

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

JEASUNG JAY YOO TRUST,	:	
	:	
Plaintiff-Appellant,	:	No. 116032
	:	
v.	:	
	:	
FIRST ENERGY CORP.,	:	
	:	
Defendant-Appellee.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: DISMISSED IN PART AND AFFIRMED IN PART
RELEASED AND JOURNALIZED: October 8, 2026

Civil Appeal from the Cuyahoga County Common Pleas Court
Case No. CV-25-121872

Appearances:

Jeasung-Jay Yoo, *pro se*.

Benesch, Friedlander, Coplan & Aronoff, LLP, James J. Walsh, Jr., Sarah J. Schneider, and Jane Wiertel, *for appellee*.

MICHELLE J. SHEEHAN, A.J.:

{¶ 1} Plaintiff-appellant Jeasung Jay Yoo© (“Yoo”) appeals from the trial court’s judgment entries (1) dismissing his claims against defendant-appellee FirstEnergy Corp. (“FirstEnergy”) with prejudice, and (2) denying his subsequently filed motion to vacate judgment. After a thorough review of the record and relevant

law, we dismiss Yoo’s untimely appeal concerning the trial court’s dismissal with prejudice and affirm the court’s judgment denying Yoo’s motion to vacate.

I. Background

A. Procedural History

{¶ 2} On July 30, 2025, Yoo filed a complaint on behalf of an alleged trust entitled the Jeasung Jay Yoo Trust© (the “Yoo Trust”), which was described in the complaint as a private, irrevocable trust.¹ The complaint set forth the following causes of action against FirstEnergy: (1) criminal trespass and unlawful entry in violation of R.C. 2911.21 and (2) tortious retaliation and abuse under color of law in violation of R.C. 2921.45.² The complaint alleged that FirstEnergy unlawfully disconnected Yoo’s electric service.

{¶ 3} A status conference was held in September 2025. Following the hearing, the trial court issued a briefing schedule, granting FirstEnergy leave “to answer, move, or otherwise respond to the complaint” up to and including October 23, 2025.

{¶ 4} On October 7, 2025, Yoo filed a “notice of substitution and clarification of party name” in which he purported to substitute and clarify that the proper plaintiff in the action was a “legal person known as JEASUNG JAY YOO©.” He further stated that the proper plaintiff “for the purposes of this action is

¹ There is nothing in the record to demonstrate the existence of this trust. Further, throughout these proceedings, Yoo and the Yoo Trust have been used interchangeably to refer to the plaintiff-appellant.

² It should be noted that R.C. 2911.21 and 2921.45 are criminal statutes.

JEASUNG JAY YOO©, appearing through Jeasung-Jay: Yoo, Trustee, Attorney-in-Fact and Authorized Agent.” On October 31, 2025, Yoo filed a similar pleading titled, “Praecipe for Substitution of Party Name,” identifying “JEASUNG JAY YOO© as the proper party in interest and fiduciary representative for the prior captioned JEASUNG JAY YOO TRUST©.”

{¶ 5} On October 23, 2025, FirstEnergy filed a motion to dismiss pursuant to Civ.R. 12(B)(1) and 12(B)(6). The motion provided the following reasons for dismissal, alleging (1) Yoo was improperly representing the “Yoo Trust” pro se, (2) the trial court lacked subject-matter jurisdiction over the claims, and (3) the complaint failed to state a claim upon which relief could be granted. Yoo filed a brief in opposition to FirstEnergy’s motion to dismiss. FirstEnergy filed a reply in support of its motion.

{¶ 6} On November 17, 2025, the trial court granted FirstEnergy’s motion to dismiss. The court’s judgment entry provided:

[FirstEnergy’s] motion to dismiss, filed 10/23/2025, is granted.
[Yoo’s] claims are hereby dismissed with prejudice.

Court costs assessed as directed.

Pursuant to Civ.R. 58(B), the clerk of courts is directed to serve this judgment in a manner prescribed by Civ.R. 5(B). The clerk must indicate on the docket the names and addresses of all parties, the method of service, and the costs associated with this service.

