

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

LINDA WILLIAMS,	:	
Plaintiff-Appellant,	:	
v.	:	No. 115807
ROBERT RIPICH, ET AL.,	:	
Defendants-Appellees.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED

RELEASED AND JOURNALIZED: October 15, 2026

Civil Appeal from the Cuyahoga County Court of Common Pleas
Case No. CV-17-882595

Appearances:

Linda Williams, *pro se*.

Law Office of John T. Forristal and John T. Forristal, *for*
appellees Brian and Stacy Acker.

SEAN C. GALLAGHER, J.:

{¶ 1} Linda Williams (“Williams”) appeals two post-dispositive orders: the trial court’s decision denying her motion for relief from judgment under Civ.R. 60(B) and imposing a daily fine if she fails to comply with a final judgment, in response to Brian and Stacy Acker (“the Ackers”) unresolved motion for contempt;

and also, a final order requiring her to remove or reduce the height of a light pole she installed. For the following reasons, we affirm.

{¶ 2} This case has a long and tortuous history spanning nearly a decade even after originally “settling” in 2019. Originally, Williams filed a complaint against her neighbors, the Ackers, seeking declaratory judgment and an injunction for the removal of structures erected along the property line between the two properties. Williams also alleged private nuisance, defamation, false light invasion of privacy, intentional infliction of emotional distress, menacing by stalking, and conspiracy causes of action. At trial in 2019, the parties executed a memorandum of understanding to “settle” the matter, and the court dismissed the action with prejudice. Years later, Williams reinstated the dispute by filing a contempt motion, triggering the trial court’s continuing jurisdiction. Williams took issue with the Ackers’ placing landscaping lattices near the property line between the two houses, which in Williams’s opinion were eyesores. Part of that dispute focused on the property line.

{¶ 3} In responding to Williams’s latest claims, at a hearing conducted in January 2025, the Ackers presented evidence that Williams installed a pole, which was approximately twice as high as the boundary fence according to pictures Williams submitted to the trial court, on the Ackers’ side of the property line. The pole was used to hold Williams’s security cameras at fence height and a light at the top, and it became a hotly debated topic of conversation during the numerous on-the-record proceedings conducted by the trial court while the parties conducted

discovery on Williams's damages claims arising from her contempt motion. Following the January hearing, the trial court in pertinent part concluded "that the [light] pole on or about the property line must be either removed or reduced to a height of no greater than six feet." At that time, the trial court considered the pole to be "on or about" the property line despite the undisputed survey evidence indicating that Williams's light pole was on the Ackers' property. The Ackers obtained the survey to challenge Williams's damages claims regarding the landscape lattices. Williams did not initially file an appeal from that decision.

{¶ 4} That was because the clerk of courts never served that order on the parties. Unaware of the tolling provision in App.R. 4(A)(3) that permitted a direct appeal, Williams, acting pro se, filed a motion seeking relief from the January 2025 judgment entry. Williams argued that she had demonstrated the light pole was situated on her property, the light shines only onto her property, and the pictures introduced by defense counsel falsely depicted light shining brightly onto the Ackers' property. The Ackers filed a combined motion opposing Williams's Civ.R. 60(B) motion, seeking attorney's fees, and asking the court to find Williams in contempt because she did not comply with the court's January order to remove or lower the light pole.

{¶ 5} In early September 2025, the trial court denied Williams's Civ.R. 60(B) motion and ordered the disputed light pole to be removed by October 1, 2025, subject to a daily \$25 fine for noncompliance. That decision did not hold Williams

in contempt for failure to comply with the January order, ostensibly based on the lack of service by the clerk.

{¶ 6} Williams, pro se, filed a notice of appeal from both the January and September orders, presenting six assignments of error. Each will be addressed in turn but combined for the ease of discussion where appropriate. In addition, both parties filed motions in which they requested attorney fees.

{¶ 7} In her first assignment of error, Williams argues her due process rights were violated when the trial court failed to properly serve her with the two judgment entries and issued conflicting judgment entries that “deprived her of clear notice and finality.” The failure of service is not an issue in this case.

{¶ 8} When signing a judgment, the trial court is required to “endorse thereon a direction to the clerk to serve upon all parties . . . notice of the judgment and its date of entry upon the journal.” Further, “[w]ithin three days of entering the judgment upon the journal, the clerk shall serve the parties in a manner prescribed by Civ.R. 5(B) and note the service in the appearance docket.” Civ.R. 58(B). An appeal must be filed within 30 days of the final order. App.R. 4(A)(1). The failure to receive notice pursuant to Civ.R. 58(B) does not affect the validity of the judgment. *Atkinson v. Grumman Ohio Corp.*, 37 Ohio St.3d 80 (1988), paragraph four of the syllabus. In civil cases, however, if service is not complete under Civ.R. 58(B), the 30-day period does not begin to run until service is completed by the clerk. App.R. 4(A)(3).

