

OHIO COURT OF APPEALS, FIFTH APPELLATE DISTRICT, STARK
COUNTY

Dunson v. Adam Lee Auto Body

2026-Ohio-322 · No. 2025CA00105 · Decided February 2, 2026

SUMMARY

The Fifth District Court of Appeals of Ohio affirmed the Canton Municipal Court's judgment granting summary judgment in favor of Adam Lee Auto Body. The court disregarded and overruled David Dunson's assignments of error because his one-page appellate brief failed to provide relevant facts, legal authority, record citations, or meaningful argument as required by the Ohio Rules of Appellate Procedure.

CASE DETAILS

COURT	Ohio Court of Appeals, Fifth Appellate District, Stark County
WRITING FOR THE COURT	Craig R. Baldwin, P.J.; Kevin W. Popham, J.; David M. Gormley, J.
JURISDICTION	Ohio Court of Appeals, Fifth Appellate District, Stark County
DECIDED	February 2, 2026
DOCKET	2025CA00105
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appellant appealed the Canton Municipal Court's entry of summary judgment for appellee.
PRECEDENTIAL VALUE	Published
PARTIES	David Dunson v. Adam Lee Auto Body

TOPICS

- appellate procedure
- civil procedure
- summary judgment
- contracts

PRACTICE AREAS

- appellate procedure
- civil procedure
- contracts
- summary judgment

QUESTIONS PRESENTED

1. Whether the appellate court should consider assignments of error that are presented without a statement of relevant facts, citations to authority or the record, and meaningful argument as required by App.R. 16.

2. Whether Dunson's assignments of error concerning summary judgment and the trial court's treatment of video and text-message evidence should be disregarded for inadequate briefing.

HOLDINGS

1. An appellate court may disregard assignments of error when the appellant fails to provide a statement of relevant facts, citations to applicable law and the record, and meaningful argument as required by App.R. 16.

KEY QUOTATIONS

“The court may disregard an assignment of error presented for review if the party raising it fails to identify in the record the error on which the assignment of error is based or fails to argue the assignment separately in the brief, as required under App.R. 16(A).” (¶ 7)

“If an argument exists that can support [an] assignment of error, it is not this court’s duty to root it out.” (¶ 9)

FACTUAL BACKGROUND

Dunson's claims concerned whether Adam Lee Auto Body performed contracted painting and body work on Dunson's 1971 Pontiac Grand Prix. Dunson also asserted that video and text-message evidence showed factual disputes concerning the quality and completion of the work. The appellate court did not reach the merits because Dunson failed to provide a statement of facts, legal authorities, record citations, or meaningful argument.

PROCEDURAL HISTORY

The Canton Municipal Court entered judgment for Adam Lee Auto Body on June 24, 2025. David Dunson appealed, asserting that genuine issues of material fact existed regarding contracted painting and body work and that the trial court failed to consider video and text-message evidence. The Fifth District Court of Appeals affirmed because Dunson's brief failed to comply with the appellate briefing requirements.

DISPOSITION

affirmed

CASES CITED

- Hawley v. Ritley, 35 Ohio St.3d 157 (1988)
- Uncapher v. Baltimore & O.R. Co., 127 Ohio St. 351 (1933)
- State v. Romy, 2021-Ohio-501, ¶¶ 35-36 (5th Dist.)
- Catanzarite v. Boswell, 2009-Ohio-1211, ¶ 16 (9th Dist.)

OPINION

PER CURIAM.

[Cite as Dunson v. Adam Lee Auto Body, 2026-Ohio-322.] COURT OF APPEALS STARK COUNTY, OHIO FIFTH APPELLATE DISTRICT DAVID DUNSON, Case No. 2025CA00105 Plaintiff - Appellant Opinion And Judgment Entry -vs- Appeal from the Canton Municipal Court, Case No. 2025CVI2452 ADAM LEE AUTO BODY, Judgment: Affirmed Defendant – Appellee Date of Judgment Entry: February 2, 2026 BEFORE: Craig R. Baldwin; Kevin W. Popham; David M. Gormley, Judges APPEARANCES: DAVID DUNSON, Pro Se, for Plaintiff-Appellant; NO APPEARANCE, for Defendant-Appellee.

Baldwin, P.J. {¶1} The appellant, David Dunson, appeals the June 24, 2025, Judgment Entry from the Canton Municipal Court. The appellee is Adam Lee Auto Body. I., II. {¶2} Before reaching the merits of this appeal, we first address the appellant’s brief.

The appellant has filed a one-page brief only summarily listing two assignments of error: {¶3} “I. THE TRIAL COURT ERRED IN GRANTING SUMMARY JUDGMENT IN FAVOR OF APPELLEE, BECAUSE GENUINE ISSUES OF MATERIAL FACT EXISTED REGARDING WHETHER APPELLEE PERFORMED THE CONTRACTED PAINTING AND BODY WORK ON APPELLANT’S 1971 PONTIAC GRAND PRIX.” {¶4} “II. THE TRIAL COURT ERRED BY FAILING TO CONSIDER ADDITIONAL VIDEO AND TEXT MESSAGE EVIDENCE OFFERED BY APPELLANT, WHICH DEMONSTRATED MATERIAL FACTUAL DISPUTES REGARDING THE QUALITY AND COMPLETION OF THE CONTRACTED WORK.” {¶5} The appellant has not provided any facts with appropriate references to the record, reasons in support of his contentions, citations to authorities, statutes, and parts of the record on which the appellant relies. {¶6} App.R.

16 states, in pertinent part: Brief of the Appellant. The appellant shall include in its brief, under the headings and in the order indicated all of the following: ** (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. {¶7} App.R. 12(A)(2) states, “(2) The court may disregard an assignment of error presented for review if the party raising it fails to identify in the record the error on which the assignment of error is based or fails to argue the assignment separately in the brief, as required under App.R. 16(A).” {¶8} An appellate court may rely upon App.R.

12(A) in overruling or disregarding an assignment of error because of “the lack of briefing” on the assignment of error. *Hawley v. Ritley*, 35 Ohio St.3d 157 (1988). “Errors not treated in the brief

will be regarded as having been abandoned by the party who gave them birth.” *Uncapher v. Baltimore & O.R. Co.*, 127 Ohio St. 351 (1933). “ ‘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 courts is a tactic which is ordinarily fatal.’ ” *State v. Romy*, 2021-Ohio-501, ¶36 (5th Dist.); quoting *Catanzarite v. Boswell*, 2009-Ohio-1211, ¶16 (9th Dist.). {¶9} The appellant has failed to brief the assignments of error in any meaningful way by omitting a statement of facts, citations to applicable law, and any argument. “If an argument exists that can support [an] assignment of error, it is not this court’s duty to root it out.” *Romy* at ¶35.

Therefore, we may disregard these assignments of error since he failed to provide a statement of relevant facts, citations to applicable law, and any argument in support of the alleged errors. {¶10} Accordingly, the appellant’s first and second assignments of error are overruled. CONCLUSION {¶11} Based upon the foregoing, the judgment of the Canton Municipal Court, Stark County, Ohio is hereby affirmed. {¶12} Costs to the appellant.

By: Baldwin, P.J. Popham, J. and Gormley, J. concur.