

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 Schleig, 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 Schleig'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.)

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