

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

GARY WALKER,	:	
	:	
Plaintiff-Appellant,	:	
	:	No. 116469
v.	:	
	:	
JASMINE ARRINGTON, ET AL.,	:	
	:	
Defendants-Appellees.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: REVERSED AND REMANDED
RELEASED AND JOURNALIZED: October 1, 2026

Civil Appeal from the Cuyahoga County Court of Common Pleas
Case No. CV-25-127392

Appearances:

Gary Walker, *pro se*.

Speech Law, LLC and Brian D. Bardwell, *for appellees*.

DEENA R. CALABRESE, J.:

{¶ 1} In this accelerated appeal, pro se plaintiff-appellant Gary Walker appeals the trial court’s judgment dismissing his case with prejudice pursuant to Ohio’s Uniform Public Expression Protection Act (“UPEPA”), R.C. Ch. 2747.¹

¹ “Ohio’s UPEPA, like other anti-strategic litigation against public participation (‘anti-SLAPP’) statutes, provides for expedited dismissal of meritless lawsuits that are

Walker contends that the trial court erred by dismissing his claims without conducting a hearing as specified in the UPEPA and by not permitting him to amend his complaint. App.R. 11.1 and Loc. App.R. 11.1 govern accelerated appeals. “The purpose of an accelerated appeal is to allow this court to render a brief and conclusory opinion.” *In re Florjancic*, 2026-Ohio-2328, ¶ 1 (8th Dist.), quoting *State v. Priest*, 2014-Ohio-1735, ¶ 1 (8th Dist.). See also *Imani Home Health Care L.L.C. v. Visionary Group, L.L.C.*, 2025-Ohio-173, ¶ 1 (8th Dist.).

{¶ 2} We find merit to Walker’s argument that the trial court improperly failed to conduct a hearing as required by R.C. 2747.04(A)(1). Accordingly, we reverse the trial court’s judgment and remand the case for further proceedings consistent with this opinion.

I. Procedural History

{¶ 3} Walker commenced the underlying tort action on October 31, 2025, against defendants-appellees Jasmine Arrington and The Trash Boys LLC (“appellees”) for defamation, intentional infliction of emotional distress, business disparagement and tortious interference, and injunctive relief. This is essentially a dispute between competing businesses, and Walker’s complaint is based in part, but not exclusively, on social media posts attributed to appellees.

{¶ 4} The case proceeded for a time with Jasmine Arrington representing herself and The Trash Boys LLC remaining unrepresented and in default. Prior to

brought primarily to chill constitutionally protected speech.” *MedPro Group Inc. v. Deters*, 2026 U.S. Dist. LEXIS 167219, *5-6 (S.D. Ohio July 28, 2026).

an entry of default judgment, however, counsel entered a notice of appearance on behalf of all appellees. On March 11, 2026, appellees filed a motion for expedited relief under the UPEPA.

{¶ 5} The trial court held a telephone conference the following day. In its order memorializing the conference, the trial court ordered the parties to “complete briefing” on appellees’ motion for expedited relief. The journal entry did not contain a deadline for briefing but did schedule a hearing for a specific date and time, namely, May 6, 2026, at 1:30 p.m.

{¶ 6} Walker timely opposed the motion for expedited relief. Moreover, in addition to his arguments in opposition to appellees’ motion, Walker’s responsive brief incorporated a request for leave to amend his complaint based on allegations of “post-filing defamation and retaliation.” Walker did not, however, attach a copy of a proposed amended complaint to his opposition brief.

{¶ 7} In their reply brief filed March 24, 2026, appellees responded to the substance of Walker’s opposition. In addition, with respect to Walker’s request for leave to amend the complaint, appellees argued that the trial court lacked the authority to grant leave due to the UPEPA’s automatic-stay provisions, R.C. 2747.03. They further argued that Walker had failed to comply with the applicable trial court local rule, Cuyahoga C.P., Gen.Div., Loc.R. 8.o(C)(2), which requires that any “proposed amended pleading must be submitted as an exhibit to the motion.”

