

**IN THE COURT OF APPEALS OF OHIO**

SEVENTH APPELLATE DISTRICT  
MAHONING COUNTY

PINNACLE INTEGRATED HEALTH,

Plaintiff-Appellee,

v.

GEORGIA NEWTON,

Defendant-Appellant.

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**OPINION AND JUDGMENT ENTRY**  
**Case No. 22 MA 0127**

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Civil Appeal from the  
Youngstown Municipal Court of Mahoning County, Ohio  
Case No. 2022 CVF 1921

**BEFORE:**

Cheryl L. Waite, David A. D'Apolito, Mark A. Hanni, Judges.

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**JUDGMENT:**

Affirmed.

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*Atty. Samuel F. Jordan*, Millstone & Kannensohn, 972 Youngstown Kingsville Road, S.E.,  
P.O. Box 860, Vienna, Ohio. 44473, for Plaintiff-Appellee

*Georgia Newton, Pro se*, 1660 Volney Road, Youngstown, Ohio 44511, Defendant-  
Appellant.

Dated: December 7, 2023

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**WAITE, J.**

{¶1} Appellant Georgia Newton appeals an October 28, 2022 judgment entry of the Youngstown Municipal Court granting summary judgment in favor of Appellee Pinnacle Integrated Health. Appellant raises eleven assignments of error, essentially challenging personal jurisdiction, subject matter jurisdiction, transfer, and discovery requests. For the reasons provided, Appellant’s arguments are without merit and the judgment of the trial court is affirmed.

**Factual and Procedural History**

{¶2} Due to the failure of Appellant to file any transcript and the early disposition of this matter, the facts in the record are limited. On March 20, 2022, Appellee filed a complaint in Youngstown Municipal Court, Small Claims Division, against Appellant seeking to collect on an unpaid invoice for medical services that had accrued from July 26, 2017 through May 24, 2018. A hearing was scheduled on May 17, 2022. Both parties appeared at the hearing, however, again, the record contains no transcript. A later magistrate’s order stated that the matter was “move[d] to civil docket at joint request of the parties, set for case management conference, Plaintiff to pay costs.” (5/27/22, Magistrate’s Order.)

{¶3} The case was, in fact, transferred from the small claims division to the general civil division. On August 23, 2022, Appellee moved to compel discovery from Appellant after several failed attempts to obtain interrogatory responses. The court granted the motion, but Appellant still failed to respond. On September 9, 2022, Appellee filed a motion for summary judgment to which Appellant also filed no response. On

October 28, 2022, the court granted summary judgment against Appellant and awarded Appellee its requested relief in the amount of \$486.35 with statutory interest of three percent, and court costs. It is from this entry that Appellant, acting *pro se*, timely appeals.

**ASSIGNMENT OF ERROR NO. 1(A)**

**The Subject Matter Jurisdiction Of The Municipal Court Was Never Properly Instituted And The Municipal Court Never Acquired Subject Matter Jurisdiction Over A Competent [sic] "Civil Docket" Complaint, Where The [sic] Plaintiff, After The May 27, 2022 Transfer Order, Merely Filed Upon The Civil Division Docket The Unchanged [sic] Small Claims Complaint Bearing [sic] A Purported Attorney's Affidavit Of Claim, Which As A Matter Of Law Was [sic] Insufficient To Qualify As A Valid "Civil Docket" Complaint ; And [sic] Where, In Any Case, The [sic] Refiled Complaint And A Civil Division Summons Were Not [sic] Served Upon Defendant.**

**ASSIGNMENT OF ERROR NO. 1 (B)**

**Plaintiff Counsel's Unchanged Refiled Small Claims Case Erroneously [sic] Relied Upon The Original Small Claims Summons Supplying Notice Only Of Plaintiff's Small Claims Complaint Form And Commanding The [sic] Defendant's Appearance At The Scheduled Trial Of The Plaintiff's Small Claim, But Stating Nothing As To The Pendency And Heightened Perils Of A Refiled Case Subject To The Full Range Of The Ohio Rules Of Civil Procedure, Including Mandatory**

