

[Cite as *Columbus v. Argous, L.L.C.*, 2026-Ohio-1353.]

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

City of Columbus Ohio, :
 :
 Plaintiff-Appellee, :
 :
 v. : No. 25AP-139
 : (M.C. No. 2022 EVH 60507)
 Argous, LLC, et al., :
 : (REGULAR CALENDAR)
 Defendant-Appellee, :
 :
 [Jose Villavicencio, :
 :
 Defendant-Appellant.] :

State ex rel. City of Columbus, :
 :
 Plaintiff-Appellee, :
 :
 v. : No. 25AP-140
 : (M.C. No. 2022 EVH 60082)
 South German Village :
 : (REGULAR CALENDAR)
 Medical Center, LLC, et al., :
 :
 Defendant-Appellee, :
 :
 [Jose Villavicencio, :
 :
 Defendant-Appellant.] :

State ex rel. Columbus City Attorney :
 Zach Klein, :
 :
 Plaintiff-Appellee, :
 :
 v. : No. 25AP-141
 : (M.C. No. 2022 EVH 60053)
 South German Village, LLC, et al., :
 : (REGULAR CALENDAR)
 Defendant-Appellee, :
 :
 [Jose Villavicencio, :
 :
 Defendant-Appellant.] :

Environmental Division

MENTEL, J.

{¶ 1} Defendant-appellant, Jose Villavicencio, appeals from a January 13, 2025 entry from the Franklin County Municipal Court, Environmental Division, granting the combined report of receiver and motion for (1) determination that public nuisance has been abated and (2) sale of the properties free and clear of all claims, liens, and encumbrances. For the reasons that follow, we affirm in part and dismiss in part.

I. FACTS AND PROCEDURAL HISTORY

{¶ 2} Plaintiff-appellee, City of Columbus (“City”), brought five separate cases that were consolidated for joint administration based on overlapping ownership. According to the City, the buildings were in violation of R.C. 3767.41 and Columbus City Code as the owners had failed to adequately maintain the property causing a hazard to public health, welfare, and safety. The properties at issue were owned by defendants-appellees, Argous, LLC; JRV Sepira, LLC; South German Village, LLC; and South German Village Medical Center, LLC. The trial court ordered that the owner entities abate the nuisance conditions. On July 17, 2023, the City sought to have a receiver appointed over the 16 different nuisance properties. No objections were filed, and the trial court appointed a receiver on August 21, 2023.

{¶ 3} On September 15, 2023, Villavicencio filed an appeal of the trial court’s August 21, 2023 order appointing a receiver. On December 20, 2023, this court dismissed the appeal for failure to file a brief within the time required under App.R. 18(C). *State ex rel. Columbus City Attorney Zach Klein v. JRV Sepira*, 23AP-552 (Dec. 20, 2023 Journal Entry of Dismissal).

{¶ 4} On June 26, 2024, the receiver filed a combined report and motion to determine that the public nuisance has been abated and to authorize sale of several properties in his control, free and clear of all claims, liens, and encumbrances. A hearing on the motion was held on August 26, 2024. The trial court ultimately granted the receiver’s combined motion for determination of a public nuisance and to authorize the sale of four of the properties. Villavicencio did not file an appeal of the entry of sale at that time.

{¶ 5} On October 10, 2024, the receiver filed a combined report and motion to determine that the public nuisance has been abated on additional properties and authorize their sale. On October 17, 2024, the trial court issued a notice of a hearing for November 25,

