

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

YEHIA MARREEZ,	:	APPEAL NO. C-230334
Plaintiff-Appellant,	:	TRIAL NO. 22CV-03333
vs.	:	<i>JUDGMENT ENTRY.</i>
JIM COLLINS AUTO BODY, INC.,	:	
Defendant-Appellee.	:	

The court sua sponte removes this cause from the regular calendar and places it on the court’s accelerated calendar, 1st Dist. Loc.R. 11.1(C)(1), and this judgment entry is not an opinion of the court. See Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.

Yehia Marreez appeals the trial court’s decision entering judgment for Jim Collins Auto Body, Inc., (“Collins Auto”) after he sued the shop for damages. Ultimately, we affirm the judgment of the trial court because Mr. Marreez failed to establish how any of his current damages claims are new and could not have been brought in his first lawsuit against Collins Auto. Our legal system generally requires that parties bring any and all claims they have against a party relating to a single incident in a single lawsuit. Otherwise, courts and defendants would become overwhelmed with cases and claims, and our system would grind to a halt. This doctrine is known as “res judicata,” and it appears that the trial court resolved the case below on those grounds. Because Mr. Marreez does not present an argument explaining how the doctrine would not apply, we affirm the trial court’s judgment in favor of Collins Auto.

Mr. Marreez first sued Collins Auto in 2020, asking for the return of his vehicle after Collins Auto retained possession of it because Mr. Marreez refused to pay for the shop's inspection of the vehicle. On appeal from the trial court's decision denying replevin, this court reversed the trial court's judgment, concluding that Collins Auto violated the Ohio Consumer Sales Practice Act by billing Mr. Marreez for the inspection without first providing him an estimate for that service, thus forfeiting its right to a common law garagemen's lien. *Marreez v. Jim Collins Auto Body, Inc.*, 1st Dist. Hamilton No. C-210192, 2021-Ohio-4075, ¶ 10-11. A magistrate then granted Mr. Marreez's request for replevin, ordering Collins Auto to return the vehicle. But it refused to return the vehicle because the order had not been signed by a trial court judge and because Mr. Marreez refused to sign a general release of liability. The trial court granted Mr. Marreez's subsequent motion for an order of recovery and immediate possession, and the vehicle was returned to him on or around February 8, 2022.

Later that month, Mr. Marreez filed a second lawsuit against Collins Auto, this time seeking \$6,000 in damages across five claims, including "electromechanical auto-damages," non-reimbursed medical bills, pain and suffering, "personal injury due to social, familial, medical, and behavioral troubles," and inability to regularly see his minor children. Following a bench trial at which Collins Auto raised *res judicata* in its defense, the magistrate entered judgment for Collins Auto without stating findings of fact or conclusions of law, which Mr. Marreez did not request. He objected to the magistrate's decision, making the same arguments he now makes on appeal, but he failed to file a transcript of the trial. The trial court overruled his objections and approved and adopted the magistrate's decision without stating a basis. Mr. Marreez now appeals, raising four assignments of error.

We first note that because Mr. Marreez did not request findings of fact or conclusions of law, the magistrate was not required to provide any. Civ.R. 53(D)(3)(a)(ii) ("Subject to the terms

of the relevant reference, a magistrate’s decision may be general unless findings of fact and conclusions of law are timely requested by a party or otherwise required by law.”). Further, because he failed to file a transcript of the trial when raising objections to the magistrate’s decision in the trial court, we cannot consider the content of the trial, even though a transcript of the trial is now a part of the appellate record. *See Herbert v. Herbert*, 12th Dist. Butler No. CA2011-07-132, 2012-Ohio-2147, ¶ 15 (“[W]hen reviewing a magistrate’s decision adopted by the trial court, an appellate court is precluded from considering evidence not before the court below.”); *State ex rel. Pallone v. Ohio Court of Claims*, 143 Ohio St.3d 493, 2015-Ohio-2003, 39 N.E.3d 1220, ¶ 11. Nonetheless, his legal arguments raised in his objections to the magistrate’s decision are preserved for appeal and are properly before this court. Civ.R. 53(D)(3)(b)(iv); 2013 Staff Note, App.R. 9 (“[T]he absence of a transcript or affidavit at the trial court level should not preclude appellate review of a legal determination, so long as the appellant complied with the objection requirements of the applicable magistrate rule.”).

Even so, we find no merit in Mr. Marreez’s legal arguments. Setting aside the fact he does not challenge Collins Auto’s argument that his claims are barred by the doctrine of res judicata, the four assignments of error he does raise lack support in the record. Any appellant before this court, including pro se appellants, must follow the court’s local rules and the Ohio Rules of Appellate Procedure, which require that the appellant advance an argument “with citations to the authorities, statutes, and parts of the record on which appellant relies.” App.R. 16(A)(7); 1st Dist. Loc.R. 16.1(A)(4); *see Fountain v. Sandhu*, 1st Dist. Hamilton No. C-200011, 2021-Ohio-2750, ¶ 13. Though he raises arguments using legal terms like “jurisdiction,” “joinder,” and “lack of prosecution,” none of his arguments sufficiently come together for this court to fully consider. Even filling in some of the analytical gaps for him, we find no support in the record for his claims

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of error. Therefore, we overrule his four assignments of error and affirm the judgment of the trial court.

A certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs should be taxed under App.R. 24.

BERGERON, P.J., CROUSE and WINKLER, JJ.

To the clerk:

Enter upon the journal of the court on January 26, 2024,
per order of the court _____.

Administrative Judge