**Discovery As A Basis For The Mandated Admissions Argued To Establish Entitlement To Final Judgment As A Matter Of Law Under Rule 56.**

**ASSIGNMENT OF ERROR NO. 1 (C)**

**In Addition To Failing To Give Notice That The Court Was Subjecting The Defendant To Its Adjudicatory Authority In [sic] The Transferred Case Of 22 Civ. No. 1921, The "Notice And Summons" Appearing On Plaintiff's Refiled Small Claims Complaint No Longer Provided Any Currently Effective Notification From The Clerk's Office Of The Court's Authority And In Any Case Was Not Served Upon The Defendant.**

**ASSIGNMENT OF ERROR NO. 1 (D)**

**The Small Claims Division Notice And Summons Served Upon The Defendant:**

**(1) Provided Constitutionally Insufficient Notice Of The Extent Of The Court's Authority And Jurisdiction In Small Claims Trial Proceedings, In That While The Notice/Summons Informed The Defendant That The Court Claimed The Jurisdictional Authority To Impose Default Judgment Upon A Defendant Who Failed To Appear For Trial, To Compel The Defendant To Stand Trial In The Small Claims Division Case, This Due Notice Did Not Inform The Defendant That The Court Also Claimed Statutory Authority To Withhold The Small Claims Trial**

She Had Been Compelled To Prepare For And Attend And Abruptly Force The Defendant To Stand Trial In "Regular Docket" Proceedings And Be Subject To Mandatory Discovery Procedures, In Manifest Contrast To The Small Claims Practice Under R.C. 1925.09 Of Having To Share Her Defensive Evidence And Arguments Prior To Trial Only If The Court Allowed Requested Discovery; And

(2) Supplied No Notice whatsoever As To The Refiled Complaint In 22 CVF 1921 And The Heightened Perils therein Of Pleading Defaults And Discovery Defaults Dangers.

#### ASSIGNMENT OF ERROR NO. 2

The Municipal Court Never Acquired Personal Jurisdiction Over The Defendant As To The Case Filed In The Civil Division, Because The Defendant Was Never Served With Plaintiffs Refiled Claim And Process Therefor (Summons) And Was Never Served A Valid Civil Complaint And Civil Division Process Therefor (Summons).

#### ASSIGNMENT OF ERROR NO. 3 (A)

Under The Provisions Of R.C. 1925.04 (B) Limiting The Authority To Order And Entertain Trials Of Small Claims Division Claims By The RequirementThat [sic] Trials Be Set For Dates Not Less Than Fifteen Or More Than Forty Days After The Commencement Of The Action, The Trial Proceedings That Took Place On May 17, 2022 Were Unlawful

**And Beyond The Jurisdictional Limits Imposed Upon The Court's Grant Of Small Claims Authority, Because The May 17, 2022 Trial Proceedings Were Held Some Forty-Eight (48) Days After The March 30, 2022 Commencement Of The The [sic] Plaintiff's Small Claims Action And Thus Transgressed The R.C. 1925.04 (B) Forty-DayTime [sic] Limit Placed Upon The Small Claims Court's Trial Jurisdiction.**

**ASSIGNMENT OF ERROR NO. 3 (B)**

**All Of The Proceedings In 22 CVF 1921 Are Juridically [sic] Ineffectual And Void, Because The Subject Matter Jurisdiction Over Plaintiff's Claim Came To An End On May 9, 2022, The Last Day Of The Mandatory Fifteen (15) To Forty (40) Day Limit Imposed By Section 1925.04 (B) And After May 9, 2022, (1) The Small Claims Court Possessed No Authority To Act In 22 CVI 771 And (2) The Municipal Court Acquired No Authority To Conduct Any Proceedings In 22 CVF 1921 From A May 27, 2022 Transfer Order That The Small Claims Court No Longer Had Jurisdiction To Issue.**

