

IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
MONTGOMERY COUNTY

MICHAELA CARTER

Appellant

v.

PRESTIGE HOME FURNISHINGS

Appellee

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C.A. No. 30850

Trial Court Case No. 25CVF04609

(Civil Appeal from Municipal Court)

**FINAL JUDGMENT ENTRY &
OPINION**

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Pursuant to the opinion of this court rendered on October 16, 2026, the judgment of the trial court is affirmed.

Costs to be paid as stated in App.R. 24.

Pursuant to Ohio App.R. 30(A), the clerk of the court of appeals shall immediately send a copy of the court's ruling to each party and note that action on the docket. Additionally, pursuant to App.R. 27, the clerk of the court of appeals shall send a certified copy of this judgment, which constitutes a mandate, to the clerk of the trial court and note the service on the appellate docket.

For the court,



ROBERT G. HANSEMAN, JUDGE

TUCKER, J., and EPLEY, J., concur.

OPINION
MONTGOMERY C.A. No. 30850

MICHAELA CARTER, Appellant, Pro Se
GREGORY S. PAGE, Attorney for Appellee

HANSEMAN, J.

{¶ 1} Michaela Carter appeals pro se from a judgment of the Kettering Municipal Court overruling her objection to a magistrate’s recommendation to dismiss her small claims case with prejudice and dismissing the case with prejudice. For the reasons outlined below, the judgment of the trial court is affirmed.

Facts and Course of Proceedings

{¶ 2} On November 4, 2025, Carter, acting pro se, filed a small claims complaint in the Kettering Municipal Court against the appellee, Prestige Home Furnishings (“Prestige”). In the complaint, Carter alleged that Prestige had refused to honor an extended warranty that it sold to her for a Samsung washing machine. Carter demanded a full refund in the amount of \$1,500, plus court costs and interest.

{¶ 3} After Prestige was served with the complaint, it filed a motion for the case to be transferred to the trial court’s regular docket. The trial court granted the motion and transferred the case. Carter then filed a pro se motion to have the case transferred back to the small claims docket. In response, the trial court issued an entry noting that Prestige had not filed a responsive pleading to Carter’s complaint, and the court ordered Prestige to file one within 14 days. The trial court advised that if Prestige did not file a responsive pleading as ordered, the case may be returned to the small claims docket. Despite the trial court’s order, Prestige failed to file a responsive pleading. As a result, the trial court transferred the case back to the small claims docket and scheduled the matter for trial on March 3, 2026.

{¶ 4} The matter proceeded to trial as scheduled, and Carter failed to appear. Prestige appeared with counsel and moved to have the case dismissed with prejudice. After the proceeding, the presiding magistrate issued a recommendation for the case to be dismissed with prejudice for Carter's failure to appear at trial. Seven days later, on March 10, 2026, Carter, acting pro se, filed a timely objection to the magistrate's recommendation. Carter's objection included no supporting affidavits or exhibits. The objection only contained the following unsworn statement:

I am a rape survivor who suffers from PTSD and had a major episode that led me to missing the scheduled court day on the third of March. I am begging the courts forgiveness and asking that the case be rescheduled for a hearing. I apologize for my absence and hope that you reconsider my voice being heard in you courts.

{¶ 5} After independently reviewing the matter, the trial court found no error of law or other defect evident on the face of the magistrate's recommendation. Accordingly, the trial court overruled Carter's objection and ordered the case to be dismissed with prejudice.

{¶ 6} Following the dismissal of the case, on April 27, 2026, Carter filed a Civ.R. 60(B) motion for relief from judgment and notice of appeal. Carter, who was still acting pro se in the matter, attached several exhibits to the notice of appeal. The majority of the exhibits pertain to Carter's breach of warranty claim. One of the exhibits, however, Exhibit Q, is a copy of the objection that Carter filed with the trial court. The exhibit includes five cellphone screenshot images that appear to be a list of health disorders with their respective onset date. One of the listed health disorders is "PTSD (post-traumatic stress disorder)." The screenshot images do not include any information that identifies the source of the list or the

person associated with the listed health disorders. The screenshot images were not attached as an exhibit to Carter's objection when it was filed with the trial court.

