

IN THE SUPREME COURT OF OHIO

CHERYL MAKRIS, ET AL,

Appellants,
Pro Se,

HICKORY HILLS, ET AL,

Appellees,

Ohio Supreme Court Case No.

On Appeal from the Mahoning County
Common Pleas Court, Ohio Seventh District
Court of Appeals

Court of Appeals Case No.
21 MA 00041

NOTICE OF APPEAL

**With MEMORANDUM IN SUPPORT OF JURISDICTION OF APPELLANT,
CHERYL MAKRIS, ET AL**

Cheryl L.D. & M. Christos Makris
8427 Colwyn Ct, #3
Boardman, OH 44512

P/F: 330.406.1137
C: 330.518.2813
makrisfamily@outlook.com

PRO SE APPELLANTS

James R. Scher, (Reg. No. 0055885)
Burkey, Burkey & Scher Co., LPA
The Title Company of Warren Agency, Inc.
200 Chestnut, Avenue NE
Warren, OH 44483
P: 330.393.3200
F: 330.393.6436
Jim@title-company.net

Matthew C. Giannini (Reg. No. 0001522)
1040 South Commons Place, Suite 200
Youngstown, OH 44514
P: 330.726.0484
F: 330.726.2190

**ATTORNEYS OF RECORD
FOR APPELLEES**

TABLE OF CONTENTS

BASIS FOR JURISDICTIONAL APPEAL	1
Substantial Constitutional Question	1
Case Is Of General Or Great Public Interest.....	2
STATEMENT OF THE CASE AND FACTS	3
ARGUMENT IN SUPPORT OF PROPOSITION OF LAW	14
Proposition of Law I:	14
Proposition of Law II:	14
CONCLUSION	15
SIGNATURE	16
CERTIFICATE OF SERVICE.....	17
ATTACHMENT	18
June 22, 2021 Stamped Copy of Latest Final & Appealable JE	18

IN THE SUPREME COURT OF OHIO

BASIS FOR JURISDICTIONAL APPEAL

Substantial Constitutional Question

1 The Supreme Court of Ohio maintains jurisdiction over obstruction and denial of
2 Constitutional rights, and thereby jurisdiction over lower Court having not permitted even
3 modicum of Due Process of Law rights. In fact, Appellants have been bombarded by trial / Appeal
4 Court intentionally deceitful and prejudicial errors and associated terrorizing abuses of discretion
5 including, but not limited to, Seventh District Court of Appeals failure to even obtain Docket
6 Image, let alone perform any “close review” of Counterclaims Appeal evidence before inequitable
7 jurisprudence and arbitrary/cursory dismissal despite jurisdiction *Ohio Revised Code (O.R.C.) §*
8 *2505.02(B)1 “An order that affects a substantial right in an action that in effect determines the*
9 *action and prevents a judgment.”* Thereby evidencing Supreme Court of Ohio Jurisdiction over
10 currently Closed Counterclaims *County of Cuyahoga Journal Entry and Opinion No. 94899*
11 *CitiMortgage, Inc. Plaintiff-Appellee vs. William J. Slack, et al. Defendants-Appellants, Case No.*
12 *CV-661863* including, but not limited to, Appellees Breach of Contract, Breach of Settlement
13 Agreement, fraud per *Ohio Civil Rule 60, B(3)*, negligence, intentional misrepresentations,
14 malicious harassment, retaliation and discrimination *O.R.C. 5321 et seq., the Landlord-Tenant Act,*
15 *for injuries proximately caused by the landlord’s failure to fulfill the duties imposed by O.R.C.*
16 *5321.04(A)(B). Shroades v. Rental Homes, Inc., 68 Ohio St.2d 20, 427 N.E.2d 774 (1981).*

17 Additionally, erroneous June 22, 2021 (See **ATTACHMENT Pages 18 thru 20**) Judgment
18 Entry (JE), sans review of fully documented and supported evidence, continues ignoring and
19 obstructing Due Process of Law — as usual — when neither bothering to approve nor deny
20 Appellants timely Motion for Reconsideration Upon Latest Unopposed Motion. *Ohio Rules of*
21 *Appellate Procedure, Rule 26. Application for Reconsideration, A(1) and U.S. Amendment 14,*

IN THE SUPREME COURT OF OHIO

Section 1 and State of Ohio Article 1, Section 16 Constitutional Due Process of Law and Ohio Revised Code, Title 25, Chapter 2505, (B)1.

Case Is Of General Or Great Public Interest

Intentional Judicial Error in form of arbitrary, capricious, libelous and slanderous defamation of character including, but not limited to, Court active proliferation of Appellees violations and abuse of Ohio Revised Code, is matter of Great Public Interest for all Ohioans.

Slumlord (years long bed bug infestation(s), foot high grass, uncleaned common areas, indoor kennel with stench of multiple large dog feces and urine along with malfunctioning and malodorous sump pump(s) allowed to create pests - now – mice in other tenants apartments, etc.) LLC represented by two lawyers and still Court afforded extraordinary considerations and acted as Hickory Hills, LLC Lead counsel including, but not limited to, Clerk's Office proclamations toward pro se Appellants that clarifications, even on just the rules and procedures, let alone legal Guidance, are strictly prohibited in order to ensure impartial, unbiased and unprejudiced proceedings yet Court prejudicial favoritism gives free legal advice to bar attorneys standing perplexed at the bench i.e., Magistrate to Appellees/Counsel "don't you want to submit response to the counterclaim?," "you should just file a 30-day Quit Notice" (day after farcical hearing, malicious 30-day – instead of crooked 3-day Notice – suddenly on door), Court lying that did not receive Appellants Counterclaim Financial Disclosure Form, biasing even the façade of equitable jurisprudence for Appellees benefit when, in actuality, latest and numerous (over the course of Appellees Court sanctioned terror of the past more than two years) Answers & Financial Disclosure Forms have all been Docketed on Court record.

