

Appendix A - I**APPENDIX A**

A1- A4 Lower Court decision. Court gave me two cases should be the same case.

APPENDIX B

B1- B5 Complaint to Equal Employment Opportunity Committee; Complaint on page B5 tells how in 1998 Bob was promoted over me for Operator Supervisor job no license. He better fit the City's need. They then waited for him to get his Class III License in 2007 and promoted him within 60 days to Operations Supervisor: I have had my Class III since 1986; While they wouldn't sign my application to resubmit my Application for my Class IV Thesis from 2010 to present.. I became eligible to apply for the Class IV Wastewater Thesis in 2007 due to a Rule change.

B1 Complaint I retired in 2015, and before I retired I advised the City I was interested in being rehired as similarly situated employees; they did not give me an opportunity. (Pretreatment Coordinator / Environmental Compliance Supervisor (revised job description). They gave the job to another candidate. The Plant Managers job then became available Bob Coker and I both applied. They gave the job to Bob Coker who held the Operations Supervisor Job. They did not fill the Operations Supervisors job to deny me the opportunity to apply because I was qualified. I held a Class III Wastewater Operator License and a Class II Lab Analysts Certificate. A year later they gave the Operations Supervisor job to the Environmental Compliance Supervisor without posting the job and did not fill her position.

B2 General Information about me and the Employer

B3 - B4 Reason for Discrimination, Race, Sex, Retaliation and Disability.

The disability was being a woman and the City not making the men do their jobs. When a woman is given an opportunity she needs Upper Management support and Supervisory Tools, right to discipline and evaluate employees to correct unsatisfactory behaviors and incompetence.

B5 Complaint on page B5 tells how in 1998 Bob was promoted over me for Operator Supervisor job no license. He better fit the City's need. They then waited for him to get his Class III License in 2007 and promoted him within 60 days to Operations Supervisor: I have had my Class III since 1986; While they wouldn't sign my application to resubmit my Application for my Class IV Thesis from 2010 to present.. I became eligible to apply for the Class IV Wastewater Thesis in 2007 due to a Rule change.

APPENDIX C

Appendix C 1 -20 Original Complaint Filed at the Franklin
County Court of Common Pleas Court
C-21 - C25 Court required Explanation of documentation included
in initial complaint.

APPENDIX D

D1- D4 From Mr. Remy saying he was not aware that Marc
picked up files at the Commence Center. I enclosed the emails to
Mr. Remy and he was aware that Marc had them pick up the files
and he said it was not the City's responsibility to provide me with
the information to

Show I was in charge to resubmit my Class IV Wastewater Thesis.

D5 - D5c Shows I initially applied for Wastewater Thesis on 8-7-
2007.

D6 - D7 Applied for Second Section of Application on April 12, 2007, recommended for failure because I was missing information that the Ohio Environmental Protection Agency wanted included. Reapplied on 7/13/2011, Marc was mad at me and wouldn't sign my application.

D8 - D8 Since Marc didn't want to sign my Application he called Columbus and talked to Susan Perkins and she said he shouldn't sign it because he wasn't there during that time. No management personnel that were employed during that time period was there. So who signs my application? He signed it the first time so he should of signed it the second time (retaliation)?

D9 - D9 The Attorney General said if the City did not admit I was second in command they would not be able to settle the request for adjudication in my favor.

D10 - D11 I called the Ex City Engineer who was employed by the County and he sent a email telling them I was second in command and they still would not sign my application.
(Retaliation)?

D12 _ D13b They denied my second submittal of my Class IV because the City would not admit I was second in command. They wanted me to file an appeal against Ohio Environmental Protection Agency for 70 dollars by February 18, 2012, I opened the letter after that date and I did not have the seventy dollars and did not want to sue the Ohio Environmental Protection Agency it was the City who would not tell them I was second in command. In paragraph number 13 they said if and when the City provided information that I had two years of management experience I could re file a new application. I have the experience and the City won't provide the documentation.

D14 thru D 18a Documentation stating I was second in command from Mr. Jim Lichtenwalter, Ex Chief City Engineer for the City of Mansfield.

D19 - D20 Lab and Operator Certification cards.

