[Cite as *Campinha-Bacote v. Bahgat & Bahgat, L.L.C.*, 2026-Ohio-4388.]

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

Avonte Campinha-Bacote,	:	
Plaintiff-Appellee,	:	
		No. 26AP-134
v.	:	(C.P.C. No. 17CV-3068)
Bahgat & Bahgat, L.L.C., et al.,	:	(REGULAR CALENDAR)
Defendants-Appellants.	:	

D E C I S I O N

Rendered on November 5, 2026

On brief: *Avonte Campinha-Bacote*, pro se. **Argued:** *Avonte Campinha-Bacote*.

On brief: *Joseph A. Bahgat*, pro se and for appellant Bahgat & Bahgat, L.L.C. **Argued:** *Joseph A. Bahgat*.

APPEAL from the Franklin County Court of Common Pleas

LELAND, J.

{¶ 1} Defendants-appellants, Bahgat & Bahgat, L.L.C. and Joseph A. Bahgat (collectively referred to hereinafter as "Bahgat" or "appellants"), appeal the judgment of the Franklin County Court of Common Pleas. For the following reasons, we affirm the judgment of the trial court.

I. Facts and Procedural History

{¶ 2} According to the complaint filed in this case, plaintiff-appellee, Avonte Campinha-Bacote, worked for Bahgat & Bahgat, L.L.C. as a contract attorney for at least three months in 2016-2017. There was never a written employment contract and none appears in the record. Instead, Campinha-Bacote alleges there was an oral contract for

Baghat & Baghat, L.L.C. to pay Campinha-Bacote at least $5,000 a month, with incentives of up to $100,000 per year.

{¶ 3} In November 2016, Joseph Bahgat began assigning tasks to Campinha-Bacote. One such task was the merit brief in *Rutherlan Enterprises, Inc. v. Zettler Hardware et al.*, Case No. 16-4147, an appeal in the United States Sixth Circuit Court of Appeals. According to Joseph Bahgat, Campinha-Bacote's work product was so bad that it could not be used, and the firm could not bill the client for the time spent drafting the brief. The employment relationship began to deteriorate shortly thereafter. Campinha-Bacote had only been paid $2,000 at that point. Based on what he believed was an oral or implied contract to be paid at a rate of $5,000 per month (i.e., a salary), Campinha-Bacote demanded payment for the past three months, or $13,000. The firm refused and denied the existence of a contract.

{¶ 4} Campinha-Bacote filed suit in March 2017. In the signature block of the complaint, both Campinha-Bacote's and attorney Alexander Darr's names appear. The complaint alleged violations of Ohio's Prompt Pay Act (R.C. 4113.15), wage theft, unjust enrichment, and breach of implied contract. Campinha-Bacote claimed damages of three months of wages (November 2016 to January 2017), minus the $2,000 he had been paid. That amount would have been $13,000. He also demanded attorney fees and punitive damages. In a paragraph asserting proper jurisdiction and venue in the Franklin County Court of Common Pleas, Campinha-Bacote also stated his claims for relief "arise under the Federal Labor Standards Act" (hereinafter referred to as the "FLSA"). (Mar. 29, 2017 Compl. at ¶ 8.) On April 7, 2017, attorney Alexander Darr formally entered his appearance on behalf of Campinha-Bacote.

{¶ 5} Based on the allusion to the FLSA—which is not repeated anywhere else in the complaint and is not included as a count—Bahgat removed the case to federal court on May 5, 2017. The parties began filing motions, including a motion to dismiss filed by Bahgat. On November 8, 2017, the federal court sua sponte ordered the parties to show cause why the case should not be remanded back to the court of common pleas. The federal court noted it could not discern what, if any, claim Campinha-Bacote asserted under the FLSA. Campinha-Bacote agreed the case should be remanded for lack of federal court jurisdiction. Bahgat argued that since the complaint mentioned the FLSA, federal court

jurisdiction was available. If the court were inclined to remand the case back to state court, however, Bahgat requested the federal court to rule on the pending motion to dismiss prior to remanding the case. Ultimately, the federal court determined it did not have subject-matter jurisdiction over the case; therefore, lacking jurisdiction over the case, the federal court determined it could not rule on the motion to dismiss. On March 16, 2018, the federal court remanded the case to the Franklin County Court of Common Pleas. Attorney Darr's name was included on the entry as representing Campinha-Bacote.

