

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

DUKE ENERGY OF OHIO, INC.,	:	APPEAL NO. C-150708
Plaintiff-Appellee,	:	TRIAL NO. A-1402465
vs.	:	
MAURICE SHELTON,	:	<i>JUDGMENT ENTRY.</i>
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 trial court's judgment in favor of a utility company in a collection case. We affirm the judgment of the trial court.

Duke Energy of Ohio, Inc., sued Maurice Shelton for breach of contract and tortious interference, seeking payment of an outstanding balance for utility services provided to two of Shelton's properties. The trial court granted summary judgment to Duke Energy in the amount of \$18,223.88 plus interest. Mr. Shelton did not appeal that judgment and instead filed a motion for relief from judgment. The court denied his motion.

In an earlier entry, we dismissed as untimely Shelton's assignments of error related to the court's granting summary judgment. Shelton's remaining assignment of error, which we consider now, is that the court erred when it denied his Civ.R. 60(B) motion for relief from judgment without first conducting a hearing. But it appears from the record that Shelton did not request a hearing. *See* Loc.R. 14(B) of the Hamilton County Court of Common Pleas. Absent a request, the court did not err in determining

OHIO FIRST DISTRICT COURT OF APPEALS

the motion without a hearing. Nor did the court abuse its discretion when it denied the motion. Mr. Shelton provided no evidentiary support for his argument that Duke Energy obtained its judgment through misconduct or was unjustly enriched. The assignment of error is overruled, and we therefore affirm the judgment of the trial court.

A certified copy of this judgment entry is 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., DEWINE and MOCK, JJ.

To the clerk:

Enter upon the journal of the court on April 22, 2016

per order of the court _____.

Presiding Judge