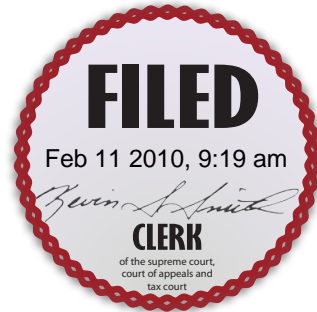


Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



APPELLANT PRO SE:

KELLY MERRITT
Greenwood, Indiana

**IN THE
COURT OF APPEALS OF INDIANA**

KJM January 1994 Trust,
KELLY MERRITT,

Appellant-Defendant,

vs.

CONNIE A. TOWNSEND,

Appellee-Plaintiff.

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No. 41A01-0908-CV-429

APPEAL FROM THE JOHNSON CIRCUIT COURT
The Honorable Lance Hamner, Judge
Cause No. 41D03-0903-SC-00177

FEBRUARY 11, 2010

MEMORANDUM DECISION - NOT FOR PUBLICATION

SHARPNACK, Senior Judge

KJM, January 1994, Trust and Kelly Merritt appeal the trial court judgment ordering them to pay Connie Townsend \$713.85 plus \$86.00 in court costs.

We affirm.

At the outset we note that the Trust and Merritt have failed both to file an appendix with the pleadings and to include a clear and complete statement of the facts in their appellate brief. We have adduced the facts from the transcript of the July 2009 hearing and the trial court's judgment.

Townsend worked at a business that the Trust and Merritt owned. She apparently filed a complaint against the Trust to recover \$713.85 in wages that the Trust failed to pay her. Following a hearing in April 2009, the trial court ordered the Trust to pay Townsend the back wages as well as court costs. The Trust filed a motion to dismiss the judgment. A magistrate held a hearing on the motion and ordered an additional hearing to be heard by the trial court judge that held the first hearing.

The trial court held this additional hearing in July 2009. At the hearing, after the trial court told Merritt he would be found in contempt if he did not tell the truth, Merritt admitted that he and the Trust owned the business in Bargersville where Townsend had worked.

The trial court found that Merritt and the Trust were jointly and severally liable to Townsend and ordered them to pay her \$713.85 plus \$86.00 in court costs. The Trust and Merritt appeal.

The Trust and Merritt argue that the trial court erred in naming Merritt as a defendant in the amended judgment and in denying Merritt the opportunity to present

evidence in his representation of the Trust.¹ Merritt has waived appellate review of these issues.

Indiana Appellate Rule 46(A)(8)(a) provides that the argument section of the appellate brief “must contain the contentions of the appellant on the issues presented, supported by cogent reasoning. Each contention must be supported by citations to the authorities, statutes, and the Appendix or parts of the Record on Appeal relied on, in accordance with Rule 22.” The Trust and Merritt have failed to cite any authority to support the not quite one-page argument section in their appellate brief. A party that fails to comply with Appellate Rule 46(A)(8)(a) waives the issues in question. *Flowers v. Flowers*, 799 N.E.2d 1183, 1187 (Ind. Ct. App. 2003).

Waiver notwithstanding, we find no error. Merritt admitted during the hearing that he and the Trust owned the business where Townsend worked. In addition, at no point in the hearing did the trial court deny Merritt the opportunity to present evidence.

Affirmed.

KIRSCH, J., and MAY, J., concur.

¹ Although Merritt now claims that he was representing the Trust at the hearing, Merritt told the trial court during the hearing that the named attorney representing him in the matter could not be in court for the hearing because he had other obligations that day.