{¶ 8} On May 5, 2026, one day before the scheduled hearing, the trial court canceled it. The docket entry reads, in its entirety: “Hearing scheduled for 05/06/2026 at 01:30 pm is cancelled.” There was no corresponding, signed journal entry.

{¶ 9} The trial court granted appellees’ motion for expedited relief the next day. After stating that it had “considered defendants’ motion for expedited relief under Ohio Rev. Code Chapter 2747, and the briefing that followed,” the trial court found that appellees had established that there were no genuine issues of material fact and that they were entitled to judgment as a matter of law. The trial court dismissed all of Walker’s claims with prejudice.

{¶ 10} This timely appeal followed.

II. Assignments of Error

{¶ 11} Walker presents two assignments of error for our review, which we present verbatim:

ASSIGNMENT OF ERROR I

The trial court acted contrary to law by dismissing appellant’s complaint with prejudice without first conducting the mandatory hearing required by R.C. 2747.04(A)(1).

ASSIGNMENT OF ERROR II

The trial court abused its discretion by denying Walker’s request for leave to amend his complaint to include post-filing conduct constituting additional defamation, retaliation, and interference with his liberty interests.

{¶ 12} We find merit to Walker’s first assignment of error. Accordingly, we reverse the trial court’s judgment and remand the case for further proceedings consistent with this opinion.

III. Analysis

A. The UPEPA’s Hearing Requirement

{¶ 13} In his first assignment of error, Walker contends that the trial court erred by dismissing his complaint without conducting a hearing as required by the UPEPA. We find merit to Walker’s argument, principally because the trial court canceled the scheduled hearing without converting it to a nonoral hearing or otherwise establishing a substitute hearing procedure. This occurred just one day before the trial court issued its decision. Accordingly, we reverse the trial court’s judgment and remand for further proceedings consistent with this opinion.

{¶ 14} As a preliminary matter, we address Walker’s argument that even in the absence of the UPEPA’s explicit requirement that the trial court conduct a hearing, constitutional due process guarantees mandated that the trial court conduct an evidentiary hearing where he could appear and present evidence as well as challenge competing evidence by, for example, cross-examining Arrington. Walker employs the term “due process” and cites U.S. Const., amend. XIV and Ohio Const., art. I, § 16, but apart from rote recitation of the constitutional provisions, he offers no cases, no other authority, and no principled argument suggesting a constitutional right to an evidentiary hearing in this or any analogous context. “This court has held that when an appellant fails to cite to any legal authority for their

claims, that failure allows this court to disregard their arguments.” *Lewicki v. Grange Ins. Co.*, 2023-Ohio-4544, ¶ 41 (8th Dist.), citing *Pinkney v. Salett*, 2011-Ohio-4121, ¶ 3 (8th Dist.), citing App.R. 12(A)(2); App.R. 16(A)(7). “The appellant, rather than the appellate court, bears the burden to construct the necessary legal arguments that support the designated assignments of error.” *Lewicki* at ¶ 41, citing *Doe v. Cuyahoga Cty. Community College*, 2022-Ohio-527, ¶ 26 (8th Dist.). See also *Siemientkowski v. State Farm Ins. Co.*, 2005-Ohio-4295, ¶ 23 (8th Dist.) (“An appellate court may disregard an assignment of error pursuant to App.R. 12(A)(2) if an appellant fails to cite to any legal authority in support of an argument as required by App.R. 16(A)(7).”); *In re K.C.*, 2025-Ohio-5414, ¶ 22 (8th Dist.) (holding appellant did not demonstrate error where his brief made conclusory statements that the court erred but did not provide supportive legal arguments). Walker’s status as a pro se litigant does not excuse the deficiencies in his due process argument. In Ohio, “pro se litigants are held to the same standard as all other litigants: they . . . must accept the consequences of their own mistakes.” *Bikkani v. Lee*, 2008-Ohio-3130, ¶ 29 (8th Dist.), citing *Kilroy v. B.H. Lakeshore Co.*, 111 Ohio App.3d 357, 363 (8th Dist. 1996).

