

[Cite as *Chahda v. Youseff*, 2003-Ohio-5247.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 82505

JUAN E. CHAHDA	:	
	:	ACCELERATED DOCKET
Plaintiff-Appellant	:	
	:	JOURNAL ENTRY
-vs-	:	
	:	AND
HALIM YOUSEFF, ET AL.	:	
	:	OPINION
Defendants-Appellees	:	

Date of Announcement of Decision:	October 2, 2003
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Character of Proceeding:	Civil appeal from Court of Common Pleas Case No. 409669
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Judgment:	Affirmed
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Date of Journalization:

Appearances:

For Plaintiff-Appellant:	FRANK J. GROH-WARGO, ESQ. 2 Berea Commons, Suite 215 P.O. Box 1059 Berea, Ohio 44017
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For Defendants-Appellees:	THOMAS G. LOBE, ESQ. 1995 Huntington Building 925 Euclid Avenue
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Cleveland, Ohio 44115-1407

For J H & H Management, Inc.:

SCOTT H. SCHARF, ESQ.
Skylight Office Tower
1660 West Second St., #270
Cleveland, Ohio 44113-1498

JAMES J. SWEENEY, J.:

{¶1} This appeal is before the Court on the accelerated docket pursuant to App.R. 11.1 and Loc. App.R. 11.1.

{¶2} In this accelerated appeal, plaintiff-appellant Juan E. Chahda (“Chahda”) appeals the dismissal in the Cuyahoga County Court of Common Pleas of his complaint against defendants-appellees Halim and Lynn Youseff (“the Youseffs”). For the following reasons, we affirm the decision of the trial court.

{¶3} On June 14, 2000, Chahda filed a complaint against the Youseffs seeking damages in the amount of \$41,852 plus interest for a breach of contract. On January 10, 2001, the Youseffs filed a motion to dismiss the complaint filed by Chahda. On May 17, 2001, the trial court granted the motion to dismiss.

{¶4} Chahda timely appealed raising one assignment of error, which states:

{¶5} “I. The lower court erred as a matter of law by failing to apply the correct standard of review when granting the defendant’s motion to dismiss plaintiff’s complaint based upon allegations and assertions contained outside the pleadings, and which motion was not properly supported by affidavits, exhibits or attachments as required.”

{¶6} Chahda’s sole assignment of error raises a question which requires this Court to consider arguments presented by the parties to the trial court. However, there is

nothing officially before this Court concerning the dismissal of Chahda's complaint other than the court docket stating that the case was dismissed without prejudice.

{¶7} The appellant has the duty to provide the reviewing court with a sufficient record to support the assigned errors. App.R. 3(A); App.R. 9(B); App.R. 10(A). In the absence of such a record, an appellate court must presume regularity in the trial court's proceedings and affirm the judgment of the trial court. *Knapp v. Edwards Laboratories* (1980), 61 Ohio St. 2d 197, 199. Accordingly, we affirm the judgment on the basis that Chahda has failed to supply this Court with the record necessary to set forth the facts upon which the lower court based its decision. *Ford v. Ideal Aluminum, Inc.* (1966), 7 Ohio St.2d 9.

{¶8} Appellant's sole assignment of error is overruled.

Judgment affirmed.

It is ordered that appellees recover of appellant their costs herein taxed.

The Court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this Court directing the Court of Common Pleas to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

FRANK D. CELEBREZZE, JR., P.J. and

DIANE KARPINSKI, J., CONCUR.

JAMES J. SWEENEY
JUDGE

N.B. This entry is an announcement of the court's decision. See App.R. 22(B), 22(D) and 26(A); Loc.App.R. 22. This decision will be journalized and will become the judgment and order of the court pursuant to App.R. 22(E) unless a motion for reconsideration with supporting brief, per App.R. 26(A), is filed within ten (10) days of the announcement of the court's decision. The time period for review by the Supreme Court of Ohio shall begin to run upon the journalization of this court's announcement of decision by the clerk per App.R. 22(E). See, also, S.Ct.Prac.R. 112, Section 2(A)(1).