D21 - D24 Signed Absence Reports and Sick Slicks for Employees: Ed LeMaster, Ctto Kulda and Bob Coker who were later promoted into Management. These documents show I was in charge because if I wasn't in charge I would have not signed their absence reports.

D25 - D25 I asked for Records request for someone to search personnel files and find sick slips that I signed for employees. They did not do it. I gave Management the ones I had in my possession and they still wouldn't sign my Application.

D26 -d26 Letter from Attorney General Office to see how the City was coming in providing me the information to show I was in charge. They did not give it to me (Retaliation)

D27 - D27 I sent a letter to Samuel Wilson at Ohio Environmental Protection Agency asking them to leave my case open until the City provided me the Information.

D28 - D29 Over List for Operators in 1996 where I called in employee to work on Thickener Sludge Pump and Ed LeMaster called off and Carl Morgan worked. This was before Ed became Management

Appendix E

E1 - E4 Motioned the Court for an extension of time to file documents and a Trial by Jury if not awarded Summary Judgement.

Appendix F

F1 - F1 Case originally filed in Franklin County Common Please Court

F2 - F3 The City submitted their answer in defenses under Perjury, Fraud, and subornation of Perjury denied all allegations and that

plaintiff is not entitled to relief. (Bad Faith Affadavit Rule 56 G
Summary Judgement)

F4 - f6 Documents to court on Defendants answering complaint
under Perjury.

F7 - F8 Franklin County Transferred my case to Richland County
and I objected.

F9 - F10 Motion for Summary Judgement in the relief of 400,000
dollars., Three Hundred Thousand for Punitive and Compensatory
damages and 100,000 for attorney fee: and Trial by Demand if
Summary Judgement not granted.

APPENDIX G

G1 - G4 Motion for Reconsideration, stay to obtain an Attorney,
extension of time to file documents, notation to court that I do
want to prosecute case.

G5 - G8 Charge of Discrimination , indication that I motioned the court for a trial by jury and it was not provided.

G9 - G 14 Brief to Fifth District Court of Appeal

G 15 Exhibit A1 through a61 Documents in Support of the Brief

APPENDIX H

H1 - H12 Assignments of Error for Judge

Exhibit A A1 - A43 in support of Error

APPENDIX I

I1 - I5 Notice of Appeal to Ohio Supreme Court

I6 - I12 Memorandum in Support of Jurisdiction

FILED

The Supreme Court of Ohio

JAN 22 2021

CLERK OF COURT
SUPREME COURT OF OHIO

Carline M. Curry

v.

City of Mansfield, et al.

Case No. 2020-1378

B N T R Y

Upon consideration of the jurisdictional memoranda filed in this case, the court
declines to accept jurisdiction of the appeal pursuant to S.Ct.Prac.R. 7.08(B)(4).

(Richland County Court of Appeals; No. 2020 CA 00005)

Maureen O'Connor

Maureen O'Connor
Chief Justice

COURT OF APPEALS
RICHLAND COUNTY, OHIO
FIFTH APPELLATE DISTRICT

COURT OF
RICHLAND COUNTY OHIO
FILED

2020 OCT -6 A 8:29

CARLINE M. CURRY,

Plaintiff - Appellant

-vs-

CITY OF MANSFIELD, et al.,

Defendant – Appellee

LINDA H. FRARY
CLERK OF COURTS

JUDGMENT ENTRY

Case No. 2020 CA 00005

This matter comes before the court on the motions of appellant. The first motion, filed September 15, 2020 contains a caption that is more a narrative and does not encapsulate the nature of the motion aside for oblique requests for an extension of time to obtain an attorney and "correct brief." Appellant concludes this motion by requesting reconsideration and extension of time to correct deficiencies.

The second motion also contains a lengthy caption regarding "reversal and reopen case," "awarding summary judgment," and "motion for leave to file document to cure brief deficiencies. Appellant's motion rehashes her argument for an award of summary judgment and appellant has attached several pages of documents that are not referenced in the body of the motion.

We have not received a response from the appellee.

Appellant's motions, taken in the context of the status of the case, can only be considered as an application to reconsider our decision to dismiss her appeal for failure to prosecute, journalized on August 17, 2020 and delivered to the parties on August 19, 2020.