{¶ 9} The trial court docketed the January and September journal entries but did not request service on the parties, but each entry was final in their own regard. The record does not reflect that service was completed. Williams filed her notice of appeal on November 10, 2025. This court, sua sponte, determined that the clerk's failure to serve the parties with the subject journal entries tolled the appeal time and, accordingly, found Williams's appeal of both orders timely filed even though it was filed outside the 30-day limit. This court's recognition of the tolling provision of App.R. 4(A)(3) and the trial court's decision not to hold Williams in contempt for failure to comply with either order alleviates any concern that the lack of service adversely impacted Williams's due process rights and, therefore, renders this argument moot.

{¶ 10} In her second assignment of error, Williams contends that the trial court abused its discretion when it failed to enforce its own discovery order and failed to rule on her motions to compel the Ackers to produce all property surveys.

{¶ 11} It is difficult to discern the basis of the argument from Williams's disjointed briefing. It appears that she is either arguing that the trial court issued an order compelling the Ackers to produce a property survey and the Ackers failed to comply with the order or that the trial court failed to compel them to produce it on her motion. Williams failed to identify any order of the court compelling discovery or any motion to compel, as required under App.R. 12(A). Further, it appears Williams is in part referencing the surveys that were produced in the January hearing, which she attended.

{¶ 12} It is axiomatic that under Ohio law there is an obligation to produce discovery and also that there is authority for courts to enforce discovery orders, but Williams has failed to demonstrate a violation of an order to compel or a motion on her part to compel production that was not resolved. Parties have an obligation to identify the places in the record establishing the basis of their arguments. App.R. 12(A)(2). An assignment of error may be disregarded when the appellant fails to identify the portions of the record relevant to the argument raised. *Mayfair Village Condominium Owners Assn. v. Grynko*, 2013-Ohio-2100, ¶ 6 (8th Dist.) (concluding that courts are “not obliged to scour the record in search of evidence to support an appellant’s assignment of error”), citing *Nob Hill E. Condominium Assn. v. Grundstein*, 2011-Ohio-2552, ¶ 11 (8th Dist.). Because Williams failed to do that, the second assignment of error is overruled.

{¶ 13} In her third assignment of error, Williams argues that the trial court abused its discretion and exceeded its authority when it issued the January and September judgment entries because they materially altered the terms of their 2019 settlement agreement. Williams also argues that the doctrine of res judicata prevented the parties from relitigating the removal of that light pole. In other words, the statement of the assignment of error addresses the merits of the January order.

{¶ 14} Despite that framing of the assigned error, Williams argues that the trial court abused its discretion when it denied her Civ.R. 60(B) motion, relying on *Morris v. Morris*, 2016-Ohio-5002, *Shteyngarts v. Shteyngarts*, 2022-Ohio-1492 (8th Dist.), and *Harper v. Harper*, 2011-Ohio-5276 (8th Dist.), all of which involve

the granting or denial of relief from a final judgment under Civ.R. 60(B). That discussion pertains to the September order denying her motion for relief from judgment.

{¶ 15} Those cases, however, are not applicable to challenging the merits of the January order. Typically, a motion for relief from judgment is filed after the expiration of the time to appeal the final judgment as an alternate remedy; it is not used in lieu of an appeal. *See Karnofel v. Girard Police Dept.*, 2009-Ohio-4446, ¶ 10 (11th Dist.) (concluding that a “Civ.R. 60(B) motion cannot be predicated upon an argument or point which could have been asserted in a direct appeal”), citing *Chase Manhattan Bank, N.A. v. Elliot*, 2007 Ohio App. LEXIS 1577, *5 (5th Dist.). A Civ.R. 60(B) motion cannot be used as a substitute for an appeal and must be supported by the Civ.R. 60(B) standard, not attacking the merits of the final judgment from which relief is sought. *Garrett v. Gortz*, 2008-Ohio-4369, ¶ 13 (8th Dist.), citing *Blatt v. Meridia Health Sys.*, 2008-Ohio-1818 (8th Dist.). In this case, because of the procedural oddity under App.R. 4(A)(3), Williams has the benefit of a direct appeal of the January order, but her arguments are limited to the September denial of her motion for relief from judgment under the Civ.R. 60(B) standard — claiming the trial court erred in denying the motion. In this appeal, although Williams largely attacks the merits of the January order, she presents no authority to support her claim that the trial court erred by ordering the removal or reduction of height of the light pole in January, instead focusing on the denial of the Civ.R. 60(B) motion in the September order.