2024. After a brief continuance, the hearing was held on January 13, 2025 at which the following evidence was adduced.

{¶ 6} As a preliminary matter, the receiver brought an oral motion in limine to exclude Villavicencio from participating in the hearing. According to the receiver, “Villavicencio is not an owner or interested party as it’s defined in [R.C.] 3767.41, and as a result, he has no right to participate in this hearing in the first place.” (Jan. 13, 2025 Tr. at 17.) The receiver explained that there is a prior motion for contempt against Villavicencio, which is the reason he was not already dismissed as a party. (Tr. at 22.) Villavicencio argued that he was a part owner of some of the owner entities as “the LLCs gives me 5 percent for Argous for South German Village LLC. JRV Sepira,” and he is “still online as a manager” of one or more of the entities. (Tr. at 23.) Both counsel for the City, Christopher Clark, and Loni Sammons, counsel for Myron Terlecky, the Chapter 7 Trustee of Villavicencio’s bankruptcy estate, agreed with the motion in limine. (Tr. at 24-25.) Relevant to the instant appeal, Sammons stated that “any interest that [Villavicencio] has in South German Village, LLC, or Argous, LLC, is an indirect 5 percent interest. . . . Villavicencio is using this as another mechanism to attempt to represent those LLCs by saying he’s just representing his own indirect 5 percent interest.” (Tr. at 25.) The trial court concluded that Villavicencio is not the owner of any of the properties or an interested party as defined under R.C. 3767.41. Thus, the trial court found that Villavicencio did not have standing to participate in the motion hearing. (Tr. at 27-28.)

{¶ 7} At the conclusion of the hearing, the receiver asked the trial court to note for the record that “Mr. Villavicencio was here throughout the hearings, watching, but he has since left the courtroom and has not made any sort of motion to the Court to proffer evidence or testimony or argument that he would have put on today had the Court allowed him to participate.” (Tr. at 79.) The trial court responded, “so noted.” (Tr. at 80.) By way of entry dated January 13, 2025, the trial court granted the receiver’s motion to determine that the public nuisance has been abated on the ten additional properties and authorize the sale of the properties at issue in the October motion.

{¶ 8} Villavicencio filed a notice of appeal on January 23, 2025.

II. App.R. 16

{¶ 9} As a threshold matter, we must consider whether Villavicencio has set forth clear assignments of error in his brief. Pursuant to App.R. 16(A)(3), appellant shall include

in his brief, “under the headings and in the order indicated,” “[a] statement of the assignments of error presented for review, with reference to the place in the record where each error is reflected.” This court has explained that “statement of facts and legal arguments cannot be tethered to nonexistent assignments of error.” *Craver v. Haefner*, 2024-Ohio-2242, ¶ 8 (10th Dist.). Noncompliance with appellate rules or rules of this court constitute good cause for dismissal of an appeal. *In re M.P.*, 2025 Ohio App. LEXIS 4032, *4 (10th Dist. Nov. 25, 2025), citing Loc.R. 10(D). While pro se litigants are afforded some flexibility, they are held to the same rules as individuals represented by counsel. *Id.*, citing *Craver* at ¶ 8, citing *J.P. Morgan Chase Bank, N.A. v. Cloyes*, 2021-Ohio-3316, ¶ 10 (10th Dist.).

{¶ 10} Here, Villavicencio has failed to expressly identify assignments of error for our review. Given the language employed in Villavicencio’s brief, however, and in the interest of justice, we will construe Villavicencio’s two “issues on appeal,” *see* appellant’s brief at 5, as assignments of error and address them as best we can discern.

{¶ 11} According to Villavicencio, the trial court erred as follows:

- (1) The Franklin County Environmental Court erred in denying the appellant, Jose Villavicencio, any right to have his say in the court proceedings leading to the sale of the properties by the receiver, New Asset Perspective Management LLC. In particular, the denial of the appellant’s participation as a result of an *ORAL* motion submitted on **THE DAY** of the hearing by the said receiver, a hearing where the same judge likewise denied any continuance as requested by a private attorney that the other parties to the case (South German Village LLC), constitutes a repudiation of the essence of ORC 3767.41, which is fairly inclusive of who may intervene in the matter before the court (i.e., “interested parties”), as well as a violation of due process for the Appellant under the Ohio and United States Constitution.
- (2) The Franklin County Environmental Court erred in ordering the sale of 289-291 Brehl Avenue, 1270 South Ohio, 629-631 South Wheatland Avenue, 929-931 South Bellows Avenue without the benefit of a hearing as per ORC 3767.41 section (I)(1).