{¶ 6} On June 19, 2018, after the case was remanded to the Franklin County Court of Common Pleas, Campinha-Bacote filed a motion to compel discovery. In his motion, Campinha-Bacote stated he had requested discovery over a year prior and that he had made multiple attempts to resolve the issue prior to filing his motion. Bahgat did not respond directly to the motion to compel. Instead, Bahgat filed a second motion to dismiss on August 15, 2018, this one in Franklin County.[1] The motion to dismiss raised three grounds: lack of personal jurisdiction, improper venue, and failure to state a claim upon which relief could be granted. Attached to the motion to dismiss were Bahgat's own affidavit and over a hundred pages of exhibits (mostly the transcript of Campinha-Bacote's deposition).

{¶ 7} In an entry dated January 16, 2019, the trial court granted Campinha-Bacote's motion to compel. The trial court gave Bahgat 45 days from the date of the entry to comply. It is worth noting that the trial court reminded the parties that they were all attorneys and ordered them to cooperate with each other, engage in meaningful discussions regarding any discovery issues that may arise, and attempt to resolve issues prior to contacting the court.

{¶ 8} Rather than comply with the trial court's directives, Bahgat filed a motion for a protective order from Campinha-Bacote's discovery demand. Notwithstanding the motion's caption, it was essentially a request for the trial court to first rule on Bahgat's motion to dismiss. The motion for a protective order raised multiple issues concerning the case, but Bahgat did not argue he had not been properly served with a discovery demand.

{¶ 9} The trial court then ordered the parties to appear for a show cause hearing to be held on March 18, 2019. The entry issued after this hearing indicates that Bahgat argued

[1] According the record and the Clerk of Court, neither Joseph Bahgat nor Bahgat & Bahgat, L.L.C. ever filed an answer in this case.

for the first time, two full years into the litigation, that appellants had not been properly served with discovery. According to this argument, since Campinha-Bacote had not properly served Bahgat in the Franklin County case, the trial court could not order Bahgat to provide a discovery response and the court erred in granting Campinha-Bacote's motion to compel. The trial court disagreed and found Bahgat had failed to show cause for not complying with the court's order. The trial court then held a separate hearing to determine the amount of sanctions to be awarded. Ultimately, the trial court held that Bahgat must pay the amount of attorney fees associated with the litigated the motion to compel. That amount was determined to be $1,687.50, or $250.00/hour multiplied by 6.75 hours. Bahgat argued that attorney fees were inappropriate as Campinha-Bacote was representing himself at this point. Campinha-Bacote argued he was still represented by Attorney Darr.

{¶ 10} After the court ordered sanctions, Bahgat filed a motion to reconsider. When that was denied, Bahgat filed a motion for recusal. The trial court also denied that motion.

{¶ 11} The case proceeded at a slow pace after that, in part owing to the COVID-19 pandemic. After numerous continuances, the matter proceeded to trial before a magistrate on October 11 and 12, 2023. The magistrate's decision notes that Campinha-Bacote was represented by Attorney Darr. At the conclusion of the evidence, the magistrate found Campinha-Bacote not to be credible and recommended a verdict in favor of Bahgat. (Defendant Abe Bahgat was no longer a party at this point.)

