[Cite as *LVNV Funding, L.L.C. v. Harrington*, 2026-Ohio-4595.]

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

LVNV FUNDING, LLC	Case Nos. 2026CA00196 & 2026CA00197
Plaintiff - Appellee	Opinion and Judgment Entry
-vs-	Appeal from the Canton Municipal Court, Case Nos. 2026 CVF 00852 & 2026 CVF 01421
NIKOLE HARRINGTON	
Defendant - Appellant	Judgment: Affirmed
	Date of Judgment Entry: November 19, 2026

BEFORE: Andrew J. King; William B. Hoffman; David M. Gormley, Judges

APPEARANCES: David B. Bokor, Anthony J. Huspaska, Stenger & Stenger, P.C., for Plaintiff-Appellee; Nicole Harrington, Pro se, for Defendant-Appellant.

Hoffman, J.

{¶1} In Stark App. No. 2026CA00196, defendant-appellant Nikole Harrington appeals the August 18, 2026 Judgment Entry entered by the Canton Municipal Court in Canton Municipal Court No. 2026CVF00852, which denied her motion for relief from default judgment pursuant to Civ.R. 60(B)(1), request for hearing, and motion to stay execution. In Stark App. No. 2026CA00197, Appellant appeals the August 18, 2026 Judgment Entry entered by the same in Canton Municipal Court No. 2026CVF01421, which denied her motion for relief from default judgment pursuant to Civ.R. 60(B)(1),

request for hearing, and motion to stay execution. Plaintiff-appellee is LVNV Funding, LLC.

STATEMENT OF THE CASE

{¶2} On February 2, 2026, LVNV filed a complaint against Appellant in the Canton Municipal Court, seeking judgment in the amount of $1,782.35, due on Credit One Bank credit card account ending in 2125 (Canton Municipal Court No. 2026CVF00852). The summons and complaint were served on February 4, 2026. On March 30, 2026, after Appellant failed to answer or otherwise appear, LVNV filed a motion for default judgment. Via Entry filed March 31, 2026, the trial court granted default judgment in favor of LVNV in the requested amount of $1,782.35.

{¶3} On February 18, 2026, LVNV filed a second complaint against Appellant in the Canton Municipal Court, seeking judgment in the amount of $1,844.77, due on Credit One Bank credit card account ending in 7407 (Canton Municipal Court No. 2026CVF01421). The summons and complaint were served on February 20, 2026. On August 7, 2026, after Appellant failed to answer or otherwise appear, LVNV filed a motion for default judgment. Via Entry filed August 10, 2026, the trial court granted default judgment in favor of LVNV in the requested amount of $1,844.77.

{¶4} The trial court issued a Certificate of Judgment for Lien upon Lands and Tenements in Canton Municipal Court No. 2026CVF00852, on August 13, 2026. On August 18, 2026, Appellant filed a motion for relief from default judgment pursuant to Civ.R. 60(B)(1), request for hearing, and motion to stay enforcement in both Canton Municipal Court Nos. 2026CVF00852 and 2026CVF01421. The trial court denied both motions via Judgment Entries filed the same day. The trial court found "the Summons which was served

upon [Appellant] * * * states the time fame in which an Answer is to be filed with the Court and that failing to do so will result in a Judgment by Default being rendered against you for the relief demanded in the Complaint." August 18, 2026 Judgment Entries.

{¶5} In Stark App. No. 2026CA00196, Appellant appeals the August 18, 2026 Judgment Entry issued in Canton Municipal Court No. 2026CVF00852, raising the following assignment of error:

> THE TRIAL COURT ABUSED ITS DISCRETION BY DENYING THE CIV.R. 60(B)(1) MOTION WITHOUT A HEARING DESPITE THE MOTION, AFFIDAVIT, AND PROPOSED ANSWER ALLEGING OPERATIVE FACTS CONCERNING THE FAILURE TO ANSWER, A DEFENSE TO THE CLAIM, AND TIMELY ACTION.

{¶6} In Stark App. No. 2026CA00197, Appellant appeals the August 18, 2026 Judgment Entry issued in Canton Municipal Court No. 2026CVF01421, and assigns as error:

> THE TRIAL COURT ABUSED ITS DISCRETION BY DENYING THE CIV.R. 60(B)(1) MOTION WITHOUT A HEARING DESPITE THE MOTION, AFFIDAVIT, AND PROPOSED ANSWER ALLEGING OPERATIVE FACTS CONCERNING THE FAILURE TO ANSWER, A DEFENSE TO THE CLAIM, AND TIMELY ACTION.

{¶7} These cases come to us on the accelerated calendar. App.R. 11.1, which governs accelerated calendar cases, provides, in pertinent part:

> (E) Determination and judgment on appeal.
>
> The appeal will be determined as provided by App.R. 11.1. It shall be sufficient compliance with App.R. 12(A) for the statement of the reason for the court's decision as to each error to be in brief and conclusionary form.
>
> The decision may be by judgment entry in which case it will not be published in any form.