IN THE SUPREME COURT OF OHIO

STATEMENT OF THE CASE AND FACTS

For the record, to reiterate, despite the unprofessional, discriminatory, inhumane cruelty and non-stop denigrating attacks on Appellants and right to “Self-Representation” in Civil Counterclaim, Appellants in fact sought assistance from Legal Aid.

However, Legal Aid advised they did not have adequate resources but indicated, since this is not a complex matter and Appellants have legal right to defend selves against fraudulent allegations, can handle as Pro se. Obviously, forecasting the magnitude of corruption, graft and muck which Appellees and trial / Appeals Court have unloaded upon Appellants, for merely seeking legal rights, was humanly impossible.

Notwithstanding, despite multiple near-death hospitalizations directly caused by Appellees & Court Denial of Due Process of Law and physical abuse over the past two long years, Appellants have professionally defended against the personal and unprofessional Court attacks, malicious misappropriation and theft of bond monies, improper and malicious trial / Appeals Court threats to attempt silencing Appellants for defending themselves and seeking their Constitutional right to redress on Court malfeasance.

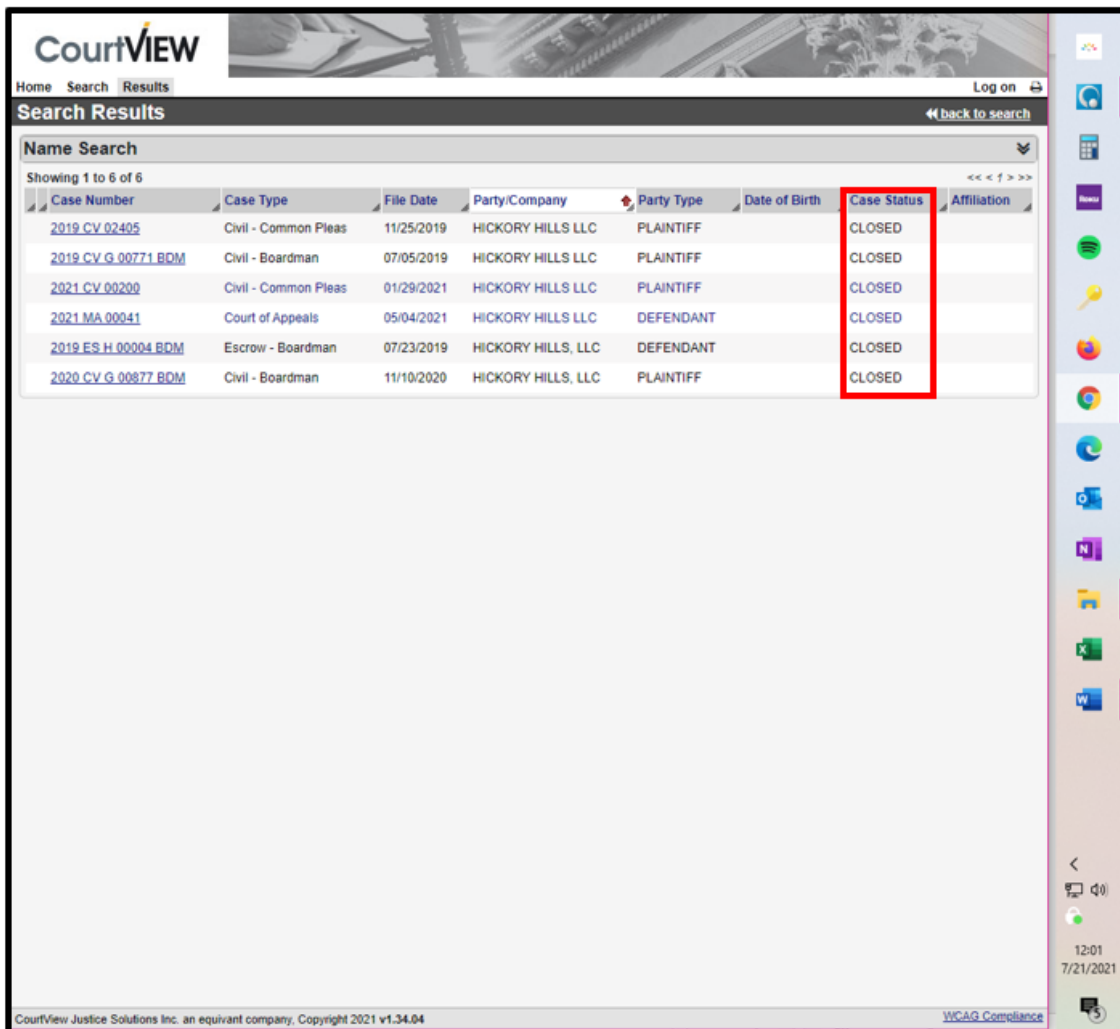
Further, Appellees and trial / Appeals Court depraved bad faith obstructed timely Due Process of Law, ludicrously alleging jurisdiction over Paid “claim(s) for unpaid rent” i.e., timely and in full Paid rent is an irrelevant “technicality” to the arsonist and irrational Court. Preferring, instead, to ignore opposition motions and engage in physical violence against old and permanently physically disabled Appellants even as Clerk of Court “Closed” all cases in the matter (See CourtVIEW image – Closed Public Notices, **Page 4**.) Not to be deterred from abuse of discretion, Court fortification of Appellees refusal to cease their misconduct including, but not limited to, forced Appellants to file security video police reports of Appellees malicious retaliation, harassment, extortion, incitement of menacing, obscenity, vandalism, criminal damaging, hate

IN THE SUPREME COURT OF OHIO

crimes, attempted break-in/robbery, intimidation and physical threats of “going to kill you,” thereby further violating Appellants right to Quiet Enjoyment while simultaneously harming Appellants safety, health and well-being.

