

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

CHARLES A. BREIDENBACH,	:	APPEAL NOS. C-160216
	:	C-160361
Plaintiff-Appellant,	:	TRIAL NO. DR-1301635
vs.	:	<i>JUDGMENT ENTRY.</i>
SUZANNE LEPORE,	:	
Defendant-Appellee.	:	

We consider these appeals 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.

These are appeals from two contempt orders entered by the domestic relations court. We dismiss both appeals.

In the appeal numbered C-160216, Charles Breidenbach challenges a contempt order entered against him for not complying with a child-support order. The court found Breidenbach to be in contempt for failing to pay Suzanne Lepore his net bonus and commission income, as the parties had agreed in their separation agreement. The court imposed a 30-day sentence and provided that Breidenbach could purge the contempt by paying Lepore \$14,171.57. Mr. Breidenbach appealed from the order.

While his appeal was pending, the court entered a “Purge Entry.” According to the entry, Mr. Breidenbach had paid \$1,000 of the amount owed to Lepore and had submitted an approved plan for the remaining amount. The court stated “[w]ith said information, the Court hereby dismisses the plaintiff’s contempt as purged,

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pursuant to the Judge’s Decision entered January 12, 2016.” A separate entry laid out the terms of the payment plan and provided that the “total debt owed [was] subject to modification by the appeals court.”

“Because an appellate court’s duty is to decide actual controversies, it may not decide the appeal of a contempt order once the contemnor has purged the contempt.” *McRae v. McRae*, 1st Dist. Hamilton No. C-110743, 2012-Ohio-2463, ¶ 9. *See Docks Venture, L.L.C. v. Dashing Pacific Group, Ltd.*, 141 Ohio St.3d 107, 2014-Ohio-4254, 22 N.E.3d 1035. Notwithstanding Breidenbach’s attempt to avoid mootness by providing that the debt was subject to appellate review, the order appealed from has been purged. There is no order for this court to affirm or reverse. We therefore dismiss the appeal numbered C-160216.

In the appeal numbered C-160361, Mr. Breidenbach appealed from an order holding Lepore in contempt. But he has assigned no error related to that contempt order. We therefore dismiss his appeal.

The appeals are dismissed.

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.

FISCHER, P.J., DEWINE and STAUTBERG, JJ.

To the clerk:

Enter upon the journal of the court on August 10, 2016
per order of the court _____.

Presiding Judge