{¶ 15} Because we disregard Walker’s constitutional argument, this case turns on the UPEPA’s explicit hearing requirement. R.C. 2747.04(A)(1) provides that “[t]he court shall conduct a hearing not later than sixty days after the filing of a motion for expedited relief, unless the court orders a later hearing to allow for limited discovery under section 2747.03 of the Revised Code or delays the hearing

for other good cause.” Walker argues that this provision requires an in-person hearing, not merely a decision “on the papers alone.” (Appellant’s brief at p. 8.) In support he cites *Lawrence v. Gilby’s Pizza Craven LLC*, 2026-Ohio-1797 (6th Dist.), which appears to be the first Ohio decision addressing Ohio’s UPEPA hearing mandate. The Sixth District’s opinion in that case, however, consists of only six numbered paragraphs, and its recitation of the procedural history before the trial court is thin. What is clear, however, is that the trial court “summarily dismissed” the defendants’ UPEPA motion for expedited relief six days after it was filed. *Id.* at ¶ 3. The Sixth District found “that the trial court did not conduct a hearing, as required by R.C. 2747.04(A)(1),” and therefore reversed and remanded “for the trial court to conduct a hearing on [defendants’] motion.” *Id.* at ¶ 6.

{¶ 16} Appellees counter by citing a long line of cases holding that where a statute requires some form of hearing but does not explicitly dictate an oral evidentiary hearing, a nonoral paper hearing will suffice, particularly where no party requests an oral hearing. For example, “[a]lthough [R.C. 2711.03] requires ‘a hearing’ on a motion to compel arbitration, ‘because R.C. 2711.03 does not specifically provide for an oral hearing, it would appear that Civ.R. 7(B) permits a trial court to hear the matter upon a non-oral hearing.’” *Blue Technologies Smart Sols, L.L.C. v. Ohio Collaborative Learning Solutions, Inc.*, 2020-Ohio-806, ¶ 26 (8th Dist.), quoting *Chrysler Fin. Servs., Ams., LLC v. Henderson*, 2011-Ohio-6813, ¶ 19 (4th Dist.). See also *Costin v. Midwest Vision Partners, L.L.C.*, 2024-Ohio-463 (8th Dist.) (holding oral evidentiary hearing on motion to compel arbitration is

required only if demanded by a party); *Bello v. Highland Pointe Health*, 2026-Ohio-265, ¶ 14 (8th Dist.) (“[W]hile an oral hearing is not always required to satisfy the ‘hearing’ mandate of R.C. 2711.03, an oral hearing is required and shall be granted when specifically and unequivocally requested by a party pursuant to R.C. 2711.03.”).

{¶ 17} Appellees also emphasize that where the General Assembly wishes to command that an oral evidentiary hearing take place, it knows how to do so. “The plain language” of the arbitration statute, for example, “is different from language the legislature used in statutes requiring the court to *hold a formal hearing*.” (Emphasis in original.) *Panzica Constr. Co. v. Zaremba, Inc.*, 2011-Ohio-620, ¶ 32 (8th Dist.). The *Panzica* Court provided several examples, including Ohio’s frivolous-conduct statute, petitions for protection orders, and sealing criminal records. The frivolous-conduct statute requires, inter alia, not only that a “hearing . . . be conducted,” but also that the trial court set a hearing date, notify the parties, and conduct a hearing where it “allows the parties and counsel of record involved to present any relevant evidence.” *Id.*, quoting R.C. 2323.51(B)(2). The protection-order statute, R.C. 2903.214, requires the trial court to schedule a full hearing, give the respondent notice, and “hold the full hearing,” where the respondent must be given “an opportunity to be heard.” *Panzica* at ¶ 33, quoting R.C. 2903.214(D)(2). The statute governing sealing of criminal records “states that ‘[u]pon the filing of an application under this section, the court shall set a date for a hearing and shall notify

the prosecutor for the case of the hearing on the application.” *Panzica* at ¶ 34, quoting R.C. 2953.32(B).²