Additionally, Appellees most recently failed to oppose Appellants Counterclaims, failed to oppose Appeal and failed to oppose timely Motion to Reconsider Counterclaims, yet lower Court failed to again honor any semblance of Appellants Due Process of Law. In actuality, following Closed Dockets including, but not limited to, trial court Cases #2019 CV 02405 & #2021 CV 00200, lack proper jurisdiction over Paid Appellants and should be Void *Miller v. Nelson-Miller*, *132 Ohio St.3d 381*, *2012-Ohio-2845* and expunged.

Indeed, Counterclaims Civil Appeal/Motion to Reconsider should be Open:



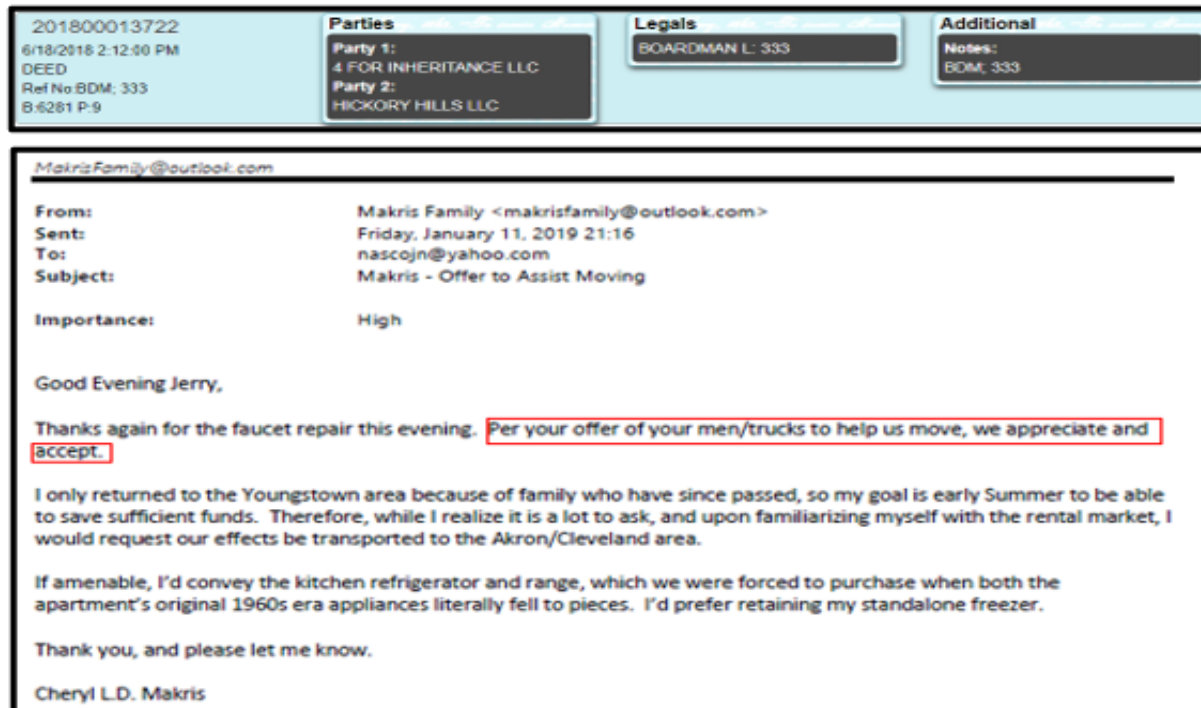
The screenshot displays the CourtVIEW search results interface. At the top, there is a navigation bar with 'Home', 'Search', and 'Results' tabs, along with a 'Log on' button. Below this is a 'Search Results' section with a 'Name Search' input field and a 'back to search' link. The main content area shows a table of search results, indicating 'Showing 1 to 6 of 6' items. The table has columns for Case Number, Case Type, File Date, Party/Company, Party Type, Date of Birth, Case Status, and Affiliation. A red rectangular box highlights the 'Case Status' column, which contains the word 'CLOSED' for every row. The footer of the page includes copyright information for CourtView Justice Solutions Inc. and a WCAG Compliance link.

Case Number	Case Type	File Date	Party/Company	Party Type	Date of Birth	Case Status	Affiliation
2019 CV 02405	Civil - Common Pleas	11/25/2019	HICKORY HILLS LLC	PLAINTIFF		CLOSED	
2019 CV G 00771 BDM	Civil - Boardman	07/05/2019	HICKORY HILLS LLC	PLAINTIFF		CLOSED	
2021 CV 00200	Civil - Common Pleas	01/29/2021	HICKORY HILLS LLC	PLAINTIFF		CLOSED	
2021 MA 00041	Court of Appeals	05/04/2021	HICKORY HILLS LLC	DEFENDANT		CLOSED	
2019 ES H 00004 BDM	Escrow - Boardman	07/23/2019	HICKORY HILLS, LLC	DEFENDANT		CLOSED	
2020 CV G 00877 BDM	Civil - Boardman	11/10/2020	HICKORY HILLS, LLC	PLAINTIFF		CLOSED	

IN THE SUPREME COURT OF OHIO

Clearly, Appellees fraudulent “claim(s) for unpaid rent” and frivolous Forcible Entry & Detainers (FEDs) are moot and initiated for the sole intent to maximize injury toward Appellants, for daring to pay rents timely and in full, after Appellants inadvertently got in the way of Appellees pattern of money laundering and arson (See *Federal District Court Case #4:2008cr00171*). Spending thousands of dollars over the years on slumlord material maintenance obligations, *ibid* **Line 16**, replacing apartment appliances, door security locks, switched electric meter, drainage pipes, etc. Appellants, before Appellees destroyed Appellants health, even agreed to get away from Appellees almost six (6) years of Ohio Revised Code violations, of which the last two (2) years have been proliferated by Court assisted breach of lease Contract and Settlement Agreement.