{¶ 12} After trial, Campinha-Bacote filed objections to the magistrate's findings in accordance with Civ.R. 53(D); however, he did not attach a copy of the transcript as required by the rule. Campinha-Bacote also filed a motion for contempt, the basis of which was Bahgat's failure to pay the $1,687.50 previously ordered by the court. Bahgat filed memoranda contra to both of Campinha-Bacote's motions, as well as a motion requesting relief from judgment pursuant to Civ.R. 60(B)(5). Specifically, Bahgat requested relief from having to pay $1,687.50 to Campinha-Bacote.

{¶ 13} On January 15, 2025, the trial court issued an entry adopting the magistrate's findings and ruling on all outstanding motions. Relevant to this appeal, the trial court denied Bahgat's motion for relief from the earlier ruling awarding attorney fees to Campinha-Bacote. The court pointed out that the basis for the sanction was totally independent from the ultimate verdict. Further, the court pointed out that relief under

Civ.R. 60(B)(5) is extraordinary and winning on the merits does not satisfy the high threshold.

II. Assignments of Error

{¶ 14} Bahgat appeals and assigns the following four assignments of error for our review:

> [I.] The trial court erred as a matter of law and abused its discretion by granting appellee's motion to compel discovery under Civ. R. 37(A), where the record clearly demonstrates that those purported discovery requests were served pursuant to the Federal Rules of Civil Procedure on Jun. 15, 2017—while this case was in federal court—and there is no evidence in the record that appellee re-served those requests pursuant to the Ohio Rules of Civil Procedure, and that he only re-served the original federal court discovery requests on defendants after the common pleas court ordered defendants to pay sanctions for not answering discovery requests they never received.
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> [II.] The trial court erred as a matter of law and abused its discretion by awarding sanctions under Ohio Civil Rule 37(B) and (D) in the amount of $1,687.50 where: (a) Appellee was proceeding pro se and therefore could not recover attorney fees for work performed by himself as a pro se litigant; and (b) Appellee presented no evidence at the sanctions hearing that he had actually paid or incurred any attorney fees to counsel for the discovery-related work at issue.
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> [III.] The trial court erred as a matter of law and abused its discretion when it entered an order upholding its prior discovery orders in spite of new evidence revealing that the plaintiff should not have been entitled to sanctions because his testimony at trial revealed that he was almost entirely incredible as a witness and that none of the claims in his complaint and subsequent filings with the court had any evidentiary support.
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> [IV.] The trial court erred as a matter of law when it denied appellants' Aug. 15, 2018 motion to dismiss without considering extrinsic evidence that venue in Franklin County, Ohio was improper, that the court lacked personal jurisdiction over defendants Bahgat & Bahgat LLC and Joseph A. Bahgat, and that Abe Bahgat—who was dismissed from the case shortly after the court denied defendants' motion to dismiss—had only been improperly added as a defendant to gain jurisdiction in Franklin County, Ohio.

III. Discussion

{¶ 15} Assignments of error one through three rely on the record of the proceedings. "The duty to provide a transcript for appellate review falls upon the appellant." *Knapp v. Edwards Laboratories*, 61 Ohio St.2d 197, 199 (1980). Bahgat failed to provide a copy of the transcripts of the relevant proceedings. At oral argument, this court asked Joseph Bahgat if he had requested a transcript, and he admitted he had not. Ohio App.R. 9(B) requires that an appellant order a copy of the transcript. If a copy of the transcript is unavailable, App.R. 9(C) and (D) provide alternatives. In this case, no transcript was requested or provided to this court on appeal. A "bedrock principle of appellate practice in Ohio is that an appeals court is limited to the record of the proceedings at trial." *Morgan v. Eads*, 2004-Ohio-6110, ¶ 13. When portions of the record are lacking, "the reviewing court has nothing to pass upon and thus, as to those assigned errors, the court has no choice but to presume the validity of the lower court's proceedings, and affirm." *Knapp* at 199.