{¶ 16} Williams’s arguments, as they pertain to the merits of the January judgment, lack supporting authority. In order to reverse, we would be required to present authority and arguments on her behalf. The parties, not an appellate court, bear the burden of advancing and supporting an argument with citations to legal authority and facts in the record. *State v. Quarterman*, 2014-Ohio-4034, ¶ 19, citing *State v. Bodyke*, 2010-Ohio-2424, ¶ 78 (O’Donnell, J., concurring in part and dissenting in part).

{¶ 17} The third assignment of error is overruled.

{¶ 18} In her fourth and sixth assignments of error, Williams claims, “The trial court abused its discretion and violated Appellant’s due process rights by entering judgment on issues not raised in Appellees’ written motion, by permitting Appellees to advance materially different grounds at the hearing, and by failing to make findings regarding the issue actually presented to the court” and “The Trial Court Abused Its Discretion by Failing to Address Credible Allegations of Attorney Misconduct and by Demonstrating Judicial Bias That Undermined the Fairness of the Proceedings.”

{¶ 19} Williams failed to support either assignment of error with any legal authority in support of her argument as required by App.R. 16(A)(7). We decline to delve into the merits of that argument of our own accord. *Quarterman* at ¶ 19, citing *Bodyke* at ¶ 78. The fourth and sixth assignments of error are overruled.

{¶ 20} In the fifth assignment of error, Williams claims “Fraud on the Court, Improper Modification of Final Judgment, Post-Judgment Factual Finding, and

Improper Daily Fines.” No claimed error is expressly cited, and no assignment of error is presented. Instead, the fifth assignment of error is comprised of five subheadings each being linked to one of the five phrases of her stated assignment of error.

{¶ 21} With respect to the “Fraud Upon the Court” subheading, Williams proceeds to recite what occurred at the January hearing from her perspective in regard to the Ackers’ evidence regarding the light pole Williams erected on the Ackers’ property. No argument is provided for our review; much less is there any supporting authority cited.

{¶ 22} Under the heading “Improper Modification of Final Judgment and Post-Judgment Findings,” Williams cites the Civ.R. 60(B) standard claiming the trial court erred by sua sponte acting, which is not applicable in light of her appeal of the January order on its merits, as discussed earlier, and because the trial court did not act sua sponte — the court was resolving a pending motion to hold Williams in contempt that remains pending.

{¶ 23} And finally, under the “Improper Automatic Daily Fines” subheading, Williams challenges the \$25 daily fine for noncompliance with the September order. Williams presents no authority to support her claim that the trial court exceeded its authority by ordering the removal of the pole by a date certain subject to a monetary fine for further noncompliance. Williams cites *GTE Automatic Elec., Inc. v. ARC Industries, Inc.*, 47 Ohio St.2d 146 (1976), and *Pitts v. Ohio Dept. of Transp.*, 67 Ohio St.2d 378 (1981), for her claim that the trial court erred because “Ohio law

prohibits trial courts from modifying final judgments after denying relief under Civ.R. 60(B).”¹ Those cases, although they at least exist, are not related to her argument. Her sole argument with respect to this question was related to her Civ.R. 60(B) motion and the general notion that a trial court lacks jurisdiction to sua sponte modify final decisions. That general proposition does not lend itself to determining the scope of a trial court’s authority in enforcing a final judgment. In general, a motion for contempt is a recognized mechanism for enforcing a final judgment without regard to Civ.R. 60(B). *See, e.g., Del Zoppo v. Del Zoppo*, 2018-Ohio-4216, ¶ 1 (8th Dist.).

{¶ 24} Moreover, that portion of the September order, being related to the pending motion for contempt, is beyond our jurisdiction. The daily fine corresponds with the motion for contempt the Ackers filed that remains pending. The trial court has yet to find Williams in contempt and has yet to impose any fine. This is not a situation in which a party was found in contempt and a penalty imposed, subject to a purge condition. *See Docks Venture, L.L.C. v. Dashing Pacific Group, Ltd.*, 2014-Ohio-4254, ¶ 23. In this case, the motion for contempt was implicitly held in