And, as early as January 2019, Slumlord Nasserri/third-party Borda again lied with their so-called “offer” to assist moving heavy furniture, instead unreasonably and categorically reneging on physically disabled Appellants following acceptance:



IN THE SUPREME COURT OF OHIO

Further, in failing to make the matter about Appellees breach of the lease Contract i.e., rental income, the Court emboldened Appellees to circumvent O.R.C., Constitutional Due Process of Law, instead encouraging Appellees fabrications of multiple libelous and slanderous Defamations of Character via devastatingly vicious and deceptive “claim(s) for unpaid rent” (See reverse dated image partial history, *Pages 6* thru *13*):

UNITED STATES POSTAL SERVICE® Certificate of Mailing
This Certificate of mailing provides evidence that mail has been presented to USPS for mailing. This Certificate is valid for domestic and international mail.

From: CIC Makris
8427 Colwyn Ct #3
Boardman, OH 44512

To: Hickory Hills LLC
1905 McColony Rd.
Up OH 44505

PS Form 3817, April 2007 PSN 7530-02-000-9065

CHERYL & CHRIS MAKRIS
8427 COLWYN CT., # 3
BOARDMAN, OH 44512-6722

56-908 412 1088

DATE 1 June '19 Shield™

PAY TO the order of Hickory Hills LLC \$ 575.00
five hundred seventy five and 00/100 DOLLARS

FARMERS NATIONAL BANK
Cuyahoga Falls, Ohio 44008

MEMO Ret - June 2019 W. H. W. H.

2703129322 2019-06-20 Boardman

First National Bank
>043318092<
Boardman
2703129322
2019-06-20

Hickory Hills LLC
95519046

IN THE SUPREME COURT OF OHIO

SUMMONS
IN FORCIBLE ENTRY DETENTION, WITH CLAIM FOR RENT
REVISED CODE, SECTION 1901.18(A), 1923.05, .06, CIVIL RULE 4(B)
IN THE MAHONING COUNTY COURT AREA NUMBER 2
8110 MARKET STREET
BOARDMAN TOWNSHIP, OHIO 44512
PHONE: 330-726-5546 FAX: 330-629-2079

HICKORY HILLS LLC
1900 MCCARTNEY ROAD
YOUNGSTOWN, OH 44505
PLAINTIFF (S)

Vs.

CASE NUMBER: 2019 CV G 00771 BDM

SHERY MAKRIS
8427 COLWYN COURT APT#3
BOARDMAN, OH 44512

DEFENDANT (S)

CHRIS MAKRIS
8427 COLWYN COURT APT#3
BOARDMAN, OH 44512

TO THE FOLLOWING NAMED DEFENDANT(S):

SHERY MAKRIS
CHRIS MAKRIS

YOU HAVE BEEN NAMED DEFENDANT(S) IN A COMPLAINT FILED IN MAHONING COUNTY COURT NO. 2, BY THE PLAINTIFF(S):

HICKORY HILLS LLC

A COPY OF THE COMPLAINT IS ATTACHED HERETO. THE NAME AND ADDRESS OF THE PLAINTIFF'S ATTORNEY IS:

MATTHEW GIANNINI
1040 SOUTH COMMONS #200
YOUNGSTOWN, OH 44514
(330)-726-0484

YOU ARE HEREBY SUMMONED TO APPEAR BEFORE SAID COURT AT THE ABOVE ADDRESS, ON:

Monday, September 09, 2019 at 9:00 am

TO ANSWER UNTO ACTION FOR FORCIBLE ENTRY AND DETAINER.

AS TO THE PLAINTIFF(S) CLAIM FOR UNPAID RENT, YOU ARE HEREBY SUMMONED AND REQUIRED TO SERVE UPON THE PLAINTIFF'S ATTORNEY, OR UPON THE PLAINTIFF, IF HE/SHE HAS NO ATTORNEY OF RECORD, A COPY OF AN ANSWER TO THE COMPLAINT WITHIN TWENTY-EIGHT DAYS AFTER SERVICE OF THIS SUMMONS ON YOU, EXCLUSIVE OF THE DAY OF SERVICE. YOUR ANSWER MUST BE FILED WITH THE COURT WITHIN THREE DAYS AFTER SERVICE OF A COPY OF THE ANSWER ON THE PLAINTIFF'S ATTORNEY. IF YOU FAIL TO APPEAR AND DEFEND, JUDGMENT BY DEFAULT WILL BE RENDERED AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

DRESS CODE STRICTLY ENFORCED - YOU WILL BE ASKED TO LEAVE IF NOT APPROPRIATELY DRESSED.

