Nallavelli was represented by counsel for the limited purpose of contesting the sufficiency of service. The magistrate concluded that service comported with Ohio law. *See* Civ.R. 4.1 and 4.3. Ms. Nallavelli filed objections to the magistrate's decision. Following a hearing on her objections, the trial court overruled the objections and adopted the magistrate's decision. The judgment decree of divorce was subsequently entered by the court.

We consider Ms. Nallavelli's first and third assignments of error together. In the first, she asserts that the trial court erred when it concluded that Mr. Siddenki's service on her comported with Ohio law, and in the third, she asserts that the trial court's findings were not supported by the evidence.

"Due process requires that notice must be 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." *In re Foreclosure of Liens for Delinquent Taxes*, 62 Ohio St.2d 333, 405 N.E.2d 1030 (1980), paragraph one of the syllabus. Ms. Nallavelli contends that service of the divorce complaint was not reasonably calculated to reach her because she was not staying with her brother at the time. Rather, according to an affidavit from her brother, she was in India on September 22, 2011. But this statement is contradicted by documents attached to an affidavit filed by Ms. Nallavelli which indicate that Ms. Nallavelli was staying with her brother in New Jersey until October 23, 2011.

Ms. Nallavelli suggests that the magistrate improperly relied on testimony that Mr. Siddenki gave during a property hearing, but there is no indication in the magistrate's

decision that he relied on evidence adduced during the property hearing. Further, we cannot consider the transcript of the magistrate's hearing because it was not filed with the trial court prior to its hearing on Ms. Nallavelli's objections. *See Cwik v. Cwik*, 1st Dist. No. C-090843, 2011-Ohio-463, ¶ 52.

We conclude that the trial court's finding that service was reasonably calculated to reach Ms. Nallavelli was supported by the evidence. The first and third assignments of error are overruled. Given our conclusion that service was reasonably calculated to reach Ms. Nallavelli while she was staying in New Jersey, we need not consider the second assignment of error, which asserts that service did not comport with foreign law. That assignment of error is therefore moot, and we decline to address it.

Accordingly, the judgment of the trial court is affirmed.

A certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

CUNNINGHAM, P.J., DINKELACKER and DEWINE JJ.

To the clerk:

Enter upon the journal of the court on June 7, 2013

per order of the court _____.
Presiding Judge