

IN THE COURT OF APPEALS OF OHIO  
SIXTH APPELLATE DISTRICT  
LUCAS COUNTY

Jacquelyn Weber, et al.

Court of Appeals No. L-04-1193

Appellees

Trial Court No. CI-2002-4530

v.

Tina Mories

**DECISION AND JUDGMENT ENTRY**

Appellant

Decided: December 23, 2004

\* \* \* \* \*

Catherine G. Hoolahan, for appellees.

John D. Willey, Jr., and Timothy C. Kuhlman, for appellant.

\* \* \* \* \*

SINGER, J.

{¶1} This is an accelerated appeal from a judgment of the Lucas County Court of Common Pleas, awarding costs and prejudgment interest after a plaintiff's jury verdict in a personal injury claim.

{¶2} Appellee, Jacquelyn Weber, was injured in a traffic accident when her car was struck by one driven by appellant, Tina M. Mories. Appellee sued and eventually won a \$3,500 jury award. Following trial, appellee moved for costs and prejudgment interest. After a hearing, the trial court awarded appellee prejudgment interest from the

date of the accident and costs, including those for appellee's medical expert and collateral to his videotaped testimony.

{¶3} Appellant now appeals, arguing in two assignments of error that; 1) the costs awarded were excessive, and 2) the grant of prejudgment interest was unsupported by the facts.

#### I. Costs.

{¶4} The issue in appellant 's first assignment of error is indistinguishable from that in *Raab v. Weinrich*, 2d Dist. No. 19066, 2002-Ohio-936, which found such costs taxable. Accordingly, appellant's first assignment of error is not well-taken.

#### II. Prejudgment Interest.

{¶5} Although appellant's second assignment of error is dependent on facts elicited at trial or during the post-judgment hearing, the record contains a transcript of neither.

{¶6} It is an appellant's burden to provide a transcript for review, because an appellant has the duty of showing error by reference to the record. *Knapp v. Edwards Laboratories* (1980), 61 Ohio St.2d 197, 199. Absent those portions of the record necessary for the resolution of the assigned errors, a reviewing court must presume the regularity of the proceedings and affirm the trail court's decision. *Id.*

{¶7} Here, although appellant ordered a transcript of the prejudgment interest hearing, such a document was not submitted. Even after the clerk of this court sent notice to appellant that the record had been filed without a transcript, no transcript was filed, no

motion to supplement the record was advanced, no inquiry was made concerning the transcript's absence.

{¶8} It is appellant's duty to provide a transcript demonstrating error. Absent a transcript, we must presume the regularity of the proceedings. Accordingly, appellant's second assignment of error is not well-taken.

{¶9} On consideration whereof, the judgment of the Lucas County Court of Common Pleas is affirmed. Cost to appellant, pursuant to App.R. 24.

JUDGMENT AFFIRMED.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27. See, also, 6th Dist.Loc.App.R. 4, amended 1/1/98.

Peter M. Handwork, P.J.

JUDGE

Mark L. Pietrykowski, J.

JUDGE

Arlene Singer, J.  
CONCUR.

JUDGE