July 9, 2019

ANTHONY VIVO, CLERK OF COURTS
MIRIAM PAGAN, ADMINISTRATIVE CLERK

DEPUTY CLERK

NOTICE
A COMPLAINT TO EVICT YOU HAS BEEN FILED WITH THIS COURT. NO PERSON SHALL BE EVICTED UNLESS THE PERSON'S RIGHT TO POSSESSION HAS ENDED AND NO PERSON SHALL BE EVICTED IN RETALIATION FOR THE EXERCISE OF THE PERSON'S LAWFUL RIGHTS. IF YOU ARE DEPOSITING RENT WITH THE CLERK OF THIS COURT, YOU SHALL CONTINUE TO DEPOSIT SUCH RENT UNTIL THE TIME OF THE COURT HEARING. THE FAILURE TO CONTINUE TO DEPOSIT SUCH RENT MAY RESULT IN YOUR EVICTION. YOU MAY REQUEST A TRIAL BY JURY. YOU HAVE THE RIGHT TO SEEK LEGAL ASSISTANCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY CONTACT YOUR LOCAL LEGAL AID OR LEGAL SERVICE OFFICE. IF NONE IS AVAILABLE YOU MAY CONTACT YOUR LOCAL BAR ASSOCIATION.

IN THE SUPREME COURT OF OHIO

Matthew C. Giannini

ATTORNEY AT LAW

1040 South Commons Place

Suite 200

Youngstown, Ohio 44514

Telephone

(330) 726-0483

Fax Line

(330) 726-2190

August 21, 2019

Chris & Cheryl Makris
8427 Colwyn Court #3
Boardman, Ohio 44512

Dear Mr. & Mrs. Makris,

Enclosed please find your check in the amount of Five Hundred Seventy Five Dollars (\$575.00).

Thank you.

Sincerely,

Matthew C. Giannini

MATTHEW C. GIANNINI
Attorney-at-Law
MCG/lp

**Retaliatory Rent Increase - AFTER Contractual Rent Returned by Slumlord Agent and –
DURING Rent Escrow & “Claim(s) for Unpaid Rent” Eviction Cases See Line 81**

CourtVIEW

Home Search Results

2019 CV 02405 HICKORY HILLS LLC -vs- MAKRIS, SHERY et al MAS

01/07/2020 NOTICE

LANDLORD RETALIATORY NOTICE OF RENT INCREASE/REQUEST FOR INJUNCTION FILED BY DEFT'S
Attorney: PRO SE (00000)

IN THE SUPREME COURT OF OHIO

CHERYL & CHRIS MAKRIS
8427 COLWYN CT. # 3
BOARDMAN, OH 44812-6722

1095

28 March '20

PAY TO the order of Hickory Hills, LLC \$ 575 00/100

fine checked security fine ad - 09/100 DOLLARS

FARMERS NATIONAL BANK

MEMO Post - April '20 M. H. M. L.

Nasseri held April rent check for 74 days and continues to hold others

2938152833 2020-06-11

First National Bank
>043318092<
Monroeville
2026152033
2020-06-11

ELECTRONICALLY FILED
2020 Apr 01 AM 11:47
Anthony P. Vivo, CLERK OF COURT - MAHONING

IN THE COURT OF COMMON PLEAS
MAHONING COUNTY, OHIO

HICKORY HILLS, LLC) CASE NO. 2019 CV 02405
Plaintiff)
Judge Maureen Sweeney
-VS-)
ENTRY
SHERY MAKRIS, and)
CHRIS MAKRIS)
Defendants)

It is hereby ORDERED, ADJUDGED AND DECREED that this matter be dismissed with prejudice at the respective parties' costs.

JUDGE/MAGISTRATE

APPROVED:

Hickory Hills, LLC

By: Araj Nasseri Cheryl Makris

Matthew C. Giannini Chris Makris

MATTHEW C. GIANNINI (6091522)
Attorney for Plaintiff
1040 South Commons Place, Suite 200
Youngstown, Ohio 44514
Telephone: (330)726-0484
Facsimile: (330)726-2190

Due to being in Contempt of Court for failing to respond to Discovery Interrogatories, Atty Giannini could not sign.

IN THE SUPREME COURT OF OHIO

From: Jerry Nasser <nascojn60@gmail.com>
Sent: Saturday, March 28, 2020 22:04
To: Makris Family <MakrisFamily@outlook.com>
Subject: Re: 8427 Colwyn Ct., #3 - April 2020 Rent

Thank you

Sent from my iPhone

On Mar 28, 2020, at 7:33 PM, Makris Family <MakrisFamily@outlook.com> wrote:

Ok, Chris dropped the Check off on his way back and put it through the door mail slot of Ste. #150 at 565 E. Main St.

Have a nice weekend,

Cheryl Makris

From: Tom Christoff Work <tom@christoffmanagementinc.com>
Sent: Saturday, March 28, 2020 12:30
To: Makris Family <MakrisFamily@outlook.com>
Subject: Re: 8427 Colwyn Ct., #3 - April 2020 Rent

The Brookfall office is also Christoff Management office also. You can mail it to 565 E Main St Canfield OH 44406

Sent from my iPhone

On Mar 28, 2020, at 11:42 AM, Makris Family <MakrisFamily@outlook.com> wrote:

Good Morning,

Fyi, after signing off on the Case dismissal Thursday, we attempted this morning to deliver the April 1st rent check at Christoff Management's office. However, the only signage we saw was for a Brookfall Group. Where should rent monies be sent?

Thanks,

Cheryl Makris

IN THE SUPREME COURT OF OHIO

From: Jenna Vana <jenna@brookfallgroup.com>
Sent: Tuesday, April 21, 2020 15:21
To: Makris Family <MakrisFamily@outlook.com>
Cc: tom@christoffmanagementinc.com; nascojn60@gmail.com
Subject: Re: FW: 8427 Colwyn Ct., #3, Boardman, OH 44512 - April Rent

I have the rent check in question but **it has not been cashed**. The reason for this is because you were notified rent would be increasing to \$650.00. The check is only for \$575.00. Can you please provide me with the additional \$75.00?

thank you

On Tue, Apr 21, 2020 at 1:59 PM Makris Family <MakrisFamily@outlook.com> wrote:

Good Afternoon,

April rent check was verified delivered to 565 E. Main St. Suite #150 (see below) on March 28, 2020.