**ASSIGNMENT OF ERROR NO. 3 (C)**

**Transfer By A Magistrate Acting In Small Claims Division Proceedings Held In Violation Of R.C. 1925.04 (B), Was Invalid And Not A Cure For Loss Of Small Claims Division Jurisdiction, Since A Small Claims Court Lacking Jurisdiction To Adjudicate A Small Claims Division**

**Case, Possessed No Authority To Transfer And Could Only Dismiss Plaintiff's Claim.**

**ASSIGNMENT OF ERROR NO. 3 (D)**

**The Risk Of Small Claims Division Error Fell Squarely Upon The Plaintiff, Which Chose Proceeding InThat [sic] Division Over The Option Of A Regular Docket Case Not Subject To Sensitive Temporal Requirements, And Whose Chosen Representatives Failed To Pay The Requisite Attention To Required Details -- Timely Attention To 1925.04 (B) Requirements Could Have Eventuated [sic] In Motion Practice To Correct The Violative Date For Trial While The Trial Court Still Had Authority To Act In The Small Claims Division Case.**

**ASSIGNMENT OF ERROR NO. 4 (A)**

**Transfer Of Plaintiff's Small Claims Division Claim At The Plaintiff's Request (Falsely Implied By Plaintiff's Counsel To Be A Joint Request), Exceeded The Statutory Transfer Authority Conferred Upon The Small Claims Division Of The Municipal Court In Section 1925.10 And Exceeded The Personal Jurisdiction Conferred By The Small Claims Division Summons, By Exposing The Defendant To The Perils Of Mandatory Discovery After Transfer, Of Which Perils And Of The Consequences Of Transfer The Small Claims Division Summons Failed To Give Due Notice.**

**ASSIGNMENT OF ERROR NO. 4 (B)**

**Transfer Authorization Under The Court's Chapter 1925 Authority Did Not Excuse The Failure To Serve Upon The Defendant Plaintiff's Refiled Small Claims Division Complaint With "Regular" Civil Division Process As A Vital Step In The Transfer Process In Perfecting The Court's Acquisition Of Personal Jurisdiction Over The Defendant With Respect To The Refiled Claim, And Did Not Excuse The Failure To [sic] Place The Defendant Upon Due Notice That Management Of The Refiled Claim Litigation As A Matter Of Law Had Been Changed From Small Claims Court Discretionary Discovery To Civil Docket Mandatory Discovery As A Potential Basis For Judgment Sanctions.**

**ASSIGNMENT OF ERROR NO. 5 (A)**

**In The Absence Of Service Upon The Defendant Of Plaintiff's Refiled Complaint And Civil Docket Process Therefor, The Plaintiff's Rule 33 (A) Interrogatories, Rule 34 (B) Document Requests And Rule 36 (A) Requests For Admissions And The Judgment Sanction Proceedings Held To Penalize The Defendant For Her Failure To Afford Requested Discovery Under Any Of These Rules, Were Invalid, Because Only A Court Possessing In Personam [sic] Jurisdiction Has The Authority To Subject The Defendant To Discovery Procedures And The Court in 22 CVF 1921 Was [sic] Deprived Of The Necessary Personal Jurisdiction By The Failure To Serve Upon The Defendant The Refiled Complaint**

And Process Therefor, As Reflected By The Provisions In Rule 33 (A), Rule 34 (B) and Rule 36 (A) Requiring That [sic] The Plaintiff Serve [sic] Its Request For Discovery Under Any Of These Rules[.]

**ASSIGNMENT OF ERROR NO. 5 (B)**

**No. 5 (B) Plaintiff's Rule 36 (A) Discovery Effort Was Further Vitiating By The Following Procedural Deficiencies:**

(1) Though required to do so, Plaintiff failed to serve upon the Defendant "both a printed and an electronic copy of the request", by accompanying the printed copy with an electronic copy "on computer disk, by electronic mail or by other means agreed to by the parties" ; and

(2) Plaintiff never sought leave of court to be "relieved of [the] requirement [of an electronic copy]", for any inability to "provide an electronic copy of a request for admission".