¹ In *Pitts*, the Ohio Supreme Court concluded, “The Ohio Rules of Civil Procedure do not prescribe motions for reconsideration after a final judgment in the trial court[,]” and “[a]n order of the State Personnel Board of Review issued on appeal from a final decision of an appointing authority relative to job abolishments is appealable, pursuant to the provisions of R. C. 119.12.” *Id.* at syllabus. *GTE Automatic Electric* concluded that setting aside a default judgment is a final appealable order under R.C. 2505.02; that when timely relief is sought from a default judgment and the moving party has a meritorious defense, any doubt should be resolved in favor of the motion to cast aside the default; and that as a general rule, neglect of an attorney is imputed to the client; and in addition, the Ohio Supreme Court established the standard for Civ.R. 60(B) motions. *Id.* at syllabus.

abeyance pending the October 1, 2025 deadline that was interrupted by this appeal. “In Ohio, the general rule for contempt proceedings is that a judgment of contempt becomes a final appealable order when there is a finding of contempt and the imposition of a penalty.” *Axs Opportunity Fund L.L.C. v. Continent French Quarter, L.L.C.*, 2008-Ohio-1047, ¶ 12 (10th Dist.), citing *Chain Bike Corp. v. Spoke ‘N Wheel, Inc.*, 64 Ohio App.2d 62, 64 (8th Dist. 1979), and *EMC Mtge. Corp. v. Pratt*, 2007-Ohio-4669, ¶ 5 (10th Dist.). We have neither in this case, only the intent to impose a penalty on a future date untethered to any contempt finding. Any resolution of this argument would be premature and outside our jurisdiction.

{¶ 25} The fifth assignment of error is overruled.

{¶ 26} And finally, there are two pending appellate motions to resolve. Williams filed a motion to supplement the record with 12 exhibits or documents that were allegedly presented to the trial court at the January 24, 2025 hearing but were not included in the appellate record.

{¶ 27} A review of the documents submitted pursuant to the Ackers’ notice of submission demonstrates that they do not raise improper allegations or new information and, accordingly, we deny Williams’s motion to strike. We also deny Williams’s request for attorney fees because pro se litigants, such as Williams, are not entitled to recover such fees. *State ex rel. Freeman v. Wilkinson*, 64 Ohio St.3d 516, 517 (1992) (“R.C. 2323.51 provides for attorney fees, not compensation for *pro se* litigants.”).

{¶ 28} As to the Ackers’ motion for attorney fees, Loc.App.R. 23(A) permits this court’s imposition of reasonable attorney fees as a sanction where the court determines the party’s motion “is frivolous or is prosecuted for delay, harassment, or any other improper purpose.” We do not find Williams’s motion to supplement the record was filed for any of the prohibited reasons and, accordingly, deny the Ackers’ motion for attorney fees.

{¶ 29} Having overruled all assignments of error as presented, the judgment is affirmed.

It is ordered that the appellant bear the costs taxed herein.

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.

SEAN C. GALLAGHER, JUDGE

EMANUELLA D. GROVES, P.J., CONCURS;
TIMOTHY W. CLARY, J., CONCURS IN PART AND DISSENTS IN PART (WITH
SEPARATE OPINION)

TIMOTHY W. CLARY, J., CONCURRING IN PART AND DISSENTING IN PART:

{¶ 30} I respectfully concur in part and dissent in part from the majority opinion.

{¶ 31} In Williams’s fifth assignment of error she argues, in part, that the trial court lacked authority to issue the Sept. 19, 2025 journal entry that found the light pole was located on the Ackers’ property and had to be removed or else Williams would be subject to a daily fine because of noncompliance.

{¶ 32} The trial court’s January 2025 journal entry ordered Williams to remove or reduce the height of the light pole that is situated “on or about the property line.” Williams subsequently filed a Civ.R. 60(B) motion, and the Ackers filed a motion for contempt and a motion requesting that the court impose sanctions. Three months later, on September 19, 2025, the trial court issued a judgment entry that denied Williams’s Civ.R. 60(B) motion; found the light pole was situated on the Ackers’ property; ordered removal of the light pole prior to October 1, 2025; and informed Williams that she would be subject to a daily fine if she did not comply with the judgment.

{¶ 33} The trial court had authority to enforce the terms of the January 28, 2025 judgment, and the court had continuing jurisdiction pursuant to the memorandum of understanding. However, I cannot condone the trial court’s issuance of a judgment entry that presented a new finding of fact, i.e., that the light pole was situated on the Ackers’ property, and imposed new obligations on Williams. I would find that the trial court exceeded its authority when it issued those orders, and I would concur with the majority’s decision overruling the remainder of the arguments.

{¶ 34} For these reasons, I respectfully concur in part and dissent in part.