Sincerely,

Cheryl L.D. Makris

From: Jenna Vana <jenna@brookfallgroup.com>
Sent: Tuesday, April 21, 2020 10:33
To: makrisfamily@outlook.com
Subject: April Rent

Hello,

I am reaching out to you regarding your April rent check. Please call me as soon as possible.

216-956-5441

JENNA VANA

Director of Operations

Brookfall Group

m. 216.956.5441

IN THE SUPREME COURT OF OHIO

SUMMONS
IN FORCIBLE ENTRY DETENTION, WITH CLAIM FOR RENT
REVISED CODE, SECTION 1901.18(A), 1923.05, .06, CIVIL RULE 4(B)
IN THE MAHONING COUNTY COURT AREA NUMBER 2
8110 MARKET STREET
BOARDMAN TOWNSHIP, OHIO 44512
PHONE: 330-726-5546 FAX: 330-629-2079

HICKORY HILLS, LLC
1900 MCCARTNEY RD
YOUNGSTOWN, OH 44505
PLAINTIFF (S)

Vs.

CASE NUMBER: 2020 CV G 00877 BDM

CHERYL MAKRIS
8427 COLWYN COURT, APT. #3
BOARDMAN, OH 44512
DEFENDANT (S)

CHRIS MAKRIS
8427 COLWYN COURT, APT. #3
BOARDMAN, OH 44512

TO THE FOLLOWING NAMED DEFENDANT(S):

CHERYL MAKRIS
CHRIS MAKRIS

YOU HAVE BEEN NAMED DEFENDANT(S) IN A COMPLAINT FILED IN MAHONING COUNTY COURT NO. 2, BY THE PLAINTIFF(S):

HICKORY HILLS, LLC

A COPY OF THE COMPLAINT IS ATTACHED HERETO. THE NAME AND ADDRESS OF THE PLAINTIFF'S ATTORNEY IS:

JAMES R SCHER
200 CHESTNUT AVE N E
WARREN, OH 44483
(330)-393-3200

YOU ARE HEREBY SUMMONED TO APPEAR BEFORE SAID COURT AT THE ABOVE ADDRESS, ON:

Monday, November 23, 2020 at 11:15 am

TO ANSWER UNTO ACTION FOR FORCIBLE ENTRY AND DETAINER.


AS TO THE PLAINTIFF(S) **CLAIM FOR UNPAID RENT**, YOU ARE HEREBY SUMMONED AND REQUIRED TO SERVE UPON THE PLAINTIFF'S ATTORNEY, OR UPON THE PLAINTIFF, IF HE/SHE HAS NO ATTORNEY OF RECORD, A COPY OF AN ANSWER TO THE COMPLAINT WITHIN TWENTY-EIGHT DAYS AFTER SERVICE OF THIS SUMMONS ON YOU, EXCLUSIVE OF THE DAY OF SERVICE. YOUR ANSWER MUST BE FILED WITH THE COURT WITHIN THREE DAYS AFTER SERVICE OF A COPY OF THE ANSWER ON THE PLAINTIFF'S ATTORNEY. IF YOU FAIL TO APPEAR AND DEFEND, JUDGMENT BY DEFAULT WILL BE RENDERED AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

YOU MUST WEAR A MASK AND NO ONE MAY COME INTO THE COURT WITH YOU UNLESS THEY ARE A WITNESS BE PROMPT AT YOUR SCHEDULED HEARING.

DRESS CODE STRICTLY ENFORCED - YOU WILL BE ASKED TO LEAVE IF NOT APPROPRIATELY DRESSED.

November 10, 2020

ANTHONY VIVO, CLERK OF COURTS
MIRIAM PAGAN, ADMINISTRATIVE CLERK


DEPUTY CLERK

NOTICE

A COMPLAINT TO EVICT YOU HAS BEEN FILED WITH THIS COURT. NO PERSON SHALL BE EVICTED UNLESS THE PERSON'S RIGHT TO POSSESSION HAS ENDED AND NO PERSON SHALL BE EVICTED IN RETALIATION FOR THE EXERCISE OF THE PERSON'S LAWFUL RIGHTS. IF YOU ARE DEPOSITING RENT WITH THE CLERK OF THIS COURT, YOU SHALL CONTINUE TO DEPOSIT SUCH RENT UNTIL THE TIME OF THE COURT HEARING. THE FAILURE TO CONTINUE TO DEPOSIT SUCH RENT MAY RESULT IN YOUR EVICTION. YOU MAY REQUEST A TRIAL BY JURY. YOU HAVE THE RIGHT TO SEEK LEGAL ASSISTANCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY CONTACT YOUR LOCAL LEGAL AID OR LEGAL SERVICE OFFICE. IF NONE IS AVAILABLE YOU MAY CONTACT YOUR LOCAL BAR ASSOCIATION.

IN THE SUPREME COURT OF OHIO

From: James Scher <Jim@title-company.net>
Sent: Friday, February 26, 2021 16:13
To: makrisfamily@outlook.com
Subject: Hickory Hills LLC Vs. Makris -Certified Mail

Dear Mr. and Mrs. Makris:

My client advised me that he received certified mail from you today with a check enclosed purporting to be a rent payment for March 2021. Be advised that we do not accept this as a rent payment. We will be returning this to you once my client gives it to me to return.

Additionally, my client is represented by counsel and in litigation with you. You are instructed to address ALL communications of any kind to the undersigned only. Your anticipated cooperation is required.