{¶ 7} The trial court did not rule on Carter's Civ.R. 60(B) motion for relief from judgment, as trial courts do "not have jurisdiction to proceed on claims that 'could be affected by' or 'might be subject to' the issues pending on appeal." *LEXISNEXIS v. Murrell*, 2021-Ohio-3527, ¶ 6 (2d Dist.), quoting *State ex rel. Electronic Classroom of Tomorrow v. Cuyahoga Cty. Court of Common Pleas*, 2011-Ohio-626, ¶ 14. Accordingly, Carter proceeded with the instant appeal. She raises three assignments of error for review.

First Assignment of Error

{¶ 8} Under her first assignment of error, Carter claims that the trial court abused its discretion by dismissing her case with prejudice for one instance of failing to appear under circumstances where she diligently prosecuted her case for months and provided a "documented medical reason" for her absence from trial. We disagree with Carter's claim.

{¶ 9} Civ.R. 41(B)(1) provides that "[w]here the plaintiff fails to prosecute, or comply with [the Ohio Rules of Civil Procedure] or any court order, the court upon motion of a defendant or on its own motion may, after notice to the plaintiff's counsel, dismiss an action or claim." We note that "[t]he opportunity to object to the magistrate's recommendation of dismissal is sufficient to meet the notice requirement of Civ.R. 41(B)." *Woodland Run Equine Veterinary Facility, Inc. v. Stanley*, 2005-Ohio-6988, ¶ 6 (9th Dist.), citing *Riedel v. Riedel*, 2004-Ohio-4458, ¶ 9 (9th Dist.). Such a procedure provides a party with "the opportunity to explain its failure to appear, thus fulfilling the purpose of the notice requirement." *Id.*

{¶ 10} This court has recognized that "dismissal is a harsh sanction, and 'should be reserved for cases when a party's conduct falls substantially below what is reasonable under the circumstances, evidences a complete disregard for the judicial system or the rights of

the opposing party, or when the failure to comply with discovery orders is due to willfulness or bad faith.” *Ransom v. Aldi, Inc.*, 2017-Ohio-6993, ¶ 28 (2d Dist.), quoting *Foley v. Nussbaum*, 2011-Ohio-6701, ¶ 20 (2d Dist.). “Where a party’s conduct is “negligent, irresponsible, contumacious or dilatory,” it may provide grounds for a dismissal with prejudice for a failure to prosecute or to obey a court order.”” *Id.*, quoting *Foley* at ¶ 20, quoting *Tokles & Son, Inc. v. Midwestern Indemn. Co.*, 65 Ohio St.3d 621, 632 (1992).

{¶ 11} “The decision to dismiss a case pursuant to Civ.R. 41(B)(1) rests within the sound discretion of the trial court, and appellate review is limited solely to whether the trial court abused that discretion.” *Amara v. ATK Space Sys.*, 2016-Ohio-7093, ¶ 9 (2d Dist.), citing *Pembaur v. Leis*, 1 Ohio St.3d 89, 91 (1982). “Abuse of discretion’ has been defined as an attitude that is unreasonable, arbitrary or unconscionable.” *AAAA Ents., Inc. v. River Place Community Urban Redevelopment Corp.*, 50 Ohio St.3d 157, 161 (1990), citing *Huffman v. Hair Surgeon, Inc.*, 19 Ohio St.3d 83 87 (1985). It is well-settled that “most instances of abuse of discretion will result in decisions that are simply unreasonable, rather than decisions that are unconscionable or arbitrary.” *Id.* “A decision is unreasonable if there is no sound reasoning process that would support that decision.” *Id.* “This is a ‘highly deferential standard of review,’ and ‘we will not lightly substitute our interpretation for that of the issuing court.’” *MWL Enterprises LLC v. Mid-Miami Investment Co.*, 2023-Ohio-547, ¶ 38 (2d Dist.), quoting *State ex rel. Cincinnati Enquirer v. Hunter*, 2013-Ohio-5614, ¶ 29.

{¶ 12} In this case, the record indicates that Carter failed to appear for trial and did not explain her absence until seven days later when she filed her objection to the magistrate’s recommendation to dismiss her case with prejudice. In her objection, Carter only provided an unsworn, three-sentence statement in which she claimed to have suffered from a “major episode of PTSD” on the day of trial.

