

OHIO COURT OF APPEALS, TENTH APPELLATE DISTRICT

Curry v. Wendy's Internatl., L.L.C.

2026-Ohio-573 · No. 25AP-521 · Decided February 19, 2026

SUMMARY

The Tenth District Court of Appeals of Ohio dismissed Carline M. Curry's appeal from the dismissal of her workers' compensation complaint. The court held that, as a person declared a vexatious litigator, Curry was required to obtain leave to proceed before initiating the appeal, and that representation by counsel did not eliminate that requirement.

CASE DETAILS

COURT	Ohio Court of Appeals, Tenth Appellate District
WRITING FOR THE COURT	Mentel, J.; Beatty Blunt, J.; Edelstein, J.
JURISDICTION	Ohio Court of Appeals, Tenth Appellate District
DECIDED	February 19, 2026
DOCKET	25AP-521
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from the Franklin County Court of Common Pleas' dismissal of Curry's notice of appeal and complaint concerning an Industrial Commission of Ohio workers' compensation decision.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Carline M. Curry v. Wendy's International, LLC, et al.

TOPICS

[appellate jurisdiction](#)[writ of certiorari](#)[appellate procedure](#)[civil procedure](#)[workers compensation](#)

PRACTICE AREAS

[Appellate procedure](#)[Civil procedure](#)[Workers' compensation](#)

QUESTIONS PRESENTED

- Whether a person previously declared a vexatious litigator must obtain leave from the court of appeals before initiating an appeal.
- Whether representation by counsel exempts a vexatious litigator from the statutory leave requirement.

3. Whether failure to obtain leave before expiration of the Appellate Rule 4 filing period deprives the court of appeals of jurisdiction.

HOLDINGS

1. A person subject to a vexatious-litigator order under R.C. 2323.52 must obtain leave from the court of appeals under R.C. 2323.52(F)(2) before instituting an appellate proceeding.
2. Representation by counsel does not exempt a vexatious litigator from the requirement to obtain leave before initiating a legal proceeding.
3. A vexatious litigator who does not obtain leave before expiration of the 30-day App.R. 4 filing period fails to invoke the appellate court's jurisdiction.

KEY QUOTATIONS

“An appellant’s failure to file an application for leave deprives the court of appeals of jurisdiction.” (§ 8)

“As such, R.C. 2323.52 not only applies to a vexatious litigator representing themselves pro se, but to a vexatious litigator represented by counsel.” (§ 9)

“As such, we are required to dismiss Curry’s appeal.” (§ 10)

FACTUAL BACKGROUND

Curry sought review of an Industrial Commission of Ohio decision denying her workers’ compensation claim based on alleged employment-related injuries at Wendy’s. Curry had previously been declared a vexatious litigator by the Richland County Court of Common Pleas. She initiated the proceedings and later appealed without first obtaining leave under Ohio’s vexatious-litigator statute, although she was represented by counsel.

PROCEDURAL HISTORY

Curry filed a notice of appeal and complaint in the Franklin County Court of Common Pleas from the Industrial Commission’s denial of her workers’ compensation claim. Wendy’s moved to dismiss because Curry had previously been declared a vexatious litigator and had not obtained statutory leave to proceed. The trial court granted the motion, and Curry appealed. The Tenth District dismissed the appeal because Curry had not obtained leave from the appellate court before initiating the appeal.

DISPOSITION

dismissed

CASES CITED

- State ex rel. Huber Hts. Veterans Club, Inc. v. Skelton, 2023-Ohio-485
- State ex rel. Sapp v. Franklin Cty. Court of Appeals, 2008-Ohio-2637
- RRL Holding Co. of Ohio, LLC v. Stewart, 2021-Ohio-3989

- De Leon Lomaz v. Ohio DOC Div. of State Fire Marshal, 2005 U.S. Dist. LEXIS 63928, *8 (N.D. Ohio June 8, 2005)
- State ex rel. Everhart v. McIntosh, 2007-Ohio-4798, ¶ 8
- Prime Equip. Group, Inc. v. Schmidt, 2015-Ohio-3683

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