James R. Scher, Esq.
Burkey, Burkey & Scher Co., LPA
The Title Company of Warren Agency, Inc.
200 Chestnut Ave NE
Warren, Ohio 44483
330-393-3200
330-393-6436 f
jim@title-company.net
www.burkeyscherlaw.com
www.title-company.net

IN THE SUPREME COURT OF OHIO

ARGUMENT IN SUPPORT OF PROPOSITION OF LAW

Proposition of Law I:

92 Court substituted its arbitrary and capricious judgment and abuse of discretion for Ohio
93 Revised Code statutes, disregarding O.R.C. plain language. Despite Court Rules, erroneous JE
94 effectively circumvents Appellants Due Process of Law rights while concurrently disparaging
95 codified protections as irrelevant “technicalities” per trial court JE of March 3, 2020. *Ohio Revised*
96 *Code (O.R.C.) 1923.02, 5321.02, 5321.04, 5321.07, 5321.17(b); Ohio Rules of Civil Procedure 12*
97 *& 10(d)(1); and, Local Rules of the Mahoning County Area Courts Amended October 1, 2018,*
98 *Rule 8(C), 8(H)(2) & (3), Rule 9, Rule 12(B)(6) & (7) and Rule 14(C)(2) and U.S./State of Ohio*
99 *Constitutional Due Process of Law.*

100 Thereby, Appellants raise objection to and request for Counterclaims decision to be based
101 upon merits, as June 22, 2021 JE (See **ATTACHMENT** Ohio Seventh District Court of Appeals
102 arbitrary, capricious and abuse of discretion Judgment Entry, **Pages 18 thru 20**) evidenced as non-
103 material, vague, ambiguous, inadequate, fabricated and out of accordance with the Rules. To
104 reiterate, despite being docketed, trial court went so far as to even lie about Financial Disclosure
105 Form not being received, wrongfully executing power to prejudice the Appeals Court while
106 permanently physically disabling Appellants’ health for the virulent hilarity of being able to do so.

Proposition of Law II:

107 When a Court lies, the Judiciary vaporizes Due Process of Law, summarily plunging hard-
108 working law abiding citizenry into chaos. Without an iota of due diligence, not even collecting
109 and reviewing Docket Image which resulted in the nonsensical and blatantly false JE (*ibid*, **Lines**
110 **101-102**), Court abuse of discretion abruptly dismissed Appellants substantial right to
111 Counterclaims, in an action that essentially predetermines the outcome and prevents judgment.

IN THE SUPREME COURT OF OHIO

112 Appeals Court ignorance of trial court Financial Disclosure Form deceit and Appellees
113 Retaliation, Harassment and Discrimination *Court of Appeals of Ohio, Eighth Appellate District,*
114 *2013-Ohio-2905 (July 3, 2013), K&D Management LLC v. Deirdre Masten,* hides behind
115 fallacious allegation of “rather than filing an Answer.” This, to reiterate, despite fact “Answer &
116 Motion to Dismiss” legally invalid “claim(s) for unpaid rent” timely submitted and docketed
117 beginning August 2019 and, again, November 2020. Assuredly, trial court wholly lacked
118 jurisdiction, as rents **PAID** timely, in full and verified Cashed, maliciously Held or Returned by
119 Hickory Hills, LLC. Court malicious aiding of Appellees unrelenting bad faith and forcing of
120 Appellants to constantly Defend against same legally invalid claim(s), over and over again,
121 violates O.R.C., lease Contract and Settlement Agreement i.e., Appellees withdraw documented
122 and evidenced fraudulent and frivolous “claim for unpaid rent”/retaliatory rent increase (See
123 bottom image **Page 8** & e-mail **Page 11**) then Appellants withdraw Counterclaim/Motion for
124 Discovery Contempt of Court. Expectedly, even though Appellants bent over backwards to reach
125 resolution, LLC Appellees Agent knowingly failed to endorse Settlement and intentionally
126 breached mediation Agreement (See bottom image **Page 9**.)

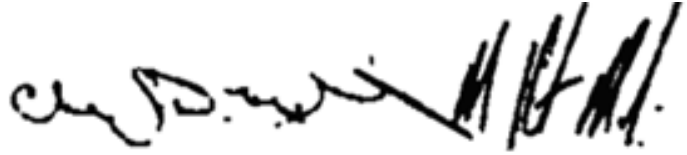
CONCLUSION

127 As a result, Court rallying of Hickory Hills, LLC et al abuses necessitates Counterclaims
128 award for damages. Therefore, since past due and ripe for determination, respectfully request
129 honorable Supreme Court of Ohio grant eligible Counterclaims upon Appellants latest timely and
130 **UNOPPOSED** November 25, 2020 Counterclaim, May 4, 2021 Appeal and July 9, 2021 Motion
131 to Reconsider.

IN THE SUPREME COURT OF OHIO

SIGNATURE

Respectfully Submitted,

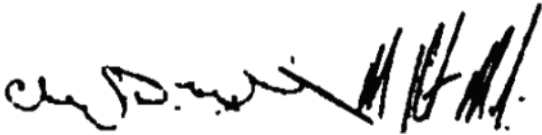
A handwritten signature in black ink, appearing to read "Cheryl L.D. & M. Christos Makris". The signature is written in a cursive, flowing style with some bold, vertical strokes at the end.

Cheryl L.D. & M. Christos Makris

IN THE SUPREME COURT OF OHIO

CERTIFICATE OF SERVICE

The undersigned certify this 23rd day of July, in the year two thousand twenty one, the foregoing **Notice of Appeal with Memorandum in Support of Jurisdiction** was emailed Appellees counsel, James R. Scher via jim@title-company.net.