{¶ 13} We recognize that post-traumatic stress disorder (“PTSD”) is a serious, debilitating mental health condition. However, we find it significant that Carter provided no verification of a PTSD diagnosis in her objection, nor any affidavit or other documentation indicating that she had suffered from a PTSD episode on the day of trial. We cannot consider the screenshot list of health disorders that Carter attached to her notice of appeal because the list was not before the trial court when it ruled on her objection to the magistrate’s recommendation to dismiss her case with prejudice. Even if we could consider the list, it has little evidentiary value given that it does not identify the person associated with the listed health disorders or the source of the list.

{¶ 14} Because Carter did not provide any verification of her alleged PTSD diagnosis and episode or contact the trial court about her absence from trial, it was not unreasonable for the trial court to overrule Carter’s objection to the magistrate’s recommendation and to dismiss the case with prejudice. Accordingly, we find no abuse of discretion.

{¶ 15} Carter’s first assignment of error is overruled.

Second Assignment of Error

{¶ 16} Under her second assignment of error, Carter claims that the trial court violated her right to due process because it failed to meaningfully consider her medical excuse for failing to appear at trial. We once again disagree.

{¶ 17} Civ.R. 53(D)(4)(d) governs a trial court’s obligations when ruling on objections to a magistrate’s decision. It provides, in relevant part, that “[i]n ruling on objections, the court shall undertake an independent review as to the objected matters to ascertain that the magistrate has properly determined the factual issues and appropriately applied the law.” Civ.R. 53(D)(4)(d). “The trial court is not required to “comment [on] or reference” any portion of the record in undertaking its independent review of the record.” (Bracketed text in

original.) *Filonkenko v. Stevenson*, 2026-Ohio-3002, ¶ 24 (10th Dist.), quoting *Ernsberger v. Ernsberger*, 2014-Ohio-4470, ¶ 21 (8th Dist.), quoting *Pietrantano v. Pietrantano*, 2013-Ohio-4330, ¶ 18 (12th Dist.). Due process is satisfied when the trial court conducts an independent review of the proceedings in accordance with the procedure prescribed by Civ.R. 53. See *Thatcher v. Miller*, 2016-Ohio-435, ¶ 8 (2d Dist.).

{¶ 18} In this case, the trial court did not specifically address Carter’s claim that her absence from trial was due to an alleged PTSD episode. The trial court did, however, state that it had “independently reviewed all of the pleadings, decisions, entries, and other documents filed with this case” and that it had “reviewed the magistrate’s recommendation as required by Ohio law [Civ.R. 53(D)(4)].” In doing so, the trial court necessarily reviewed and considered Carter’s objection, where she raised her PTSD claim. The trial court was not required to address or reference that claim when issuing its decision. Because the record indicates that the trial court fulfilled its obligation to conduct an independent review of the matter as required by Civ.R. 53(D)(4)(d), we find no due process violation.

{¶ 19} Carter’s second assignment of error is overruled.

Third Assignment of Error

{¶ 20} Under Carter’s third assignment of error, she claims that the trial court erroneously dismissed her case with prejudice because it ignored a pattern of bad-faith conduct on the part of Prestige. Specifically, Carter claims that Prestige acted in bad faith by refusing certified mail service, filing a motion to transfer the case to the trial court’s regular docket, failing to file a responsive pleading as ordered by the trial court, and closing its business during litigation. Carter also claims that Prestige’s bad faith is evidenced by the fact that one of its agents sent her post-judgment text messages regarding the warranty that was the subject of her complaint.

{¶ 21} Upon review, we find that the bad-faith conduct alleged by Carter has no bearing on the trial court's decision to dismiss her case with prejudice. It does not change the fact that Carter did not appear at trial and did not contact the trial court regarding her absence. It also does not change the fact that Carter did not provide the trial court with any verification of the alleged medical excuse cited in her objection to the magistrate's recommendation to dismiss her case with prejudice. Accordingly, Carter's bad-faith claim lacks merit.

{¶ 22} Carter's third assignment of error is overruled.

Conclusion

{¶ 23} Having overruled all three of Carter's assignments of error, the judgment of the trial court is affirmed.

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TUCKER, J., and EPLEY, J., concur.