{¶ 7} The docket indicates that a copy of this judgment was sent to Yoo by regular mail service on November 19, 2025.

{¶ 8} The following day, November 20, 2025, Yoo filed a motion to vacate the court’s dismissal order under Civ.R. 60(B). Yoo claimed that the judgment should be vacated alleging (1) he was not properly served with the judgment, (2) the trial court prematurely granted FirstEnergy’s motion before he was given an opportunity to file a sur-reply, (3) the trial court improperly dismissed the case “with prejudice,” (4) the court’s entry failed to include any legal analysis or findings of fact, (5) there were pending motions that had not been ruled on, (6) FirstEnergy failed to rebut his claims, (7) the court failed to address his party substitution filings, (8) the trial court failed to address jurisdiction and relevant case law, and (9) the trial court ignored undisputed evidence of criminal trespass.

{¶ 9} FirstEnergy filed a brief in opposition to Yoo’s motion to vacate. On December 8, 2025, Yoo filed a supplemental filing in support of his motion to vacate.

{¶ 10} On December 16, 2025, the trial court denied Yoo’s motion to vacate judgment.

B. Appeal

{¶ 11} On January 13, 2026, Yoo filed a notice of appeal from the trial court’s November 17, 2025 judgment entry granting FirstEnergy’s motion to dismiss and its December 16, 2025 judgment entry denying his motion to vacate.

{¶ 12} Yoo raises the following assignments for our review:

1. The trial court erred and violated Civ.R. 58(B) by failing to effect prompt service of the November 17, 2025 judgment entry . . . rendering the judgment void or voidable and tolling all post-judgment deadlines.

2. The trial court erred by ruling on the Motion to Dismiss before [Yoo] had a reasonable opportunity to respond to new arguments raised in [First Energy's] November 13, 2025 reply . . . thereby denying [Yoo] due process.
3. The trial court erred by dismissing the action with prejudice where the grounds asserted in the Motion to Dismiss included lack of subject-matter jurisdiction under Civ.R. 12(B)(1), which does not constitute an adjudication on the merits and cannot support a dismissal with prejudice under Ohio law.
4. The trial court erred by dismissing the action without ruling on [Yoo's] timely-filed party substitution . . . which was filed within the Civ.R. 15(A) amendment window and would have cured any party-capacity defect identified in the Motion to Dismiss.
5. The trial court abused its discretion by denying [Yoo's] Motion to Vacate Judgment . . . where the motion was fully briefed, demonstrated a Civ.R. 58(B) service defect, a premature ruling, and the existence of a meritorious defense sufficient to satisfy the Civ.R. 60(B) standard established in *GTE*, 47 Ohio St.2d at 146 [sic].

II. Law and Analysis

A. Jurisdictional Question

{¶ 13} Prior to reviewing the merits of Yoo's arguments, we must first determine whether we have jurisdiction to review this appeal. "Even if neither party raises a jurisdictional question, we must sua sponte dismiss an appeal if it is not taken from a final appealable order or judgment." *V.C. v. O.C.*, 2024-Ohio-344, ¶ 12 (8th Dist.), citing *Cooney v. Radostitz*, 2021-Ohio-2521, ¶ 12 (8th Dist.) (prior to a review of the merits, a reviewing court "has a duty to examine, sua sponte, potential deficiencies in jurisdiction"); see also *Scanlon v. Scanlon*, 2012-Ohio-2514, ¶ 5 (8th Dist.) ("In the absence of a final, appealable order, the appellate court does not possess jurisdiction to review the matter and must dismiss the case sua sponte.").