{¶ 18} Appellees also cite and discuss the model version of the UPEPA, Unif. Pub. Expression Prot. Act (Unif. L. Comm’n 2020) (“model UPEPA”).³ Appellees note that a comment to the model UPEPA’s hearing provision states that “[t]he question of whether the Act requires a live hearing or whether a court may consider the motion on written submission should be governed by the local customs of the jurisdiction.” Model UPEPA, § 5, Comment 2. The model UPEPA’s hearing provision states in relevant part that “[t]he court shall hear a motion . . . no later than [60] days after filing of the motion” for expedited relief. Model UPEPA, § 5(a). This arguably mirrors Ohio’s legislative requirement that in considering a motion to compel arbitration, “[t]he court shall hear the parties.” R.C. 2711.03(A). Therefore, if Ohio had enacted the model UPEPA’s hearing provision without modification, it would likely be subject to similar interpretation, i.e., that a nonoral, paper hearing would satisfy the statute’s hearing requirement.

{¶ 19} While the model UPEPA may be informative, the language adopted by the General Assembly controls. Ohio’s General Assembly did not adopt the model UPEPA’s hearing language verbatim. Rather than specify that a trial court “hear a

² Because of later amendments to the statute, the quoted language now appears at R.C. 2953.32(C).

³ The model UPEPA is available at <https://www.uniformlaws.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=46a646fa-5ef6-8dd0-7boa-ce95c59f0d14> (accessed Sept. 11, 2026) [<https://perma.cc/6SNZ-JHWU>].

motion” for expedited relief, its version of the UPEPA states that a trial court must “conduct a hearing.” R.C. 2747.04(A)(1). This inches closer to the language the General Assembly employed in the frivolous-conduct and protection-order statutes. *See Panzica* at ¶ 32-33. Indeed, the UPEPA requires the trial court to “conduct” a hearing and then fixes a decision deadline 60 days from the hearing date, a statutory structure that arguably contemplates some form of explicit hearing event.

{¶ 20} We acknowledge, however, that the UPEPA’s directive that the trial court “conduct a hearing” lacks the details concerning the form and scope of the hearing specified in the frivolous-conduct and protection-order statutes. “In numerous instances, the General Assembly has used the term “hearing” without defining it. In those cases, we have left the nature of the hearing to the discretion of the trial court. The common characteristic of those hearings, however, is that they must be evidentiary hearings of some kind.” *State v. Bostick*, 2025-Ohio-5559, ¶ 15, quoting *Pruszyński v. Reeves*, 2008-Ohio-510, ¶ 9. The *Bostick* Court, interpreting Crim.R. 33(A)(6), went on to discuss circumstances in which paper hearings were permissible. This included a former version of Civ.R. 56(C), which provided “that a motion for summary judgment ‘shall be served at least fourteen days before the time fixed for hearing.’” *Bostick* at ¶ 16, quoting former Civ.R. 56(C). The referenced hearing “‘may be either a formal, oral hearing . . . or a “nonoral,” informal one’ and ‘[w]hether to grant a party’s request for oral hearing is a decision within the trial court’s discretion.’” *Id.*, quoting *Hooten v. Safe Auto Ins. Co.*, 2003-Ohio-4829, ¶ 14.

{¶ 21} We also agree with appellees that the UPEPA’s framework for adjudicating a motion for expedited relief is explicitly consistent with summary-judgment practice. R.C. 2747.04(B) provides that “[i]n ruling on the motion for expedited relief, the court shall consider the pleadings, the motion, any response to the motion, and any evidence that could be considered in ruling on a motion for summary judgment under Rule 56 of the Rules of Civil Procedure.”