**ASSIGNMENT OF ERROR NO. 6**

**Failure To Serve Upon The Defendant Plaintiff's 22 CVF 1921 Reified Small Claims Complaint And Civil Division Process Therefor:**

(1) Deprived The Civil Division Court Of Jurisdiction To Enter Against The Defendant Any Judgment Upon Plaintiff's Claim In 22 CVF 1921, Summary Or Otherwise, And

**(2) By Reason Of A Resulting Lack Of In Personam [sic] Jurisdiction To Adjudicate Discovery Default Proceedings [sic] Against The Defendant, Invalidated The [sic] Plaintiff's Discovery Requests And Precluded [sic] Imposition Of The Rule 36 (A) Conclusive Admission Sanction As The [sic] Basis For Summary Judgment As A Matter Of Rule 36 (A) Admitted Material Facts.**

**ASSIGNMENT OF ERROR NO. 7 (A)**

**In Any Case, In This Contract Account Case For Unpaid Contracted Professional Services, Plaintiff Failed To Meet Its Threshold Rule 56 Burden In The Circumstances Of This Case Where Its Failure To Comply With The Mandatory Attachment Requirements Of Rule 10 (D)(1) Compounded And Intensified The Glaring Failure To Plead And Prove By Competent Evidence:**

**(1) The Existence And Essential Terms Of A Binding Agreement For The Services Allegedly Rendered To The Defendant;**

**(2) Evidence Of An Itemized Unpaid Open Account; And**

**(3) The Specific Terms Of The Parties' Agreement Which Were Breached When Specific Contract Services Were Not Paid For By The Defendant As Required By Specified Contract Terms.**

**ASSIGNMENT OF ERROR NO. 7 (B)**

**Plaintiff's Reliance Upon Its Attorney Affidavit Claim To Establish The Facts Of Its Claim, Violated Rule 56 (E) Competence Requirements That Evidentiary Affidavits Be "Made On Personal Knowledge" Of the Facts Of The Claim For Relief And "Show AffirmativelyThat [sic] [The Affiant] Is Competent To Testify To The Matters Stated In The Affidavit".**

**ASSIGNMENT OF ERROR NO. 8**

**The Magistrate Denied To The Defendant The Due Process Protection And Benefits Of Requiring Compliance WithThe [sic] R.C. 1925.10 Requirement Of A Rule 7 (B)(1)-Compliant Written Motion From The Plaintiff For TransferTo [sic] Afford Mandatory Discovery, Because Failure To Serve A Proper Transfer Motion Upon The Defendant**

**(1) Denied Due Notice And Opportunity To Reply To A Timely, Properly Supported Request For Discovery-Based Transfer Relief And**

**(2) Resulted As Well In Inadequate Analysis Of Plaintiff Counsel's Casual Suggestion That Plaintiff's Desire To Conduct Discovery Was Sufficient Reason To Abort The Small Claims Trial AsTo [sic] Which The Small Claims Division Summons Had Commanded The Defendant's Mandatory Attendance And Trial Participation[.]**

**ASSIGNMENT OF ERROR NO. 9**

Though An Integral Part Of Plaintiff's August 24, 2022 Motion For An Order Compelling Specified Discovery, The Draft Of The Magistrate's August 25, 2022 Order Granting The August 24, 2022 Motion And Compelling The Defendant To Provide The Required Discovery On Or Before \_\_\_\_\_, Was Not Served Upon The Defendant Prior To Being Signed By The Magistrate The Day After It Was Filed,(1) In Direct Violation Of The Requirements [sic] Of ORCP Rule 5 And [sic] (2) In Derogation Of The Defendant's Right To Be Fully And Timely Apprised Of The Peril Or Relief Proposed By The [sic] Proponent Of Relief And Be Afforded The Right To Be Heard As To The Proponent Movant's Complete Motion(s) [sic] And Demand(s) For Relief Prior To The Court's Ruling Thereon.