{¶ 14} We recognize that Yoo represents himself pro se in this appeal. We have recognized that “a pro se litigant may face certain difficulties when choosing to represent oneself. Although a pro se litigant may be afforded reasonable latitude, there are limits to a court’s leniency.” *K & D Mgmt. L.L.C. v. Marshall*, 2025-Ohio-1736, ¶ 10 (8th Dist.), quoting *Saeed v. Greater Cleveland Regional Transit Auth.*, 2017-Ohio-935, ¶ 7 (8th Dist.). Thus, “[p]ro se litigants are presumed to have knowledge of the law and legal procedures, and are held to the same standard as litigants who are represented by counsel.” *Id.*, quoting *Saeed* at ¶ 7. Thus, we presume that Yoo “had knowledge of the law, legal procedures, and appellate process, including App.R. 9, regarding [his] burden of demonstrating error on appeal.” *Id.*, quoting *Gilles v. Castelli*, 2025-Ohio-460, ¶ 8 (8th Dist.).

{¶ 15} Pursuant to App.R. 4(A)(1), “a party who wishes to appeal from an order that is final upon its entry shall file the notice of appeal required by App.R. 3 within 30 days of that entry.” This court “only has jurisdiction to consider appeals that are timely filed.” *Keybank Natl. Assn. v. Hogan Elec. Co. LLC*, 2023-Ohio-935, ¶ 13 (8th Dist.). *See also LexisNexis v. Ostrow*, 2017-Ohio-9393, ¶ 4 (2d Dist.) (“App.R. 4’s time requirements are ‘mandatory and jurisdictional’”), quoting *Craft v. Ferguson*, 2003-Ohio-3173, ¶ 15 (5th Dist.).

{¶ 16} Here, Yoo has appealed from the trial court’s November 17, 2025 final order dismissing his claims with prejudice. Yoo did not appeal from this order until January 13, 2026, outside the 30-day window prescribed by App.R. 4(A). Therefore, Yoo’s appeal from this final order is untimely and we lack jurisdiction to consider it.

{¶ 17} Yoo has also appealed from the trial court’s December 16, 2025 order denying his motion to vacate the order pursuant to Civ.R. 60(B). The appeal from this order is timely, but the substance of his first four assignments of error addresses issues that could have been raised in a timely appeal from the trial court’s November 17, 2025 final judgment dismissing the complaint with prejudice.

{¶ 18} It is well-established that “[a] litigant cannot use a Civ.R. 60(B) motion for relief from judgment as a substitute for a timely appeal.” *Plaza v. Roberts*, 2024-Ohio-3021, ¶ 14 (8th Dist.), quoting *State ex rel. Hatfield v. Miller*, 2023-Ohio-429, ¶ 12. Accordingly, “[t]he rule does not exist to allow a party to obtain relief from his or her own choice to forgo an appeal from an adverse decision.” *Bank of Am., N.A. v. Kuchta*, 2014-Ohio-4275, ¶ 14, citing *Ackermann v. United States*, 340 U.S. 193, 198 (1950).

{¶ 19} In short, Yoo is attempting to utilize the instant appeal to raise issues he failed to timely appeal. This is an example of improper “bootstrapping.” “Bootstrapping” occurs when an error is assigned “from a final order that was not the subject of a timely notice of appeal’ in an ‘otherwise timely appeal.’” *Plaza* at ¶ 16, citing *Basit v. Chapman*, 2016-Ohio-4562 (8th Dist.). “This court has “consistently refused” to address “bootstrapped” assignments of error’ since the practice ‘is procedurally anomalous and inconsistent with the appellate rules which contemplate a direct relationship between the order from which the appeal is taken and the error assigned as a result of that order.’” *Keybank, N.A. v. Troutman*, 2026-Ohio-2721, ¶ 18 (8th Dist.), quoting *Plaza* at ¶ 16.

{¶ 20} While Yoo’s appeal from the denial of his Civ.R. 60(B) motion to vacate is timely, the substance of his first four assignments of error addresses the merits of the trial court’s November 17, 2025 dismissal order. Thus, Yoo is attempting to bootstrap these alleged errors from the trial court’s dismissal order that Yoo failed to timely appeal.

{¶ 21} For these reasons, we lack jurisdiction to consider Yoo’s first four assignments of error on appeal. Thus, Yoo’s first four assignments of error are disregarded.

