

COURT OF APPEALS OF OHIO, SECOND APPELLATE DISTRICT,
MONTGOMERY COUNTY

Discover Bank v. Hanson

2026-Ohio-140 · No. 30515 · Decided January 16, 2026

SUMMARY

The Ohio Second District Court of Appeals affirmed summary judgment for Discover Bank in an action to collect a credit card debt. The court held that the affidavit and account records submitted by Discover were properly authenticated and admissible under the business-records exception to the hearsay rule. The court further concluded that Discover established the account, governing agreement, balance, and default, while Hanson failed to present specific evidence creating a genuine issue of material fact.

CASE DETAILS

COURT	Court of Appeals of Ohio, Second Appellate District, Montgomery County
WRITING FOR THE COURT	Ronald C. Lewis; Mary E. Epley; Michael L. Tucker
JURISDICTION	Ohio Court of Appeals, Second Appellate District, Montgomery County
DECIDED	January 16, 2026
DOCKET	30515
DISPOSITION	affirmed
PROCEDURAL POSTURE	Hanson appealed from the Montgomery County Common Pleas Court's grant of summary judgment to Discover Bank in an action to collect a credit-card debt.
STANDARD OF REVIEW	Summary judgment is reviewed de novo. The trial court's evidentiary rulings are reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published
PARTIES	Charmalee F. Hanson v. Discover Bank

TOPICS

- summary judgment
- evidence
- authentication
- hearsay
- breach of contract

PRACTICE AREAS

civil procedure

appellate procedure

evidence

contracts

commercial litigation

consumer protection

QUESTIONS PRESENTED

1. Whether Moore's affidavit and the attached credit-card records were properly authenticated and admissible under Ohio Evid.R. 901, Evid.R. 803(6), and Civ.R. 56.
2. Whether genuine issues of material fact concerning the validity, amount, ownership, or enforceability of the alleged credit-card debt precluded summary judgment.

HOLDINGS

1. The account statements and cardmember agreement were properly authenticated and admissible under the business-records exception to the hearsay rule because Moore demonstrated personal knowledge of Discover's record-keeping system and established that the records were maintained in the ordinary course of business.
2. Discover was entitled to summary judgment because its affidavit, cardmember agreement, and account statements established the existence of a binding credit-card contract, Hanson's ownership and use of the account, the running balance, default, and damages, while Hanson identified no evidence creating a genuine issue of material fact.

KEY QUOTATIONS

“The authentication requirement contemplated by Evid.R. 901(A) invokes a very low threshold standard, requiring only sufficient foundational evidence for the trier of fact to conclude that the item is what the proponent claims it to be.” (¶ 15)

“Summary judgment is proper when (1) there is no genuine issue as to any material fact; (2) the moving party is entitled to judgment as a matter of law; and (3) based on the evidence submitted, reasonable minds can come to only one conclusion, and that conclusion is adverse to the nonmoving party, who is entitled to have the evidence construed most strongly in his or her favor.” (¶ 22)

“The burden then shifted to Hanson to show that a genuine issue of material fact existed for trial.” (¶ 28)

FACTUAL BACKGROUND

Discover alleged that Hanson applied for and used a Discover credit-card account, failed to make required payments, and owed \$13,771.17. Discover submitted a cardmember agreement, periodic account statements, and an affidavit from Andrew Moore, who maintained and reviewed Discover account records and explained the records' creation and retention. Hanson did not submit an affidavit or other evidentiary materials disputing the account, balance, or charges.

PROCEDURAL HISTORY

Discover sued Hanson for an alleged unpaid credit-card balance of \$13,771.17. After unsuccessful mediation, Discover moved for summary judgment and supported the motion with an affidavit from its litigation support

coordinator and account records. The trial court granted summary judgment for Discover, and Hanson timely appealed.

DISPOSITION

affirmed

CASES CITED

- People's Bank, Natl. Assn. v. Tome, 2011-Ohio-5412, ¶ 13 (4th Dist.)
- Lawson v. Y.D. Song, M.D., Inc., 1997 WL 596293, *3 (4th Dist. Sept. 23, 1997)
- State v. Sage, 31 Ohio St.3d 173, paragraph two of the syllabus (1987)
- State v. Finnerty, 45 Ohio St.3d 104, 107 (1989)
- Johnson v. Southview Hosp., 2012-Ohio-4974, ¶ 20 (2d Dist.)
- Knoth v. Prime Time Marketing Mgt., Inc., 2004-Ohio-2426, ¶ 13 (2d Dist.)
- Weisbecker v. Weisbecker, 2006-Ohio-5840, ¶ 22 (12th Dist.)
- SFJV 2005, L.L.C. v. Ream, 2010-Ohio-1615, ¶ 46 (2d Dist.)
- State v. Carter, 2000 WL 1466189, *5 (4th Dist. Sept. 26, 2000)
- State v. Hood, 2012-Ohio-6208, ¶ 39
- State v. Hirtzinger, 124 Ohio App.3d 40, 49 (2d Dist. 1997)
- State v. Davis, 62 Ohio St.3d 326, 342 (1991)
- Dell Publishing Co., Inc. v. Whedon, 577 F. Supp. 1459, 1464 n.5 (S.D.N.Y. 1984)
- State Farm Mut. Auto. Ins. Co. v. Anders, 2012-Ohio-824, ¶ 12 (10th Dist.)
- State v. Myers, 2003-Ohio-4135, ¶ 58 (10th Dist.)
- Grafton v. Ohio Edison Co., 77 Ohio St.3d 102, 105 (1996)
- Rogers v. Olt, 2018-Ohio-2110, ¶ 18 (2d Dist.)
- Mishler v. Hale, 2014-Ohio-5805, ¶ 20 (2d Dist.)
- Mitseff v. Wheeler, 38 Ohio St.3d 112, 115 (1988)
- Dresher v. Burt, 75 Ohio St.3d 280, 292-293 (1996)
- Todd Dev. Co., Inc. v. Morgan, 2008-Ohio-87, ¶ 14
- Rumpke v. Acme Sheet and Roofing, Inc., 1999 WL 1034455, *4 (2d Dist. Nov. 12, 1999)
- Am. Sec. Serv. v. Baumann, 32 Ohio App.2d 237, 242 (10th Dist. 1972)
- Asset Acceptance Corp. v. Proctor, 2004-Ohio-623, ¶ 12 (4th Dist.)
- Nilavar v. Osborn, 137 Ohio App.3d 469, 483-484 (2d Dist. 2000)
- Doner v. Snapp, 98 Ohio App.3d 597, 600 (2d Dist. 1994)
- Capital One Bank (USA) v. Truss, 2019-Ohio-3290, ¶ 10 (2d Dist.)
- Taylor v. First Resolution Invest. Corp., 2016-Ohio-3444, ¶ 50
- Bank One, Columbus, N.A. v. Palmer, 63 Ohio App.3d 491, 493 (10th Dist. 1989)
- Capital One, N.A. v. Howard, 2024-Ohio-275, ¶ 12 (2d Dist.)

- Discover Bank v. Poling, 2005-Ohio-1543, ¶ 17 (10th Dist.)
- Ohio Receivables, L.L.C. v. Dallariva, 2012-Ohio-3165, ¶ 33 (10th Dist.)

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