

OHIO COURT OF APPEALS, FIFTH APPELLATE DISTRICT, STARK
COUNTY

Pisani v. Schleig

2025-Ohio-5794 · No. 2025CA00066 · Decided December 29, 2025

SUMMARY

The Ohio Fifth District Court of Appeals dismissed Roger Gates's appeal from Stark County Probate Division orders concerning the appraisal and proposed sale of real property belonging to a ward. The court held that Gates's pro se appellate brief substantially failed to comply with Ohio Appellate Rule 16(A) and dismissed the appeal for want of prosecution under Appellate Rule 18(C).

CASE DETAILS

COURT	Ohio Court of Appeals, Fifth Appellate District, Stark County
WRITING FOR THE COURT	William B. Hoffman, P.J.; Andrew J. King, J.; David M. Gormley, J.
JURISDICTION	Ohio Court of Appeals, Fifth Appellate District, Stark County
DECIDED	December 29, 2025
DOCKET	2025CA00066
DISPOSITION	dismissed
PROCEDURAL POSTURE	Roger Gates appealed the Stark County Court of Common Pleas, Probate Division's orders requiring him to cooperate with an appraisal of estate real property and summarily overruling his pending motions. The appellate court dismissed the appeal because Gates's brief failed to comply with App.R. 16(A).
STANDARD OF REVIEW	Dismissal for failure to comply with appellate briefing requirements under App.R. 16(A) and App.R. 18(C).
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Roger Gates v. Silas M. Pisani, legal guardian of the estate of Charlotte Schleig

TOPICS

- appellate procedure
- probate procedure
- guardianship procedure
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the appeal should be dismissed because the appellant's brief failed to comply with the mandatory requirements of App.R. 16(A).
2. Whether the appellate court could construct legal arguments on behalf of a pro se appellant whose brief lacked a cogent argument.

HOLDINGS

1. An appellate court may dismiss an appeal for want of prosecution under App.R. 18(C) when the appellant's brief substantially fails to comply with the mandatory requirements of App.R. 16(A) and the deficiencies cannot be cured.
2. A pro se litigant is required to comply with the rules of appellate practice and procedure, and an appellate court may not construct legal arguments in support of a deficient appeal.

KEY QUOTATIONS

"like members of the bar, pro se litigants are required to comply with rules of practice and procedure." (¶ 5)

"Because we find Appellant's brief so completely in derogation of App.R. 16, we dismiss his appeal for want of prosecution pursuant to App.R. 18(C)." (¶ 6)

FACTUAL BACKGROUND

Charlotte Schleg, the ward, owned real property in Canton, Ohio and resided in a nursing care facility. Silas M. Pisani, the legal guardian of her estate, sought authority to sell the property. Roger Gates, whose address was listed as the property address, objected through numerous motions; the probate court ordered an appraisal and required Gates to cooperate.

PROCEDURAL HISTORY

Pisani, as legal guardian of Charlotte Schleg's estate, filed a complaint seeking authority to sell estate real property. The probate court ordered an appraisal and directed Gates to cooperate, while separately overruling Gates's pending motions. Gates appealed those May 22, 2025 judgments, but the appellate court dismissed the appeal for failure to prosecute under App.R. 18(C).

DISPOSITION

dismissed

CASES CITED

- Zanesville v. Robinson, 2010-Ohio-4843, ¶ 26 (5th Dist.)

- Musleve v. Musleve, 2008-Ohio-3961, ¶ 21 (5th Dist.)
- State v. Darby, 2019-Ohio-2186, ¶¶ 21-24 (5th Dist.)
- Hardy v. Belmont Correctional Inst., 2006-Ohio-3316, ¶ 9 (10th Dist.)
- Oyler v. Oyler, 2014-Ohio-3468, ¶¶ 18-19 (5th Dist.)
- DeHart v. Aetna Life Ins. Co., 69 Ohio St.2d 189, 193 (1982)
- Whitehall v. Ruckman, 2007-Ohio-6780, ¶ 20 (10th Dist.)
- State ex rel. Petro v. Gold, 2006-Ohio-943, ¶ 94 (10th Dist.)

OPINION

Pisani v. Schleig

2025 Ohio 5794

PER CURIAM.

[Cite as Pisani v. Schleig, 2025-Ohio-5794.]

