

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

ANGELA SWANSON, :
 :
 Plaintiff-Appellee, :
 : No. 112054
 v. :
 :
 JESSICA GALAYDA, ET AL., :
 :
 Defendants-Appellants. :
 :

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED
RELEASED AND JOURNALIZED: July 13, 2023

Civil Appeal from the Parma Municipal Court
Case No. 22-CVI-01631

Appearances:

Angela Swanson, *pro se*.

Jessica Galayda, *pro se*.

LISA B. FORBES, J.:

{¶ 1} Appellant Jessica Galayda (“Galayda”), acting *pro se*, appeals the trial court’s order awarding \$6,000 in damages to appellee Angela Swanson (“Swanson”), also acting *pro se*. After reviewing the facts of the case and the pertinent law, we affirm the decision of the trial court.

I. Facts and Procedural History

{¶ 2} Swanson filed a complaint against Galayda and Cleveland Estate Liquidators in the Parma Municipal Court Small Claims Division asserting the following claim:

The defendant held an Estate sale at my Mother's house * * * on the 25th of March, 2022. There is a signed contract for the sale, in which it states the sale is for the contents of the house, not the entire property. The defendant sold backyard items and claimed they were stolen. The defendant sold 150-200 items at the same, which should have garnered around \$500-6000, not including the car. The number that I have come up with is based on EBay and Etsy pricing which is how the defendant does pricing at her sales. I received a check for \$380.00 for the contents of the house, and based on a 35% commission, she claims to have sold \$513.00, netting a profit for herself of \$133.00. Her numbers don't add up, especially since she sold the refrigerator the night before for \$500.00. I asked for and never received an inventory of items sold.

Swanson requested \$6,000 in damages plus court costs.

{¶ 3} The court held a hearing before a magistrate on Swanson's complaint on June 7, 2022. The magistrate issued a decision on June 9, 2022, finding "in favor of [Swanson] against [Galayda and Cleveland Estate Liquidators], jointly and severally, in the amount of \$6,000, together with costs and interest at a rate of 3% * * *."

{¶ 4} Galayda filed objections to the magistrate's decision. On September 23, 2022, the trial court overruled the objections and adopted the magistrate's decision.

{¶ 5} It is from this decision that Galayda appeals.¹

II. Law and Analysis

{¶ 6} On appeal, Galayda's assignment of error consists of one long sentence reproduced below verbatim:

ebay asking prices of items on ebay and ebay sold prices are two different prices also reflects on condition of each USED item the parma municipal court in fact did not care to detail sold prices just asking prices which ebay is a worldwide site and cannot predict ohios selling market value compared to California or any other state however sold items within the last 30 days is the most accurate pricing on ebay which parma Municipal court failed to research or look into instead taking the plaintiffs word with astronomical asking prices of items on ebay that did not sell and that were in better condition then plaintiffs mothers items also not saturated and or filled in dog and cat urine and water spot stains parma municipal court failed to considered the condtion of the plaintiffs mothers items and understand that a estate sale does not and cannot get ebay asking prices for items at a glorfied garage sale the court and plaintiff also had no Expert witness or liquidation expert to decide pricing of items also the magistrate in parma municipal court should have removed himself from this case as he is also a prosecuter in the city of Westlake and a conflict of interest in another case.

{¶ 7} In her brief on appeal, Galayda does not provide any citation to the record in support of her fact-based arguments. Moreover, Galayda does not provide citations to relevant legal authority to support her assignment of error.

{¶ 8} The Ohio Supreme Court has "repeatedly declared that 'pro se litigants * * * must follow the same procedures as litigants represented by counsel.' *State ex rel. Gessner v. Vore*, 123 Ohio St.3d 96, 2009-Ohio-4150, 914 N.E.2d 376,

¹ We note that the notice of appeal appears to be filed on behalf of Galayda individually and on behalf of Cleveland Estate Liquidators. Cleveland Estate Liquidators did not file an appellate brief. Accordingly, this decision solely addresses the assignment of error filed by Galayda individually. *See* App.R. 18(C).

¶ 5.” *State ex rel. Neil v. French*, 153 Ohio St.3d 271, 2018-Ohio-2692, 104 N.E.3d 764, ¶ 10. Furthermore, Ohio courts have consistently held that pro se litigants “are presumed to have knowledge of the law and legal procedure and * * * they are held to the same standard as litigants who are represented by counsel.” *Sabouri v. Ohio Dept. of Job & Family Servs.*, 145 Ohio App.3d 651, 654, 763 N.E.2d 1238 (10th Dist.2001).

{¶ 9} App.R. 16(A)(7) requires an appellant to include in the appellate brief: “[a]n 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.” An appellant’s “failure to offer relevant citations to the record to support its appellate arguments is a fatal flaw.” *In re Fuel Adjustment Clauses for Columbus S. Power Co.*, 140 Ohio St.3d 352, 2014-Ohio-3764, 18 N.E.3d 1157, ¶ 36. “An appellate court may disregard an assignment of error pursuant to App.R. 12(A)(2) ‘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).’” *Baxter v. Thomas*, 8th Dist. Cuyahoga No. 101186, 2015-Ohio-2148, ¶ 54, quoting *Rodriguez v. Rodriguez*, 8th Dist. Cuyahoga No. 91412, 2009-Ohio-3456, ¶ 4.

{¶ 10} Accordingly, we summarily overrule Galayda’s assignment of error.

{¶ 11} Judgment affirmed.

It is ordered that appellee recover from appellants costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate be sent to said 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.

LISA B. FORBES, JUDGE

ANITA LASTER MAYS, A.J., and
KATHLEEN ANN KEOUGH, J., CONCUR