**ASSIGNMENT OF ERROR NO. 10**

Plaintiff Counsel's Filing Of A Draft Summary Judgment Order Specifically For The Signature Of The Judge And The Judge's Signature Of The Same On The Date [sic] It Was Filed, Without Prior Notice That The Plaintiff's Motion For Summary Judgment Was Out Of The Hands Of The Magistrate And Without Any Report Allowing Review And Assessment Of The Magistrate's Actions And Orders In The Proceedings Giving Rise To Summary Judgment Motion Proceedings, :

(1) Denied To The Defendant Due Process Of Law, And

**(2) Rendered Rule 56 Judgment "Inappropriate" As A Matter Of Law Under Rule 56 (E), In That The Said Draft And Its Filing Without Service Of The Draft Upon The Defendant,**

**(a) Violated Rule 5 And The Due Process Considerations Implemented Therein, and [sic];**

**(b) Deprived The Defendant Of Due Notice That Counsel's Motion Was Before The Judge In A Way That Deprived The Defendant Of The Opportunity To Be Heard In Seeking The Independent Review Of Summary Judgment Proceedings And The Magistrate's Input In The Proceedings Leading Up To Summary Judgment Proceedings.**

**ASSIGNMENT OF ERROR NO. 11**

**The Court Abused Its Discretion And Committed Reversible Error In Granting Relief Upon Motions And Papers Filed More Than Three Days After Service Of The Same Upon The Defendant, In Violation Of Rule 5 And The Rule Therein Of Contemporaneity Of Served And Filed Motion Papers.**

{¶4} Due to the confusing nature of Appellant's assignments of error, her arguments will be reclassified and addressed in a more logical fashion. Her claims actually may be grouped into three general groups: the trial court lacked personal jurisdiction over her, lacked subject matter jurisdiction over the case, and erred in failing to dismiss for discovery violations.

*Personal Jurisdiction*

{¶5} Appellant’s arguments concerning personal jurisdiction are unclear, in part because she includes them within various unrelated assignments of error, and in part due to her own confusion about the relevant law. Simply put, she argues in large part that the small claims court lacked authority to transfer the matter to the general civil division because she believes Appellee was first required to completely refile its complaint.

{¶6} An appellate court applies a *de novo* standard of review to matters involving both subject-matter and personal jurisdiction. *State v. DaRe*, 7th Dist. Belmont No. 16 BE 0011, 2017-Ohio-7585, ¶ 12; *State v. Castner*, 9th Dist. Summit No. 29704, 2021-Ohio-1048, ¶ 7.

{¶7} “Personal jurisdiction may be acquired either by service of process upon the defendant or the voluntary appearance and submission of the defendant to the jurisdiction of the court.” (Internal citations omitted.) *State v. J.C.*, 7th Dist. Mahoning No. 21 MA 0028, 2021-Ohio-4556, ¶ 12, citing *Maryhew v. Yova*, 11 Ohio St.3d 154, 156, 464 N.E.2d 538 (1984). Personal jurisdiction can be waived. Civ.R. 12(H).

{¶8} Appellant concedes that she appeared for a hearing in this matter and did not contest the court’s jurisdiction at that time. While she argues that she was unaware the current action was somehow “improper” and contends the court threatened default if she did not appear, neither of those reasons are sufficient to override the fact that the court clearly obtained personal jurisdiction once Appellant appeared and participated in the matter.