{¶ 22} *Pruszyński*, 2008-Ohio-510, distinguished *Hooten* but is still instructive. The *Pruszyński* Court considered Ohio’s prejudgment-interest statute, which references “a hearing held subsequent to the verdict or decision in the action.” R.C. 1343.03(C)(1). In *Pruszyński*, the Ohio Supreme Court confirmed that the trial court had discretion over whether to hold an oral hearing or instead hear the parties on their written submissions. *Pruszyński* at ¶ 12-14. It nevertheless held that “[a] trial judge . . . is required to schedule a date certain for the evidentiary review and/or oral hearing upon the filing of a motion for prejudgment interest” and that “[b]y providing this notice to the parties, the trial court respects their right to an evidentiary hearing while imposing a deadline.” *Id.* at ¶ 14. The Court further stated, however, that “[t]he trial court . . . does not have discretion to rule on a motion for prejudgment interest based solely on the motion and briefs unless the court previously has ordered a date certain for the submission of evidentiary materials, because the plain terms of the statute require that a hearing be held.” *Id.*

{¶ 23} In the present case, the record reflects that the trial court did not plainly establish “a date certain for the submission of evidentiary materials.” *Id.*

While the trial court issued a journal entry ordering the parties to “complete briefing” on appellees’ motion, the same journal entry scheduled a hearing — with the format of said hearing left undefined — for a specific date and time. The trial court did not indicate, for example, that the contemplated hearing would be nonoral, or that May 6 would merely be the day the motion would be ripe for decision. Indeed, the reference to a specific time suggests a formal hearing with the decision to follow within 60 days thereafter as contemplated by the statute. On this record, we cannot find that the trial court provided a clear deadline for the submission of evidentiary materials.

{¶ 24} Moreover, the record does not support appellees’ contention that the trial court “exercised its discretion to convert the [May 6, 2026] oral hearing to a nonoral hearing.” (Appellees’ brief at p. 6.) There is no signed journal entry indicating that the trial court was “converting” an in-person hearing to a nonoral hearing. There is no entry stating that the trial court would conduct the hearing on the briefs and the parties’ evidentiary submissions or that it was substituting a nonoral hearing for the scheduled hearing. Simply canceling the hearing, without more, means that no hearing as required by R.C. 2747.04(A)(1), was held.

{¶ 25} In addition, we are not persuaded by appellees’ argument that Walker waived his right to a hearing by not requesting one. The trial court had scheduled a hearing for a specific date and time. We see no reason Walker should be expected to request a hearing when the trial court had already scheduled it. As already noted, the trial court canceled the hearing, without explanation, one day before it was to

occur. Because the trial court entered judgment the following day, we cannot find that Walker had a reasonable opportunity to respond to the cancellation by requesting the hearing be rescheduled. We are likewise unpersuaded by appellees' harmless-error argument; accepting that argument would essentially read the express hearing requirement out of the statute.

{¶ 26} Because the trial court canceled the hearing rather than converting it to a nonoral hearing, there was no hearing event as contemplated by the statute. We therefore sustain Walker's first assignment of error, reverse the trial court's decision, and remand the case for the trial court to conduct the hearing required by R.C. 2747.04(A)(1). The statute does not require that the hearing be oral, and the trial court retains discretion to conduct the hearing orally or nonorally. If the trial court, in its discretion, opts to conduct a nonoral hearing, it must provide the parties reasonable notice of that procedure and establish a date certain on which the nonoral hearing will occur. The trial court may conduct that hearing on the evidentiary materials already properly submitted by the parties. Our remand does not require the trial court to reopen briefing or permit additional evidentiary submissions.

B. Leave to Amend Complaint

{¶ 27} In his second assignment of error, Walker argues that the trial court abused its discretion in denying his request for leave to amend his complaint. Because we have reversed the trial court's judgment, which implicitly denied

Walker's request to amend, and because we have remanded the case for further proceedings, Walker's second assignment of error is moot. App.R. 12(A)(1)(c).

{¶ 28} Judgment reversed and case remanded.

It is ordered that appellant recover from appellees 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.

DEENA R. CALABRESE, JUDGE

MICHAEL JOHN RYAN, P.J., and
TIMOTHY W. CLARY, J., CONCUR