{¶ 16} In this case, a transcript of the proceedings, or at least an acceptable alternative pursuant to App.R. 9(C) or (D), is necessary for our review of Bahgat's assignments of error. Without a copy of the transcript, we cannot weigh the evidence presented at the numerous hearings and trial that are relevant to this appeal. Further, in the absence of a transcript, we presume regularity of the proceedings. *Soliman v. Nawar*, 2023-Ohio-1762, ¶ 5 (10th Dist.).

{¶ 17} For these reasons, we overrule appellants' first, second, and third assignments of error.

{¶ 18} In the fourth assignment of error, appellants argue the trial court erred as a matter of law when it denied Bahgat's motion to dismiss without considering extrinsic evidence.[2] A copy of the transcript of the proceedings may have been useful in resolving this assignment of error. Since this assignment of error does not necessarily require one, though, we will address it on the merits.

{¶ 19} We review a trial court's ruling on a motion to dismiss de novo. *Shah v. Simpson*, 2014-Ohio-675, ¶ 9 (10th Dist.), citing *Kauffman Racing Equip., L.L.C. v. Roberts*, 2010-Ohio-2551. Personal jurisdiction and venue are distinct legal concepts.

[2] Bahgat's motion to dismiss raised three grounds for dismissal. Only two of them, personal jurisdiction and venue, were raised on appeal. The third ground, failure to state a claim upon which relief could be granted, was not raised.

Ellison v. K 2 Motors, L.L.C., 2023-Ohio-1871, ¶ 30 (10th Dist.). " 'Jurisdiction connotes the power to hear and decide a case on its merits, while venue connotes locality, the place where the suit should be heard.' " *State ex rel. Dunbar v. Ham*, 45 Ohio St.2d 112, 115 (1976), quoting *The New York, Chicago, and St. Louis RR. Co. v. Matzinger*, 136 Ohio St. 271, 276 (1940). Upon a defendant's filing of a motion to dismiss for lack of personal jurisdiction, the plaintiff bears the burden of establishing that the court has personal jurisdiction over the defendant(s). *Midwest Motor Supply Co., Inc. v. MRO Systems, L.L.C.*, 2025-Ohio-2411, ¶ 15 (10th Dist.).

{¶ 20} There are common facts relevant to deciding whether the court correctly ruled it had personal jurisdiction over appellants and whether venue was proper in Franklin County. As noted by the trial court in its entry denying Bahgat's motion to dismiss, one of the defendants, Abe Bahgat, resided and worked in Franklin County, Ohio. Appellants admitted to keeping a satellite office in Franklin County. The trial court noted that Bahgat sent Campinha-Bacote to Franklin County to conduct a deposition. Additionally, the appeal Campinha-Bacote worked on was filed in the federal courthouse located in Franklin County. The trial court also noted that the law firm Bahgat & Bahgat, L.L.C. was registered with the Ohio Secretary of State's office and that Joseph Bahgat was a member of the Ohio bar.

{¶ 21} Applying these facts to the relevant law, we will first address venue. Venue is governed by Civ.R. 3. Though Civ.R. 12(B)(3) permits a party to move for dismissal based on improper venue, Civ.R. 3 does not normally require the trial court to dismiss the case. *See Lester v. Lester*, 2026-Ohio-2724, ¶ 18 (10th Dist.) (if venue in Franklin County is not proper, the remedy is to transfer the case to a proper county). Bahgat's motion to dismiss correctly describes the procedure under Civ. R. 3(E) that hypothetically could have resulted in dismissal, but the procedure requires necessary conditions precedent to dismissal.[3] Since none of those procedures had taken place at the time Bahgat moved for dismissal, dismissal would not have been appropriate at that time. Further, other than referring to

[3] In order for improper venue to result in dismissal, the following must occur: (1) the trial court must determine there exists no proper venue in Ohio; (2) the court then stays proceedings with consent of the parties; (3) the defendants have to waive a statute of limitations defense pending refiling, waive venue after refiling in another state, and consent to jurisdiction; and (4) the plaintiff has to fail to refile the action within 60 days. If the defendants do not agree to the conditions, or fail to comply with them, then the trial court "shall hear the action." Civ.R. 3(E).

the applicable Ohio Rule of Civil Procedure, Bahgat cites no caselaw or statute that supports his argument that venue was improper or that the case should have been dismissed based on improper venue. Accordingly, in light of the facts stated above, we find that the trial court did not err in failing to dismiss based on improper venue.