{¶9} Equally problematic for Appellant is her failure to raise this argument to the trial court in order to preserve it for appeal. Understandably, the concept of preservation

of an issue for appellate review may be elusive for a layperson unfamiliar with legal rules. However, Ohio law holds a layperson to the same standards as an attorney for pro se purposes. “It is well established that pro se litigants are presumed to have knowledge of the law and legal procedures and that they are held to the same standard as litigants who are represented by counsel.” *State ex rel. Fuller v. Mengel*, 100 Ohio St.3d 352, 2003-Ohio-6448, 800 N.E.2d 25, ¶ 10, citing *Sabouri v. Ohio Dept. of Job & Family Serv.*, 145 Ohio App.3d 651, 654, 763 N.E.2d 1238 (10th Dist.2001).

{¶10} Appellant argues that she was not served with a new complaint once the matter was transferred from small claims to the civil docket. At the outset, we note that following a hearing on the matter, a judgment entry reflects the parties jointly agreed to transfer the case. Appellant has not provided a transcript of that hearing, thus we must presume its regularity.

An appellant bears the burden of showing error through the record; consequently, the appellant bears the duty of providing a transcript for appellate review. *Knapp v. Edwards Laboratories*, 61 Ohio St.2d 197, 199, 400 N.E.2d 384 (1980), citing *State v. Skaggs*, 53 Ohio St.2d 162, 372 N.E.2d 1355 (1978). Accordingly, “[w]hen portions of the transcript necessary for resolution of assigned errors are omitted from the record, the reviewing court has nothing to pass upon and thus, as to those assigned errors, the court has no choice but to presume the validity of the lower court's proceedings, and affirm.”

*Taylor v. Collier*, 2015-Ohio-4099, 43 N.E.3d 810 (7th Dist.), ¶ 11, citing *Knapp* at 199, 400 N.E.2d 384.

{¶11} Regardless, Appellant is confused as to the transfer process. There is no requirement in the law mandating a plaintiff to refile its complaint in order to transfer it to another division of a court, or following such a transfer. No new or amended claims arose after the initial complaint was filed in this matter. Appellee filed a complaint that was transferred in full in its original form from the small claims division (governed by Youngstown Municipal Court) to the general civil docket of that same court. No new complaint was filed because no claim or damage amount was changed, it was simply moved in original form from one division of the court to another. As the record shows that personal jurisdiction over Appellant was obtained in this matter, her claims otherwise have no merit.

*Subject Matter Jurisdiction/Hearing Date*

{¶12} Appellant next argues, for the first time, that the court lost subject matter jurisdiction in the matter by failing to hold a hearing in compliance with R.C. 1925.04(B). This rule requires a small claims court to hold a hearing no sooner than fifteen days, and no later than forty-five days, after the action was filed.

{¶13} Appellee concedes that the hearing that was held did not occur within the prescribed time limits, but argues that strict compliance is impractical given the size of the docket of a small claims court. Appellee posits that as the hearing was held only three days past the prescribed time and Appellant failed to object to timeliness at the hearing which she admittedly attended, any error in this regard is harmless.

{¶14} “Subject-matter jurisdiction involves a court's power to hear a case, and as such the issue can never be waived and may be raised at any time.” *State v. J.C.*, *supra*, ¶ 11, citing *State v. Mbodji*, 129 Ohio St.3d 325, 2011-Ohio-2880, 951 N.E.2d 1025, ¶ 10. Lack of subject-matter jurisdiction renders a judgment void. *Id.*, citing *In re J.J.*, 111 Ohio St.3d 205, 2006-Ohio-5484, 855 N.E.2d 851, ¶ 10.

{¶15} The crux of this issue is whether the court’s failure to timely hold a hearing stripped the court of its subject matter jurisdiction. We note that there is no statutory or other law holding that failure to timely hear a small claims complaint divests the court of its subject matter jurisdiction over the controversy when that court would otherwise have such jurisdiction.

