[Cite as *Stychno v. Stychno*, 2012-Ohio-1460.]

IN THE COURT OF APPEALS

ELEVENTH APPELLATE DISTRICT

TRUMBULL COUNTY, OHIO

NESTOR A. STYCHNO,	:	**O P I N I O N**
Plaintiff-Appellee,	:	**CASE NO. 2011-T-0001**
- vs -	:	
MARGARET M. STYCHNO,	:	
Defendant-Appellant.	:	

Civil Appeal from the Court of Common Pleas, Domestic Relations Division, Case No. 43924.

Judgment: Affirmed.

Thomas E. Schubert, 138 East Market Street, Warren, OH 44481 (For Plaintiff-Appellee).

Margaret M. Stychno, pro se, 186 Oak Knoll, N.E., Warren, OH 44483 (Defendant-Appellant).

TIMOTHY P. CANNON, P.J.

{¶1} Appellant, Margaret M. Stychno, appeals the judgment of the Trumbull County Court of Common Pleas, Domestic Relations Division, finding her claims barred by the doctrine of res judicata. For the following reasons, we affirm.

{¶2} Recognized by both parties in their briefs and by the trial court, this case has a lengthy history, as the original complaint for divorce was filed in July 1987. Since then, there have been numerous motions, hearings, and appeals. This court provided a background of the litigation in *Stychno v. Stychno*, 11th Dist. Nos. 97-T-0003 and 96-T-

5620, 1998 Ohio App. LEXIS 3749 (Aug. 14, 1998). In the 1998 opinion, this court entered judgment in favor of appellant for $328,761. *Id*. at *17. Of this judgment, $176,370 was for past due support, and the remainder was unpaid equity as a result of the division of the marital assets. *Id*.

{¶3} This court issued a subsequent opinion in 2003 affirming the trial court's decision to assess statutory interest on the judgment of $176,370. *Stychno v. Stychno*, 11th Dist. No. 2002-T-0083, 2003-Ohio-3064, ¶36. We stated:

> **{¶4}** Since the beginning of this case, [Nester Stychno] has been ordered to pay child and/or spousal support; a task that [he] has seldom performed on a consistent basis, even though he continues to enjoy a lavish lifestyle. We cannot imagine a more appropriate case for a court to assess interest, pursuant to R.C. 3123.17, for the willful nonpayment of a support order. *Id.* at ¶33.

{¶5} Thereafter, the trial court found appellee in contempt "of the prior Orders of the Court" and sentenced appellee to 30 days in the Trumbull County Jail. This court, in *Stychno v. Stychno*, 11th Dist. No. 2008-T-0117, 2009-Ohio-6858, affirmed the judgment of the trial court.

{¶6} Appellant then filed two pro se motions in the trial court: a motion for contemptuous sanctions, filed June 9, 2010, and a motion for Nunc Pro Tunc Order of Child Support, filed September 24, 2010. In her motion for Nunc Pro Tunc Order of Child Support, appellant "prays that the Court will confirm the amount of back support and interest specified in the agreed-upon entry." In a December 1, 2010 judgment

entry, the trial court determined appellant's motions were barred by the doctrine of res judicata.

{¶7} Appellant filed a timely notice of appeal and asserts the following error:

{¶8} The trial court committed prejudicial error and abused its discretion in denying Appellant's Nunc Pro Tunc Motion to correct a void in child support for years 1987-1991 by citing res judicata simply because an early ruling on child support 'should have happened,' when it [probably] did not happen, and where Defendant-Appellant filed timely, early objection to the void but it has never been addressed by the trial court during the 25-year history of Stychno v. Stychno.

{¶9} On appeal, appellant argues that child support has not been determined from July 1987 through July 1991. Appellant is claiming an error occurred nearly 25 years ago when the trial court "avoided" ruling on child support. We agree with the trial court that appellant's argument is barred by the doctrine of res judicata.

{¶10} The doctrine of res judicata requires a party "to present every ground for relief in the first action, or be forever barred from asserting it." *Natl. Amusements, Inc. v. Springdale*, 53 Ohio St.3d 60, 62 (1990). "It has long been the law of Ohio that 'an existing final judgment or decree between the parties to the litigation is conclusive as to all claims which were *or might have been* litigated in a first lawsuit.'" (Emphasis sic.) *Id*., quoting *Rogers v. Whitehall*, 25 Ohio St.3d 67, 69 (1986). The Ohio Supreme Court has stated:

> **{¶11}** [W]e expressly adhere to the modern application of the doctrine of *res judicata* * * * and hold that a valid, final judgment rendered upon the merits bars all subsequent action based upon any claim arising out of the transaction or occurrence that was the subject matter of the previous action. *Grava v. Parkman Twp*., 73 Ohio St.3d 379, 382 (1995).

{¶12} Initially, we note that the issue of support from 1987 or 1991 should have been litigated. The original complaint for divorce was filed in July 1987. Spanning 25 years, the parties have filed nearly 900 documents and approximately 57 notices of appeal.

{¶13} Although appellant continues to argue that child support was not established from 1987 through 1991, the record demonstrates otherwise. A review of our numerous appellate opinions reveals that the trial court did, in fact, determine child support for the years in question. For example, in *Stychno v. Stychno*, this court noted that appellant was awarded temporary spousal support and child support pending divorce proceedings. 11th Dist. No. 94-T-5036, 1995 Ohio App. LEXIS 5885, *2 (Dec. 29, 1995). At the time of the divorce, in 1988, the trial court stated that the temporary order of spousal support and child support would remain in effect and that all issues relative to the division of assets, including both real and personal property, visitation, contempt motions, custody, child support, spousal support and all other matters would be continued until further hearing of the court. Then in 1990, this court observed that the trial court established child support at $400 per week. *Id*. Additionally, this court, in

calculating both spousal and child support, recognized that "the order of November 30, 1990, effective through July 9, 1991, was $400 per week through July 9, 1991." *Id*.

{¶14} Consistent with the foregoing discussion, appellant's sole assignment of error is without merit.

{¶15} As an aside, we observe that appellant, although filing her appellate brief pro se, has failed to comply with the Ohio Rules of Appellate Procedure and the Local Rules of Appellate Procedure. *See*, *e.g.*, App.R. 16(A)(6), (A)(7), (D). Moreover, in her brief, appellant makes numerous assertions and accusations that are not supported by the record on appeal. For example, appellant maintains that her objection to the magistrate's report was "kept under lock and key for five years in the Chambers of the Judge"; that her file "was not kept in the clerk's office"; and that a reporter from a local newspaper was not permitted to review her file. These statements are not supported by the record that is before this court and will not be considered.

{¶16} The judgment of the Trumbull County Court of Common Pleas, Domestic Relations Division, is hereby affirmed.

MARY JANE TRAPP, J.,

THOMAS R. WRIGHT, J.,

concur.