{¶ 22} Moving on to jurisdiction, Bahgat's appeal raises both personal and subject-matter jurisdiction. Subject-matter and personal jurisdiction are distinct legal concepts. Personal jurisdiction, which will be discussed further below, refers to a court's authority over a person. *Colt's Neck Homeowners Assn. v. Franklin Cty., Bd. of Commrs.*, 2026-Ohio-2751, ¶ 30. Subject-matter jurisdiction connotes a court's ability to hear and decide a case on its merits. *Thompson v. Ohio Bur. of Workers' Comp.*, 2026-Ohio-720, ¶ 40 (10th Dist.). Bahgat never raised subject-matter jurisdiction at the trial court. A party cannot raise an issue for the first time on appeal. *JPMorgan Chase Bank, N.A. v. Cloyes*, 2021-Ohio-3316, ¶ 12, fn. 4 (10th Dist.). Since the issue of subject-matter jurisdiction is not properly before this court, we will only address Bahgat's personal jurisdiction argument.

{¶ 23} Personal jurisdiction is the court's authority to enter judgment against an individual. *Estate of Branscomb v. OhioHealth Corp.*, 2026-Ohio-93, ¶ 15 (10th Dist.). When a defendant moves for dismissal under Civ.R. 12(B)(2), the plaintiff bears the burden of proving the court has personal jurisdiction over the plaintiff. *Joffe v. Cable Tech, Inc.*, 2005-Ohio-4930, ¶ 10 (10th Dist.).

{¶ 24} In the case of out-of-state defendants, jurisdiction is governed by R.C. 2307.382(A) and Civ.R. 4.3(A). Ohio's long-arm statute, R.C. 2307.382, and Civ.R. 4.3 are essentially coextensive and complement each other. *Parshall v. PAID, Inc.*, 2008-Ohio-3171, ¶ 11 (10th Dist.). The statute specifies activities, such as transacting business in the state and contracting to supply services or goods in the state, that will allow Ohio courts to exercise personal jurisdiction over out-of-state defendants, and the rule permits out-of-state service. If a court determines that it has jurisdiction under R.C. 2307.382 and Civ.R. 4.3, then it must determine whether bringing the defendant to Ohio would violate traditional notions of fair play and substantial justice. *Goldstein v. Christiansen*, 1994-Ohio-229, ¶ 10, citing *U.S. Sprint Communications Co., Ltd. Partnership v. Mr. K's Foods, Inc.*, 1994-Ohio-504. The trial court found that Bahgat had transacted business in Ohio sufficiently to satisfy R.C. 2307.382, and that due process was satisfied.

{¶ 25} Bahgat argues the trial court should have relied on extrinsic evidence when reviewing the motion to dismiss. This court has previously held that a court's review of a motion to dismiss is limited to the pleadings. *Ferron v. Dish Network, L.L.C.*, 2011-Ohio-5235, ¶ 20 (10th Dist.). *See Equable Ascent Fin., L.L.C. v. Ybarra*, 2013-Ohio-4283, ¶ 13 (9th Dist.) ("in deciding whether it is appropriate to grant a party's motion to dismiss, a court may not consider any materials or evidence outside the complaint"). We conclude that the trial court properly exercised personal jurisdiction over appellants. We further find that venue was proper in Franklin County. Therefore, we overrule Bahgat's fourth assignment of error.

IV. Conclusion

{¶ 26} Having overruled Bahgat's four assignments of error, we affirm the judgment of the Franklin County Court of Common Pleas.

Judgment affirmed.

BOGGS, P.J., and BEATTY BLUNT, J., concur.