Cheryl L.D. & M. Christos Makris
8427 Colwyn Ct., #3
Boardman, OH 44512
(330) 406-1137
Appellants, Pro Se

IN THE SUPREME COURT OF OHIO

ATTACHMENT

June 22, 2021 Stamped Copy of Latest Final & Appealable JE

STATE OF OHIO)	IN THE COURT OF APPEALS OF OHIO
)	
MAHONING COUNTY) SS:	SEVENTH DISTRICT
)	
HICKORY HILLS ET AL.,)	
)	
PLAINTIFFS-APPELLEES,)	
)	
V.)	CASE NO. 21 MA 0041
)	
CHERYL MAKRIS ET AL.,)	JUDGMENT ENTRY
)	
DEFENDANTS-APPELLANTS.)	

CLERK OF COURTS
MAHONING COUNTY, OHIO
JUN 22 2021
FILED
ANTHONY VIVO, CLERK

This matter comes before the Court on its own accord because Appellants' notice of appeal is insufficient to invoke its appellate jurisdiction. Appellees initiated the proceedings below by filing a complaint for eviction-only against Appellants. Rather than filing an answer, Appellants, representing themselves, responded with a motion for summary judgment. Appellants followed that motion with a succession of four obliquely captioned pleadings:

02/11/2021	Final & Appealable Decision
02/22/2021	NOTICE OF ORDER APPEAL AND OBJECTION TO FORCIBLE ENTRY AND DETAINER (FED) FRAUD UPON THE COURT; COUNTER-CLAIM PRAYER FOR RELIEF
03/01/2021	MOTION FOR MAHONING COUNTY DISQUALIFICATION DUE TO REPEATEDLY DOCUMENTED BIAS AGAINST "SELF REPRESENTATION"; OBJECTION TO MOTION TO STRIKE, MOTION TO COMPEL (Unordered) DISCOVERY & MOTION IN OPPOSITION; COUNTER-CLAIM PRAYER FOR RELIEF
03/01/2021	NOTICE OF ORDER APPEAL AND OBJECTION TO FORCIBLE ENTRY AND DETAINER (FED) FRAUD UPON THE COURT; COUNTER-CLAIM PRAYER FOR RELIEF

21 MA 0041a1 (sh) 2021 CV 00200 (Common Pleas)



2021 MA
00041
00037986219
JUDENT

IN THE SUPREME COURT OF OHIO

The trial court overruled all four motions in a single entry, citing a complete lack of factual or legal support, and characterizing them as vexatious. The court concluded the entry with an order for discovery to proceed, and scheduled the case for a June status hearing. Appellants brought this interlocutory appeal.

A close review of the motions substantiates the trial court's assessment. The content of the motions is largely incomprehensible from a legal perspective and repetitive. However, construing the motions very liberally in Appellants' favor, two overarching arguments can be gleaned from the motions: (1) the assertion of bias on the part of the trial court and (2) the affirmative defense of accord and satisfaction by settlement agreement (characterized by Appellants as a counterclaim).

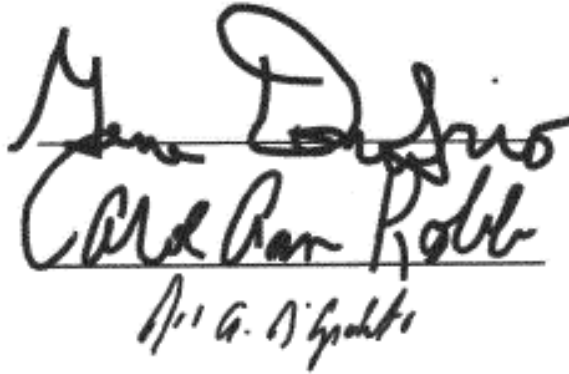
This Court's appellate jurisdiction is limited only to final and appealable orders. Ohio Constitution, Article IV, Section 3(B)(2); R.C. 2505.01 et seq. To the extent the trial court's order can be viewed as an adjudication of those two issues, neither one transforms this otherwise interlocutory order into a final appealable order. Pursuant to R.C. 2701.03, the determination of a claim that a common pleas judge is biased is within the *exclusive* jurisdiction of the Chief Justice of the Supreme Court of Ohio. Consequently, this Court lacks any jurisdiction, appellate or otherwise, to pass upon a trial court's decision in that regard.

As for whatever effect the trial court's order could be construed as having upon Appellants' affirmative defense of accord and satisfaction, such a ruling does not determine the action, nor does it prevent judgment in Appellants' favor. *Farmers State Bank v. Followay*, 9th Dist. Wayne No. 07CA0011, 2007-Ohio-6399, ¶ 6. Under Ohio law, an affirmative defense is waived unless it is presented (1) by motion before pleading pursuant to Civ.R. 12(B), (2) affirmatively in a responsive pleading under Civ.R. 8(C), or by amendment under Civ.R. 15. *Jim's Steak House, Inc. v. Cleveland*, 81 Ohio St.3d 18, 20, 688 N.E.2d 506 (1998). "Thus, under the Ohio Rules of Civil Procedure, if an affirmative defense is not raised in the answer, it is not necessarily waived ad infinitum." *Am. Express Travel Related Serv., Inc. v. Carleton*, 10th Dist. No. 02AP-1400, 2003-Ohio-5950, 2003 WL 22511623, at ¶ 10. Appellants have yet to file an answer and, upon remand, will have the opportunity to file for leave to file their answer or leave to amend their other pleadings to assert the defense.

IN THE SUPREME COURT OF OHIO

Accordingly, the order appealed is not a final appealable order. Appeal dismissed. Costs taxed against Appellants.

Copy to Appellants, counsel of record, and Judge Maureen A. Sweeny (Mahoning County Common Pleas Court Case No. 2021 CV 00200).


Maureen A. Sweeny
Judge

JUDGES