{¶16} There is no question the Youngstown Municipal Court possessed subject matter jurisdiction over the instant action on the face of the complaint and Appellant does not disagree. Appellant claims that the dilatory nature of the hearing stripped the court of jurisdiction. Appellant’s argument in actuality attempts to conflate this matter into a situation akin to requiring a dismissal for filing a complaint beyond the statutory time. If Appellee had filed its complaint beyond the cutoff allowed by the relevant statute, this would have stripped the court of its jurisdiction in the matter and would have required the trial court to dismiss the case. However, the complaint here was timely filed. There is no authority entitling Appellant to dismissal based merely on the trial court’s action in holding a hearing on the otherwise valid complaint a few days late.

{¶17} We also note that “by design, proceedings in small claims court are informal and geared to allowing individuals to resolve uncomplicated disputes quickly and inexpensively \* \* \* the process is an alternative to full-blown judicial dispute resolution.”

*McCown v. Eichenberger*, 5th Dist. Delaware No. 22 CAG 01 0001, 2022-Ohio-2861, ¶ 20, citing *Cleveland Bar Assn. v. Pearlman*, 106 Ohio St.3d 136, 2005-Ohio-4107, 832 N.E.2d 1193.

{¶18} Based on the above, a mere three-day delay in holding a hearing on a small claims complaint that was, itself, not time-barred does not rise to reversible error. The court retained subject matter jurisdiction over this dispute. Regardless, we cannot find in Appellant’s favor where she failed to preserve the issue for appeal. “[I]ssues not raised in the trial court may not be raised for the first time on appeal.” *Mobberly v. Wade*, 2015-Ohio-5287, 44 N.E.3d 313, (7th Dist.), ¶ 25, citing *Mauersberger v. Marietta Coal Co.*, 7th Dist. Belmont No. 12 BE 41, 2014-Ohio-21; *State v. Abney*, 12th Dist. Warren No. CA2004-02-018, 2005-Ohio-146.

#### *Discovery*

{¶19} Appellant argues that Appellee failed to comply with the relevant discovery statutes. Instead of serving discovery responses electronically, as required by statute, Appellee served paper notices on Appellant.

{¶20} Appellee concedes that it did not strictly comply with the relevant rules, but explains that such failure merely would serve to allow the opposing party to seek an enlargement of time to answer those discovery requests.

{¶21} Both Civ. R. 33(A) and Civ.R. 36(A) provide, in relevant part, that “[t]he party serving the request for admission shall serve an electronic copy of the request on a shareable medium and in an editable format, by electronic mail, or by other means agreed to by the parties. A party who is unable to provide an electronic copy of a request for admission may seek leave of court to be relieved of this requirement.”

{¶22} At best, a party’s failure to comply with the electronic discovery request rule would have resulted in providing Appellant more time to respond to those requests, had she asked. See *Stevens v. Cox*, 6th Dist. Wood No. WD-08-020, 2009-Ohio-391; *Foy v. Trumbull Corr. Inst.*, 10th Dist. Franklin No. 11AP-464, 2011-Ohio-6298. It appears that Appellant did not object to the form of discovery at any point during the lower court proceedings nor did she seek an enlargement of time in which to respond to those requests.

{¶23} Based on the above analysis, each of Appellant’s eleven assignments of error are without merit and are overruled.

### **Conclusion**

{¶24} Appellant raises eleven assignments of error essentially challenging: personal jurisdiction, subject matter jurisdiction, and the form of the discovery requests. For the reasons provided, Appellant’s arguments are all without merit and the judgment of the trial court is affirmed.

D’Apolito, P.J. concurs.

Hanni, J. concurs.

For the reasons stated in the Opinion rendered herein, Appellant's assignments of error are overruled and it is the final judgment and order of this Court that the judgment of the Youngstown Municipal Court of Mahoning County, Ohio, is affirmed. Costs to be taxed against the Appellant.

A certified copy of this opinion and judgment entry shall constitute the mandate in this case pursuant to Rule 27 of the Rules of Appellate Procedure. It is ordered that a certified copy be sent by the clerk to the trial court to carry this judgment into execution.

**NOTICE TO COUNSEL**

**This document constitutes a final judgment entry.**