[Cite as *Millenia Hous. Mgt., Ltd. v. Holder*, 2026-Ohio-4341.]

IN THE COURT OF APPEALS OF OHIO
FOURTH APPELLATE DISTRICT
LAWRENCE COUNTY

MILLENIA HOUSING MANAGEMENT, LTD.,	:	Case No. 26CA2
Plaintiff-Appellee,	:	
v.	:	DECISION AND JUDGMENT ENTRY
NIKOLE HOLDER, et al.,[1]	:	**RELEASED 10/29/2026**
Defendants-Appellant.	:	

APPEARANCES:

Nikole Holder, Ironton, Ohio, pro se.

Frederick C. Fisher, Jr., Ironton, Ohio, for appellee.

Hess, J.

{¶1} This is an appeal from a Lawrence County Common Pleas Court judgment that denied a Civ.R. 60(B) motion for relief from judgment filed by Nikole Holder, defendant below and appellant herein. Appellant assigns the following errors for review:

> FIRST ASSIGNMENT OF ERROR:
>
> "THE TRIAL COURT ERRED IN DENYING APPELLANT'S MOTION TO VACATE JUDGMENT UNDER CIV.R. 60(B), WHERE THE UNDERLYING EVICTION NOTICE WAS DEFECTIVE AND FAILED TO CONFER JURISDICTION."
>
> SECOND ASSIGNMENT OF ERROR:
>
> "THE TRIAL COURT ABUSED ITS DISCRETION IN DENYING RELIEF DESPITE EVIDENCE OF IMPROPER AND UNLAWFUL EVICTION PROCEDURES."

[1] The complaint named "Unknown Tenants" as additional defendants. Those tenants were never served, however.

THIRD ASSIGNMENT OF ERROR:

"THE TRIAL COURT ERRED IN DENYING RELIEF WHERE APPELLANT WAS SUBJECTED TO VIOLATIONS OF DUE PROCESS, INCLUDING INTERFERENCE WITH A COURT ORDER BY LAW ENFORCEMENT."

{¶2} On July 3, 2025, Millenia Housing Management, Ltd., plaintiff below and appellee herein, filed a complaint against appellant for forcible entry and detainer. The court later scheduled the matter for a hearing.

{¶3} On October 20, 2025, the court's magistrate held a hearing and found that appellant had been properly served but had not appeared for the hearing. The magistrate granted appellee's request for eviction and ordered appellant to vacate the premises.

{¶4} About two weeks later, the trial court adopted the magistrate's decision, entered a judgment granting appellee's request for eviction, and ordered appellant to vacate the premises. The court further ordered the clerk to issue a writ of restitution.

{¶5} A few weeks later, appellant filed an "emergency motion to vacate judgment pursuant to [Civ.R.] 60(B), motion to stay eviction, and motion for other relief." Appellant requested relief "due to substantial legal violations in the eviction process, unlawful lockout actions, denial of due process, defective notice, and violations of both Ohio and federal law." Appellant asked the court to vacate the judgment granting the eviction, to stay enforcement, to restore her access to the premises, and to order appellee to return her property.

{¶6} The trial court subsequently denied the motion. The court did, however, state that appellant could retrieve her belongings from the property. This appeal followed.

{¶7} Before we consider appellant's assignments of error, we first address

appellee's argument that this appeal is moot. Appellee argues that the appeal is moot because it has been restored to possession of the premises, and appellant did not obtain a stay of execution of the trial court's judgment. Appellee thus requests that we dismiss this appeal.

{¶8} "The doctrine of mootness is rooted both in the 'case' or 'controversy' language of Section 2, Article III of the United States Constitution and in the general notion of judicial restraint." *James A. Keller, Inc. v. Flaherty*, 74 Ohio App.3d 788, 791 (10th Dist. 1991), citing 1 Rotunda, Novak & Young, *Treatise on Constitutional Law: Substance and Procedure*, § 2.13, at 97 (1986). "Ohio courts have long exercised judicial restraint in cases which are not actual controversies." *Tschantz v. Ferguson*, 57 Ohio St.3d 131, 133 (1991). Thus, absent an exception, courts ordinarily may not consider an appeal that has become moot. *Cincinnati Gas & Elec. Co. v. Pub. Util. Comm. of Ohio*, 2004-Ohio-5466, ¶ 15 ("an appellate court need not consider an issue, and will dismiss the appeal, when the court becomes aware of an event that has rendered the issue moot"); *State v. Berndt*, 29 Ohio St.3d 3, 4 (1987) (reversing appellate court decision that considered moot appeal); *Schwab v. Lattimore*, 2006-Ohio-1372, ¶ 10 (1st Dist.) ("The duty of a court of appeals is to decide controversies between parties by a judgment that can be carried into effect").

