[Cite as *In re Estate of Kennedy*, 2026-Ohio-4358.]

IN THE OHIO COURT OF APPEALS
FIFTH APPELLATE DISTRICT
STARK COUNTY, OHIO

IN RE: ESTATE OF WANDA KENNEDY	Case No. 2026CA00075 Opinion and Judgment Entry Appeal from the Stark County Court of Common Pleas, Probate Division, Case No. 252113 Judgment: Appeal Dismissed Date of Judgment Entry: November 3, 2026

BEFORE: William B. Hoffman; Robert G. Montgomery; David M. Gormley, Judges

APPEARANCES: Greg Kennedy, Pro se, for Defendant-Appellant.

Hoffman, P.J.

{¶1} Appellant Greg Kennedy appeals the March 17, 2026 Entry entered by the Stark County Court of Common Pleas, Probate Division, which appointed Timothy Kennedy, Executor, as fiduciary of the Estate of Wanda J. Kennedy, aka Wanda Kennedy.

STATEMENT OF THE CASE

{¶2} Wanda Kennedy (hereinafter "Decedent") died on January 20, 2025. Prior to Decedent's death, the probate court appointed Miriam Baughman as guardian of Decedent's person and Attorney Spencer B. Geraghty as guardian of the Estate (Stark Probate Case No. 248048). Decedent had four surviving children, to wit: Timothy Kennedy ("Kennedy"), Stephanie Carter, Appellant, and Angela Alazaus. Decedent also had three additional

children, all of whom predeceased her. On January 28, 2025, the probate court ordered Attorney Geraghty to file a final account. Attorney Geraghty filed a partial account on April 9, 2025.

{¶3} Attorney Geraghty filed an Application for Authority to Administer Estate on April 14, 2025 (Stark Probate Case No. 252113). The probate court scheduled a hearing on the application for May 6, 2025. On April 30, 2025, Kennedy filed a motion to postpone the administration of the Estate or, in the alternative, motion not to appoint Attorney Geraghty as the administrator. Therein, Kennedy asserted Attorney Geraghty had not filed a Final Account and sufficient evidence was not available to proceed; therefore, it was "impossible to determine whether a full administration or a release from administration [was] appropriate." April 30, 2025 Motion to Postpone Administration. Attorney Geraghty filed a Final Account in Stark Probate Case No. 248048, on June 12, 2025. Kennedy filed objections to the Final Account on July 7, 2025.

{¶4} Appellant filed a motion to continue the May 6, 2025 hearing on Attorney Geraghty's application. The probate court set a hearing on Kennedy's motion for August 6, 2025, and a hearing on his objections to the Final Account for September 10, 2025. The record is unclear as to whether any hearing occurred.

{¶5} Kennedy filed an Application for Authority to Administer Estate on September 15, 2025, which the probate court scheduled for hearing on October 22, 2025. Appellant filed a motion to continue and an Application for Authority to Administer Estate on October 21, 2025. The probate court scheduled a hearing on the objections to the Final Account and the competing applications to administer the Estate for December 3, 2025.

{¶6} On November 21, 2025, Appellant filed a correspondence with the probate court, separately captioned as "Motion for a number of depositions to be ordered;" Motion for this court to contact [W]ashington [D.C.] for impartial investigation;" and "Motion for a private audience with [J]udge [C]urt [We]rren." The probate court denied Appellant's "request to cancel or otherwise continue the hearing set for December 3, 2025," as well as "[a]ll other requests made in the correspondence." November 21, 2025 Judgment Entry.

{¶7} On December 3, 2025, the probate court conducted a hearing on the objections to the Final Account filed in Stark Probate Case No. 248048, and a hearing on the competing applications for authority to administer the Estate filed by Attorney Geraghty, Kennedy, and Appellant in Stark Probate Case No. 252113. Attorney Geraghty orally withdrew his application to administer the Estate.

{¶8} Via Judgment Entry filed December 9, 2025, the probate court granted Attorney Geraghty's motion to withdraw his application. The court ordered Attorney Geraghty to file an Amended Final Account in Stark Probate Case No. 248048, within 30 days of the date of the entry. The probate court scheduled a non-oral hearing on the pending applications for authority to administer the Estate for January 8, 2026. Having found notice of the pending applications had not been perfected on Angela Alazaus, the trial court granted Alazaus until the January 8, 2026 non-oral hearing to file objections to the pending applications.

{¶9} Appellant filed a number of motions in the probate court on December 18, 2025, which were directed to this Court as well as the Ohio Supreme Court. Also, on December 18, 2025, Appellant filed a Notice of Appeal from the November 21, and December

9, 2025 Judgment Entries. This Court subsequently dismissed Appellant's appeal for want of prosecution.

