

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
LUCAS COUNTY

The Peoples Banking Company

Court of Appeals No. L-06-1196

Appellee

Trial Court No. CI-0200205832

v.

National Technology Co., LLC.
and Thomas Friedman

Appellants

v.

Bryan D. Jackson

DECISION AND JUDGMENT ENTRY

Appellee

Decided: May 4, 2007

* * * * *

Charles P. Royer, for appellee The Peoples Banking Company.

Fritz Byers, for appellant.

Laurie J. Avery, for appellee Bryan D. Jackson

* * * * *

SKOW, J.

{¶ 1} Appellants, National Technology Co., LLC ("National Technology") and Thomas Friedman, appeal from a judgment entered against them by the Lucas County Court of Common Pleas. For the reasons that follow, we affirm the judgment of the trial court.

{¶ 2} On November 21, 2002, appellee The Peoples Banking Co. filed a complaint against appellants, National Technology and Friedman, alleging breach of contract and breach of personal guaranty. National Technology and Friedman subsequently filed a counterclaim against The Peoples Banking Co. and a third-party complaint against appellee Bryan D. Jackson.

{¶ 3} The case was tried to the court, without a jury, on December 20, 2004.

{¶ 4} On May 25, 2006, the court filed a judgment entry granting judgment in favor of The Peoples Banking Co. and against appellants, and awarding damages in the amount of \$225,551.39. The judgment also found in favor of The Peoples Banking Co. and Jackson on appellants' counterclaim and third party complaint. Appellants timely appealed from the trial court's judgment, raising the following as their sole assignment of error:

{¶ 5} I. "THE JUDGMENT OF THE TRIAL COURT IS AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE."

{¶ 6} App.R. 9(B) provides that where an appellant intends to argue that a finding is contrary to the weight of the evidence, it is the appellant's responsibility to order a

complete transcript of all evidence. App.R. 9(B); see also, *Plum Run, Inc. v. Cantor*, 4th Dist. No. 02CA14, 2003-Ohio-5545, ¶11.

{¶ 7} It is appellant's burden to include all relevant evidence in the appellate record so that any claimed errors can be demonstrated to the reviewing court. *State v. Walker* (Nov. 4, 1999), 8th Dist. No. 74773. Where an appellant does not provide the necessary portions of the transcript, the appellate court has no choice but to presume the regularity of the trial court's proceedings and accept the validity of the court's judgment. Id.

{¶ 8} In the instant case, appellants failed to provide this court with a transcript of the December 20, 2004 trial court proceedings, rendering us unable to review appellants' claim that the trial court judgment was against the manifest weight of the evidence. Accordingly, we are constrained to presume that the proceedings of the trial, and the resultant judgment, were correct.

{¶ 9} For all of the foregoing reasons, appellants' single assignment of error is found not well-taken, and the judgment of the Lucas County Court of Common Pleas is affirmed. Appellants are ordered to pay the costs of this appeal pursuant to App.R. 24. Judgment for the clerk's expense incurred in preparation of the record, fees allowed by law, and the fee for filing the appeal is awarded to Lucas County.

JUDGMENT AFFIRMED.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27.
See, also, 6th Dist.Loc.App.R. 4.

Arlene Singer, J.

JUDGE

William J. Skow, J.

JUDGE

George M. Glasser, J.
CONCUR.

JUDGE

Judge George M. Glasser, retired, sitting by assignment of the Chief Justice of the
Supreme Court of Ohio.

This decision is subject to further editing by the Supreme Court of
Ohio's Reporter of Decisions. Parties interested in viewing the final reported
version are advised to visit the Ohio Supreme Court's web site at:
<http://www.sconet.state.oh.us/rod/newpdf/?source=6>.