(Sic passim.) (Emphasis in original.) (Appellant’s Brief at 4-5.)

III. ANALYSIS

A. Final Order

{¶ 12} Villavicencio’s arguments generally stem from the trial court’s grant of the receiver’s August 2024 and January 2025 motions for order of sale. Villavicencio has also

argued that the trial court erred by granting the receiver's motion in limine to exclude him from the hearing as well as its initial appointment of a receiver in this case. Because Villavicencio's assignments of error are intertwined, we will address them together.

{¶ 13} An order of a court is only a final, appealable order if the requirements of R.C. 2505.02 and, if applicable, Civ.R. 54(B) are satisfied. *Ohio Atty. Gen. v. William Lager*, 2025-Ohio-5649, ¶ 11 (10th Dist.), citing *State ex. rel Scruggs v. Sadler*, 2002-Ohio-5315, ¶ 5. "Final order" is defined in R.C. 2505.02(B), which provides: "An order is a final order that may be reviewed, affirmed, modified, or reversed, with or without retrial, when it is one of [the orders set forth in R.C. 2505.02(B)(1) through (8)]." Civ.R. 54(B) directs that when there are multiple claims or multiple parties, the trial court may enter final judgment as to one or more, but fewer than all, claims or parties on an express determination that there is "no just reason for delay." *Mangan v. Morocho & Garcia Constr., LLC*, 2023-Ohio-1452, ¶ 8 (10th Dist.); Civ.R. 54(B).

{¶ 14} The Supreme Court of Ohio has found that an order granting a motion to appoint a receiver is final and appealable because it grants relief in a proceeding for a provisional remedy under R.C. 2505.02(B)(4). *Community First Bank & Trust v. Dafoe*, 2006-Ohio-1503, ¶ 26. Likewise, based on the language of the trial court's orders granting the receiver's motions for an order of sale of real property, we find the August 2024 and January 2025 orders are final within the requirements of R.C. 2505.02 and include the requisite Civ.R. 54(B) language. Here, Villavicencio cannot revive his prior appeal of the trial court's August 21, 2023 order appointing a receiver at this time as he failed to file a brief within the time required under App.R. 18(C). Furthermore, as Villavicencio failed to timely appeal the August 2024 order within 30 days, as required under App.R. 4(A)(1), issues arising from that entry are also time barred. As such, we are limited in our review to assignments of error stemming from the January 2025 order of sale.

B. Interested Party

{¶ 15} In Villavicencio's first assignment of error, he argues the trial court erred by denying him "any right to have his say in the court proceedings leading to the sale of the properties by the receiver" and excluding him from participating in the January 2025 hearing based on an oral motion in limine. (Appellant's Brief at 4.) As a threshold matter, however, we must first determine whether the trial court erred in its finding that Villavicencio was not an interested party as defined under R.C. 3767.41(A)(4).

{¶ 16} Pursuant to R.C. 3767.41(A)(4), an “interested party” in a public nuisance action is defined as “any owner, mortgagee, lienholder, tenant, or person that possesses an interest of record in any property that becomes subject to the jurisdiction of a court pursuant to this section, and any applicant for the appointment of a receiver pursuant to this section.” This court has explained that “[i]nterested parties are entitled to a number of rights, including ‘notice of the date and time of a hearing on the complaint’ and the opportunity under certain circumstances to abate a nuisance themselves.” *Whitehall v. Olander*, 2014-Ohio-4066, ¶ 16 (10th Dist.), quoting R.C. 3767.41(B)(2)(a) and (C)(2).

{¶ 17} Upon review, Villavicencio does not meet the statutory definition of an interested party of the properties at issue in the January 2025 order of sale. Specifically, Villavicencio is not the owner of any of the properties and there is no evidence in the record that Villavicencio is a mortgagee, lienholder, or current tenant of the properties. While Villavicencio was purportedly a former tenant, as well as the former manager and “the face of the LLC[s],” *see* appellant’s brief at 15, these roles do not fall under the statutory definition of an “interested party.” Villavicencio has also provided no evidence that he is a person that possesses an “interest of record” under R.C. 3767.41(A)(4).