COURT OF APPEALS

STARK COUNTY, OHIO

FIFTH APPELLATE DISTRICT

SILAS M. PISANI, LEGAL GUARDIAN Case No. 2025CA00066

OF THE ESTATE OF CHARLOTTE

SCHLEIG Opinion and Judgment Entry Plaintiff – Appellee Appeal from the Stark County Court of Common Pleas, Probate Division, Case No. -vs- 250721 CHARLOTTE SCHLEIG, ET AL., Judgment: Appeal Dismissed Defendants Date of Judgment Entry: December 29, 2025 and ROGER GATES

Defendant - Appellant BEFORE: William B. Hoffman, Andrew J. King, David M. Gormley, Appellate Judges APPEARANCES: Roger Gates. Defendant-Appellant, pro se

OPINION

Hoffman, P.J. {¶1} Defendant-appellant Roger Gates appeals the judgments entered by the Stark County Common Pleas Court, Probate Division, ordering him to cooperate with the appraisal of real property and overruling numerous motions filed by Appellant. Plaintiff- appellee is Silas M. Pisani, legal guardian of the estate of Charlotte Schleig (hereinafter “the Ward”).

STATEMENT OF THE CASE

{¶2} On November 4, 2024, Appellee filed a complaint in the Stark County Common Pleas Court, Probate Division, for authority to sell real property owned by the Ward, who resides in a nursing care facility. The real estate in question is located in Canton, Ohio. The named defendants included Appellant, whose residential address as set forth in the complaint is the same as the property of the Ward which Appellee sought authority to sell. Appellant filed numerous motions in objection to the sale of the property. On May 22, 2025, the trial court ordered an appraisal of the property and ordered Appellant to cooperate with the appraisal. By separate entry filed May 22, 2025, the trial court also summarily overruled Appellant’s pending motions. It is from the May 22, 2025,

judgments of the trial court Appellant prosecutes his appeal. {¶3} App. R. 16(A) sets forth the requirements of an appellate brief: (A) Brief of the appellant. The appellant shall include in its brief, under the headings and in the order indicated, all of the following:

- (1) A table of contents, with page references.
- (2) A table of cases alphabetically arranged, statutes, and other authorities cited, with references to the pages of the brief where cited.
- (3) A statement of the assignments of error presented for review, with reference to the place in the record where each error is reflected.
- (4) A statement of the issues presented for review, with references to the assignments of error to which each issue relates.
- (5) A statement of the case briefly describing the nature of the case, the course of proceedings, and the disposition in the court below.
- (6) A statement of facts relevant to the assignments of error presented for review, with appropriate references to the record in accordance with division (D) of this rule.
- (7) An argument containing the contentions of the appellant with respect to each assignment of error presented for review and the reasons in support of the contentions, with citations to the authorities, statutes, and parts of the record on which appellant relies. The argument may be preceded by a summary.
- (8) A conclusion briefly stating the precise relief sought.

{¶4} Appellant's brief does not satisfy the requirements of App. 16(A); therefore, the brief is noncompliant. Compliance with the above-stated rule is mandatory. *Zanesville v. Robinson*, 2010-Ohio-4843, ¶ 26 (5th Dist.). "It is not the function of this court to construct a foundation for [an appellant's] claims; failure to comply with the rules governing practice in the appellate court is a tactic which is ordinarily fatal." *Musleve v. Musleve*, 2008-Ohio-3961, ¶ 21 (5th Dist.). Such deficiencies permit this court to dismiss Appellant's appeal. *State v. Darby*, 2019-Ohio-2186, ¶¶ 21-24 (5th Dist.). {¶5} We understand Appellant has filed this appeal pro se. Nevertheless, "like members of the bar, pro se litigants are required to comply with rules of practice and procedure." *Hardy v. Belmont Correctional Inst.*, 2006-Ohio-3316, ¶ 9 (10th Dist.). Although "an appellate court will ordinarily indulge a pro se litigant where there is some semblance of compliance with the appellate rules," *Oyler v. Oyler*, 2014-Ohio-3468, ¶¶ 18-19 (5th Dist.), we find Appellant's noncompliance with the appellate rules is significant and his brief lacks any cogent argument. "[F]airness and justice are best served when a court disposes of a case on the merits"; however, we find Appellant's brief in the instant case reflects a substantial disregard for the court rules which cannot be cured. *DeHart v. Aetna Life Ins. Co.*, 69 Ohio St.2d 189, 193 (1982). We "may not construct legal arguments in support of an appellant's appeal." *Whitehall v. Ruckman*, 2007-Ohio-6780, ¶ 20 (10th Dist.), quoting *State ex rel. Petro v. Gold*, 2006-Ohio-943, ¶ 94 (10th Dist.). {¶6} Because we find Appellant's brief so completely in derogation of App.R. 16, we dismiss his appeal

for want of prosecution pursuant to App.R. 18(C). Costs are assessed to Appellant. By: Hoffman, P.J. King, J. and Gormley, J. concur

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