B. Fifth Assignment of Error – Civ.R. 60(B) Denial

{¶ 22} In his fifth assignment of error, Yoo alleges that the trial court abused its discretion by denying his motion to vacate judgment. He claims that the court did so without providing an analysis concerning its decision.³

1. Standard of Review

{¶ 23} An appellate court reviews a trial court’s decision to approve or deny a motion for relief from judgment under Civ.R. 60(B) for an abuse of discretion. *Mendes v. Lowe’s Home Ctrs., L.L.C.*, 2020-Ohio-1283, ¶ 7 (8th Dist.), citing *Cleveland Mun. School Dist. v. Farson*, 2008-Ohio-912, ¶ 8 (8th Dist.). “The term ‘abuse of discretion’ means a ruling that is unreasonable, arbitrary, or unconscionable.” *State v. McAlpin*, 2026-Ohio-148, ¶ 14. However, “[c]ourts do not

³ Yoo also claims that the alleged service defect and premature ruling on the motion to dismiss justified independent grounds for relief. However, these issues should have been raised on appeal from the trial court’s dismissal order and could not be “bootstrapped” to a Civ.R. 60(B) motion to vacate.

have discretion to erroneously apply the law.” *Shiftmed, L.L.C. v. Westchester Parkway Consulting, L.L.C.*, 2025-Ohio-1554, ¶ 18 (8th Dist.), citing *Johnson v. Abdullah*, 2021-Ohio-3304, ¶ 39. We are reminded that “when applying the abuse-of-discretion standard[,] ‘we should not substitute our judgment for that of the trial court.’” *T.C. v. R.B.C.*, 2025-Ohio-1544, ¶ 10 (8th Dist.), quoting *Mills v. Mills*, 2025-Ohio-452, ¶ 28 (8th Dist.).

2. Analysis – Failure to Issue Written Findings

{¶ 24} Yoo alleges that the trial court abused its discretion by denying his motion to vacate judgment “without findings, without analysis, and without addressing any of the documented grounds for relief.”

{¶ 25} Pursuant to Civ.R. 52, trial courts are required to issue findings of fact and conclusions of law in certain limited circumstances. However, “Civ.R. 52 does not apply to a Civ.R. 60(B) motion for relief from judgment, and trial courts are not required to issue findings of fact and conclusions of law when ruling on such motions.” *Overdrive Espresso L.L.C. v. Finein*, 2025-Ohio-5226, ¶ 12 (8th Dist.), quoting *Champlain Ents. L.L.C. v. Kuiper*, 2023-Ohio-3059, ¶ 13 (8th Dist.), citing *Stafford & Stafford Co., L.P.A. v. Steele*, 2013-Ohio-4042, ¶ 23 (8th Dist.).

{¶ 26} Yoo does not direct us to any authority extending Civ.R. 52’s requirements concerning findings of fact or conclusions of law to judgments on Civ.R. 60(B) motions requesting the trial court to vacate a judgment. Thus, the trial court was not required to issue findings of fact or conclusions of law in its order denying Yoo’s motion to vacate judgment.

{¶ 27} Accordingly, Yoo's fifth and final assignment of error is overruled.

III. Conclusion

{¶ 28} In denying Yoo's motion to vacate judgment, the trial court was not required to provide findings of fact and conclusions of law and therefore did not abuse its discretion in not doing so. With respect to his remaining assignments of error, Yoo raises issues that he could have raised in a timely appeal from the trial court's November 17, 2025 dismissal order. He failed to do so; as such, we are without jurisdiction to address them. Yoo's first four assignments of error are disregarded.

{¶ 29} Accordingly, the trial court's December 16, 2025 decision denying Yoo's motion to vacate is affirmed and Yoo's appeal of the November 17, 2025 decision granting First Energy's motion to dismiss with prejudice is dismissed.

It is ordered that appellee recover of appellant costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the common pleas 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.

MICHELLE J. SHEEHAN, ADMINISTRATIVE JUDGE

ANITA LASTER MAYS, J., and
DEENA R. CALABRESE, J., CONCUR