{¶ 18} Villavicencio contends that he is an “interested party” as he has a minority ownership interest in the entities. We disagree. The federal bankruptcy proceeding involving Villavicencio reached a similar conclusion succinctly writing, “under Ohio law, a ‘membership interest in a limited liability company . . . does not confer upon the member any specific interest in company property, whether personal property or real property.’” *In re Villavicencio*, 635 B.R. 486 (Bankr.S.D. Ohio 2022), quoting *In re Breece*, 2013 Bankr. LEXIS 203, *3 (6th Cir. 2013). Furthermore, as a pro se litigant, Villavicencio may not represent or file on behalf of the owner entities as he is not an attorney licensed to practice law in Ohio. *See, e.g., Disciplinary Counsel v. Kafele*, 2006-Ohio-904, ¶ 18 (explaining that a limited liability company may only be represented in an Ohio court by a licensed attorney). Villavicencio’s arguments regarding notice to current or former tenants are also not permissible as he is not an attorney acting on behalf of these individuals. *Kessler v. Ohio Civil Rights Comm.*, 2023-Ohio-3376, ¶ 11 (10th Dist.).¹ Because Villavicencio does

¹ We note, however, that the trial court found that “proper service has been completed in the cases before it.” (Tr. at 16.)

not fall under any of the categories expressly listed under R.C. 3767.41(A)(4), he is not an interested party under the statute.

{¶ 19} Villavicencio argues that the receiver’s motion in limine was not valid as it was made orally at the hearing. (Appellant’s Brief at 24.) “A motion in limine is a tentative, precautionary request to limit inquiry into a specific area until admissibility is determined during trial.” *Larrison v. Westfield Ins. Co.*, 2024-Ohio-4591, ¶ 30 (10th Dist.), citing *Gable v. Gates Mills*, 2004-Ohio-5719, ¶ 35. We find Villavicencio’s argument unpersuasive as it is well established that motions in limine may be made either orally or in writing prior to trial. *See, e.g., State v. DeSarro*, 2015-Ohio-5470, ¶ 17 (7th Dist.), citing *State v. Canada*, 2015-Ohio-2167, ¶ 25 (10th Dist.) (“oral motions in limine just before the commencement of trial are routine”).

{¶ 20} Having concluded that Villavicencio is not an “interested party” as defined under R.C. 3767.41, the trial court did not err by excluding him from participating in the January 2025 hearing. *See* R.C. 3767.41(I)(2)(a) (“At the hearing, if the owner or any interested party objects to the sale of the building and the property, the burden of proof shall be upon the objecting person to establish, by a preponderance of the evidence, that the benefits of not selling the building and the property outweigh the benefits of selling them.”). Villavicencio’s first assignment of error is overruled to the extent he challenges the trial court’s grant of the receiver’s motion in limine. Because Villavicencio is not an interested party under the statute, he has no standing to raise arguments concerning the trial court’s grant of the order of sale. Accordingly, Villavicencio’s remaining arguments in the first assignment of error and second assignment of error are dismissed.²

IV. CONCLUSION

{¶ 21} Having overruled Villavicencio’s first assignment of error in part, and dismissed in part, and dismissed his second assignment of error, we affirm the judgment of the Franklin County Municipal Court, Environmental Division.

*Appeal dismissed in part;
judgment affirmed.*

BOGGS, P.J., and DORRIAN, J., concur.

² We note that some of the parties listed in Villavicencio’s second assignment of error concern the trial court’s August 2024 order of sale. As set forth in the body of this decision, any assignment of error concerning the sale of those properties is time barred. Alternatively, Villavicencio is also precluded from raising assignments of error regarding the sale of those properties as he is not an interested party as defined under the statute.