{¶9} In general, a "'case is moot when the issues presented are no longer "live" or the parties lack a legally cognizable interest in the outcome.'" *Los Angeles Cty. v. Davis*, 440 U.S. 625, 631 (1979), quoting *Powell v. McCormack*, 395 U.S. 486, 496 (1969); *accord Wells Fargo Bank, Natl. Assn. v. Doberdruk*, 2026-Ohio-2674, ¶ 9. Moreover, a case is moot when an event occurs that "renders it impossible for the court

to grant any relief." *Miner v. Witt*, 82 Ohio St. 237, syllabus (1910); *accord State ex rel. Maxwell v. Brice*, 2021-Ohio-4333, ¶ 18. "Conversely, if an actual controversy exists because it is possible for a court to grant the requested relief, the case is not moot, and a consideration of the merits is warranted." *State ex rel. Gaylor v. Goodenow*, 2010-Ohio-1844, ¶ 11; *State v. Consilio*, 2007-Ohio-4163, ¶ 7.

{¶10} A case involving forcible entry and detainer becomes moot if the landlord has been restored to the property because, at that point, no further relief can be granted. *See Carrington Mtge. Services v. Moder*, 2017-Ohio-5662, ¶ 10 (4th Dist.). A defendant may, however, prevent a judgment of forcible entry and detainer from becoming moot if the defendant obtains a stay of execution in accordance with R.C. 1923.14. *Id.* at ¶ 11.

{¶11} R.C. 1923.14(A) states, in relevant part, as follows:

> If an appeal from the judgment of restitution is filed and if, following the filing of the appeal, *a stay of execution is obtained* and any required bond is filed with the court of common pleas, . . . the judge of that court immediately shall issue an order to the sheriff . . . commanding the delay of all further proceedings upon the execution.

(Emphasis added.)

{¶12} Neither party disputes that appellee has possession of the property and that appellant no longer is in possession of the property. Moreover, even if appellant asked the court to stay the execution of the judgment, the trial court denied her request for a stay. Thus, appellant did not obtain a stay of execution in accordance with R.C. 1923.14(A). Consequently, the appeal is moot because we cannot grant appellant any effective relief. *See Willow Bend Apts v. Koster*, 2026-Ohio-2417, ¶ 10 (10th Dist.) (appeal was moot when the tenant was removed from the premises and no longer resided at the property); *Day v. Derry*, 2024-Ohio-791, ¶ 12 (11th Dist.) (appeal was moot when

the tenant did not obtain a stay of execution and the landlord regained possession of the property); *Millennia Hous. Mgt., Ltd. v. Withrow*, 2013-Ohio-278 (4th Dist.) (appeal was moot when the tenant vacated the premises and did not obtain a stay of execution); *see also Wells Fargo Bank, Natl. Assn. v. Doberdruk*, 2026-Ohio-2674, ¶ 10 (an appeal is moot when the appellate court cannot grant effective relief to a prevailing party).

{¶13} Appellant nevertheless asserts that the appeal is not moot because "mootness does not apply when the underlying judgment is void." Appellant argues that the underlying eviction judgment is void because the "premises at issue were not clearly and unambiguously identified."

{¶14} We first observe that appellant does not cite any authority to support either assertion. App.R. 16(A)(7) requires an appellate brief to contain an argument "with citations to the authorities, statutes, and parts of the record on which [the litigant] relies." A litigant's failure to support an argument with citations to the legal authorities that support it allows an appellate court to reject the argument. *See In re Application of Columbus S. Power Co.*, 2011-Ohio-2638, ¶ 14 (failure to cite legal authority or present an argument that a legal authority applies is grounds to reject a claim); *see also State v. Holloway*, 2024-Ohio-3189, ¶ 37 (8th Dist.) (court may summarily reject an argument when a defendant fails to support it "with any legal authority demonstrating error"); *Robinette v. Bryant*, 2015-Ohio-119, ¶ 33 (4th Dist.) (appellate court has "discretion to disregard any assignment of error that fails to present any citations to cases or statutes in support"); *Frye v. Holzer Clinic, Inc.*, 2008-Ohio-2194, ¶ 12 (4th Dist.) (court "may disregard any assignment of error that fails to present any citations to case law or statutes in support of its assertions").

{¶15} In the case at bar, given appellant's failure to support her argument with citations to any authority, we summarily reject her argument.

{¶16} Accordingly, based upon the foregoing reasons, we dismiss this appeal as moot.

APPEAL DISMISSED.

JUDGMENT ENTRY

It is ordered that the APPEAL BE DISMISSED and that appellant shall pay the costs.

The Court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this Court directing the Lawrence County Common Pleas Court 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.

Smith, P.J. & Wilkin, J.: Concur in Judgment and Opinion.

For the Court

BY: _____
Michael D. Hess, Judge

NOTICE TO COUNSEL

This document constitutes a final judgment entry and the time period for further appeal commences from the date of filing with the clerk.