

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

Discover Bank,	:	
	:	
Plaintiff-Appellee,	:	
	:	
v.	:	No. 12AP-1001
	:	(C.P.C. No. 12 CVH 56956)
Jovita Bailey,	:	
	:	(REGULAR CALENDAR)
Defendant-Appellant.	:	

D E C I S I O N

Rendered on May 2, 2013

Weltman, Weinberg & Reis Co. L.P.A., and Matthew G. Burg,
for appellee.

Jovita Bailey, pro se.

APPEAL from the Franklin County Court of Common Pleas

TYACK, J.

{¶ 1} Jovita Bailey is appealing from the judgment rendered against her as a result of her credit card debt to Discover Bank. She assigns two errors for our consideration:

I. THE TRIAL COURT COMMITTED REVERSIBLE ERROR AS A MATTER OF LAW IN ITS JUDGMENT ENTRY OF NOVEMBER 7, 2012 GRANTING DISCOVER BANK'S MOTION FOR SUMMARY JUDGMENT.

II. THE TRIAL COURT ERRED AS A MATTER OF LAW IN EGREGIOUSLY AND FLAGRANTLY IGNORING THE "ORIGINAL CASE SCHEDULE" TO THE PREJUDICE OF

THE DEFENDANT-APPELLANT THEREBY DEPRIVING
HER THE FUNDAMENTAL FAIRNESS AND SUBSTANTIAL
JUSTICE ASSURED BY THE DUE PROCESS CLAUSE OF
THE FIFTH AND FOURTEENTH AMENDMENTS TO
UNITED STATES CONSTITUTION.

{¶ 2} As indicated above, the judgment against Jovita Bailey resulted from the granting of a motion for summary judgment. Her primary assertion, which was raised after judgment had been granted and a garnishment pursued, was that Discover Bank had not complied with the requirements of Ohio law for a bank chartered in another state to do business in Ohio. Bailey raised this issue too late to have it considered in the trial court before judgment was granted. We cannot fault the trial court for failing to consider an issue not raised.

{¶ 3} The first assignment of error is overruled.

{¶ 4} The second assignment of error argues that the trial court erred in granting summary judgment before the deadline for discovery had passed. The Ohio Rules of Civil Procedure have provisions that allow a party who is defending against a motion for summary judgment to delay a ruling on the motion for summary judgment until additional discovery can be completed. *See* Civ.R. 56(F). Bailey did not use Civ.R. 56(F).

{¶ 5} Bailey claims she was blindsided by the trial court's ruling. Her claim apparently results from her lack of knowledge of the local rules for the court of common pleas for Franklin County. Those rules set forth the time schedule to be applied by the trial court for ruling on motions for summary judgment. The trial court judge did not err in applying the Ohio Rules of Civil Procedures and the local rules.

{¶ 6} The second assignment of error is overruled.

{¶ 7} Both assignments of error having been overruled, the judgment of the Franklin County Court of Common Pleas is affirmed.

Judgment affirmed.

DORRIAN and McCORMAC, JJ., concur.

McCORMAC, J., retired, formerly of the Tenth Appellate District, assigned to active duty under the authority of Ohio Constitution, Article IV, Section 6(C).