{¶10} Kennedy filed a motion to disqualify Appellant as fiduciary of the Estate on January 6, 2026. In addition, Kennedy filed an Amended Form 1, Surviving Spouse, Children, Next of Kin, Legatees and Devisees, which added the children of one of Decedent's deceased children; an Application to Probate Will; and an Application for Authority to Administer Estate. The probate court issued an entry admitting Decedent's Will to probate on January 15, 2026. The court set a hearing on Kennedy's Application for Authority to Administer Estate for February 11, 2026, which was rescheduled until March 17, 2026. Kennedy filed an Application for Authority to Administer Estate and Form 1, Surviving Spouse, Children, Next of Kin, Legatees and Devisees, on February 12, 2026.

{¶11} Via Entry filed March 17, 2026, the probate court appointed Kennedy as fiduciary of the Estate. On March 19, 2026, Appellant filed an affidavit of disqualification in the Ohio Supreme Court, seeking to disqualify Judge Curt Werren and Judge Dixilene N. Park. The Supreme Court issued an Entry on March 20, 2026, depriving Judge Werren and Judge Park "of any authority to preside in the proceedings until the Chief Justice rules on the Affidavit." The Ohio Supreme Court subsequently dismissed Appellant's affidavit of disqualification via Judgment Entry and Decision filed April 2, 2026.

{¶12} Appellant filed a Notice of Appeal from the March 17, 2026 Entry. The Docketing Statement accompanying Appellant's Notice of Appeal advises "DATES of the judgment being appealed" as "March 17, 2026, Dec. 3, 2025, Nov. 21, 2025." This Court previously dismissed Appellant's appeal from the November 21, and December 3, 2025

Judgment Entries for want of prosecution. March 9, 2026 Judgment Entry, Stark App. No. 2025CA00171.

{¶13} We begin by noting Appellant's brief fails to comply with App. R. 16, which provides, in relevant part:

> **(A) Brief of the appellant.** The appellant shall include in its brief, under the headings and in the order indicated, all of the following:
>
> (1) A table of contents, with page references.
>
> (2) A table of cases alphabetically arranged, statutes, and other authorities cited, with references to the pages of the brief where cited.
>
> (3) A statement of the assignments of error presented for review, with reference to the place in the record where each error is reflected.
>
> (4) A statement of the issues presented for review, with references to the assignments of error to which each issue relates.
>
> (5) A statement of the case briefly describing the nature of the case, the course of proceedings, and the disposition in the court below.
>
> (6) A statement of facts relevant to the assignments of error presented for review, with appropriate references to the record in accordance with division (D) of this rule.
>
> (7) An argument containing the contentions of the appellant with respect to each assignment of error presented for review and the reasons in support of the contentions, with citations to the authorities, statutes, and parts

of the record on which appellant relies. The argument may be preceded by a summary.

(8) A conclusion briefly stating the precise relief sought.

{¶14} Appellant's brief fails, in every respect, to comply with the requirements governing the content of an appellant's brief. App.R. 16(A)(1)-(8). Briefs filed in this Court, whether by counsel or pro se, must comply with App.R. 16. Compliance is mandatory. *Zanesville v. Robinson*, 2010-Ohio-4843, ¶ 26 (5th Dist.). "It is not the function of this court to construct a foundation for [an appellant's] claims; failure to comply with the rules governing practice in the appellate court is a tactic which is ordinarily fatal." *Musleve v. Musleve*, 2008-Ohio-3961, ¶ 21 (5th Dist.).

{¶15} A court of appeals may "disregard an assignment of error presented for review if the party raising it fails to identify in the record the error on which the assignment of error is based or fails to argue the assignment separately in the brief, as required under App.R. 16(A)." App.R. 12(A)(2); *Hawley v. Ritley*, 35 Ohio St.3d 157, 159 (1988). While Appellant has filed this appeal without the assistance of legal counsel, the Supreme Court of Ohio has "repeatedly declared that 'pro se litigants . . . must follow the same procedures as litigants represented by counsel.'" *State ex rel. Neil v. French*, 2018-Ohio-2692, ¶ 10, quoting *State ex rel. Gessner v. Vore*, 2009-Ohio-4150, ¶ 5. Non-attorney litigants who choose to represent themselves in court are also "'presumed to have knowledge of the law and legal procedures and . . . are held to the same standard as litigants who are represented by counsel.'" *State ex rel. Fuller v. Mengel*, 1 2003-Ohio-6448, ¶ 10, quoting *Sabouri v. Ohio Dep't of Job & Family Servs.*, 145 Ohio App. 3d 651, 654 (10th Dist. 2001).

{¶16} A party's failure to comply with App.R. 16 is tantamount to not filing a brief in the first instance. (Citations omitted.) *JP Morgan Chase Bank, N.A. v. Cloyes*, 2021-Ohio-3316, ¶ 13 (10th Dist.). Because Appellant's brief is so deficient, we dismiss his appeal. See, *State v. Darby*, 2019-Ohio-2186, ¶¶ 21-24 (5th Dist.).

{¶17} Appeal dismissed.

{¶18} Costs assessed to Appellant.

By: Hoffman, P.J.

Montgomery, J. and

Gormley, J. concur.