{¶8} This appeal shall be considered in accordance with the aforementioned rule.

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Standard of Review

{¶9} The issue to be decided on an appeal from the denial of a Civ.R. 60 motion for relief from judgment is whether the trial court abused its discretionary authority provided by the rule. *Moore v. Emmanuel Family Training Ctr., Inc.*, 18 Ohio St.3d 64, 66 (1985), citing *State, ex rel. Freeman v. Kraft*, 61 Ohio St.2d 284. (1980) A motion for relief from judgment under Civ.R. 60(B) is addressed to the sound discretion of the trial court, and that court's ruling will not be disturbed on appeal absent a showing of abuse of discretion. (Citations omitted.) *Griffey v. Rajan*, 33 Ohio St.3d 75, 77 (1987).

{¶10} "To prevail on a motion brought under Civ. R. 60(B), the movant must demonstrate that: (1) the party has a meritorious defense or claim to present if relief is granted; (2) the party is entitled to relief under one of the grounds stated in Civ. R. 60(B)(1) through (5); and (3) the motion is made within a reasonable time, and, where the grounds of relief are Civ. R. 60(B)(1), (2) or (3), not more than one year after the judgment, order or proceeding was entered or taken." *GTE Automatic Elec., Inc. v. ARC Industries, Inc.*, 47 Ohio St.2d 146, paragraph two of the syllabus (1976).

{¶11} The three requirements of the *GTE Automatic* test "are independent of one another and in the conjunctive." *Technical Servs. Co. v. Trinitech Internatl.*, 2004-Ohio-965, ¶ 10 (9th Dist.). Accordingly, "if the movant fails to satisfy any one of these requirements, the trial court must deny the motion." *Id*. See, also, *Stojkoski v. Main 271 South, LLC*, 2011-Ohio-2117, ¶ 5 (9th Dist.) ("The three-part test set forth in GTE Automatic is a conjunctive one, therefore, the moving party's failure to satisfy any of these three requirements will result in a denial of the motion.").

Analysis

{¶12} In her motion for relief from default judgment, Appellant acknowledged receipt of the summons and complaint in both cases, but explained her "failure to answer was not intended as a disregard of the Court," but rather a failure to "understand that she was required to prepare and file a formal written Answer within the applicable deadline." Defendant's August 18, 2026 Motion for Relief from Default Judgment pursuant to Civ.R. 60(B)(1), Request for Hearing, and Motion to Stay Enforcement Pending Decision, p. 1, unpaginated. Appellant added, "She is not an attorney and did not understand the consequences of failing to file that pleading." *Id*.

{¶13} "[P]ro se litigants . . . must follow the same procedures as litigants represented by counsel." (Internal quotations omitted.) *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." (Internal quotations omitted.) *State ex rel. Fuller v. Mengel*, 2003-Ohio-6448, ¶ 10, quoting *Sabouri v. Ohio Dep't of Job & Family Servs.*, 145 Ohio App.3d 651, 654 (10th Dist. 2001).

{¶14} We find Appellant's failure to answer due to her unfamiliarity with the law and legal procedures does not establish excusable neglect. "Civil Rule 60(B) is not intended to afford pro se litigants relief from mistakes from the lack of legal counsel or from a pro se litigant's unfamiliarity with the legal system, confusion, or misunderstanding of the law." (Citations omitted.) *Stollar v. TRST, L.L.C.*, 2020-Ohio-3041, ¶ 19 (5th Dist.). "Additionally, this Court has previously held that an appellant's legal inexperience does not equate to excusable neglect and the failure to seek legal advice after receiving a complaint is not excusable neglect under Civil Rule 60(B)(1)." *Id.*, citing *Long v. Ferrell*, 2018-Ohio-155 (5th Dist.).

{¶15} Because Appellant was unable to establish she was entitled to relief under one of the grounds stated in Civ. R. 60(B)(1) through (5), we find the trial court did not abuse its discretion in denying her Civ.R. 60(B) motion for relief from judgment. As stated, supra, the three requirements of the *GTE Automatic* test "are independent of one another and in the conjunctive." *Technical Servs. Co. v. Trinitech Internatl.*, 2004-Ohio-965, ¶ 10 (9th Dist.). Accordingly, Appellant's failure to satisfy any of these requirements was fatal to her motion.

{¶16} Appellant's sole assignment of error in Stark App. No. 2026CA00196 and sole assignment of error in Stark App. No. 2026CA00197 are overruled.

{¶17} The judgments of the Canton Municipal Court are affirmed.

{¶18} Costs to Appellant.

By: Hoffman, J.

King, P.J. and

Gormley, J. concur.