Appellate Rule 26 addresses applications for reconsideration and states in relevant part that: "Application for reconsideration of any cause or motion submitted on appeal shall be made in writing no later than ten days after the clerk has both mailed to the parties the judgment or order in question and made a note on the docket of the mailing as required by App. R. 30(A)." While it does control the timing of the application, App. R. 26 does not provide specific guidelines to determine whether a decision should be reconsidered or modified. "The test generally applied is whether the motion for reconsideration calls to the attention of the court an obvious error in its decision or raises an issue for our consideration that was either not considered at all or was not fully considered by us when it should have been." *Corporex Dev. & Construction Mgt., Inc. v. Shook, Inc.*, 10th Dist. Franklin No. 03AP-269, 2004-Ohio-2715, ¶ 3-4 quoting *Matthews v. Matthews* (1981), 5 Ohio App.3d 140, 143, 450 N.E.2d 278.

Appellant's application was due on or before August 29, 2020, but was filed September 15th and 18th, and is therefore seriously delinquent. Because Appellant has not shown good cause for the late filing, the application for reconsideration is denied. Even if we were to consider the motion on the merits, the application would be denied as appellant has neither called to the court's attention an obvious error in its decision nor raised an issue for our consideration that was either not considered at all or was not fully considered when it should have been.

Application denied.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served according to appellate rules and by

Regular Mail.
 Placed in Counsel's box in Clerk of Courts
this 1 day of Oct, 2020

Wheeler
Clerk of Courts

IT IS SO ORDERED



HON. CRAIG R. BALDWIN

CC: Carlene Cung
Gregory Beck
Andrea Franks

COURT OF APPEALS
RICHLAND COUNTY, OHIO
FIFTH APPELLATE DISTRICT

COURT OF APPEALS
RICHLAND COUNTY, OHIO
FILED
2020 AUG 18 P 3:31
LINDA H. FRARY
CLERK OF COURTS

CARLINE M. CURRY, : JUDGES:
Plaintiff - Appellant : Hon. William B. Hoffman, P.J.
-vs- : Hon. Patricia A. Delaney, J.
CITY OF MANSFIELD, et al., : Hon. Craig R. Baldwin, J.
Defendant - Appellees : Case No. 2020 CA 0005
: O P I N I O N

CHARACTER OF PROCEEDING: Appeal from the Richland County
Court of Common Pleas, Case No.
2018 CV 0642

JUDGMENT: Dismissed

DATE OF JUDGMENT:

APPEARANCES:

For Plaintiff-Appellant
CARLINE CURRY, Pro se
606 Bowman Street
Mansfield, Ohio 44903

For Defendant-Appellees
GREGORY A. BECK
ANDREA K. ZIARKO
Baker, Dublikar, Beck,
Wiley & Mathews
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North Canton, Ohio 44720

RULE 58 (B) NOTICE
THIS JUDGMENT WAS ENTERED ON THE
COURT'S JOURNAL
ON 8-18-2020
BY Wiley

Richland County Clerk of Courts
Deputy Clerk

Richland County, Case No. 2020 CA 0005

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Baldwin, J.

{¶1} Appellant, Carline Curry appeals the decision of the Richland County Court of Common Pleas dismissing her complaint. Appellees are the City of Mansfield, Angelo Klousiadis, Dave Remy and Timothy Theaker.

STATEMENT OF FACTS AND THE CASE

{¶2} Appellant filed a complaint in the Franklin County Court of Common Pleas alleging discrimination and retaliation by appellees. The case was transferred to the Richland County Court of Common Pleas and thereafter the parties exchanged pleadings, Curry seeking summary judgment and appellees seeking judgment on the pleadings as well as summary judgment. The trial court found that Curry had made the same allegations in a prior case, Richland County Court of Common Pleas Case No. 17-CV-426 and that case was dismissed with prejudice and all appellate rights were exhausted. The trial court found Curry's claims in this case barred by res judicata, collateral estoppel, as well as issue and claim preclusion.

{¶3} The trial court also found that Curry failed to describe dates for the alleged continuing discrimination, preventing any analysis of the applicable statute of limitations and that she failed to state a claim for which relief may be granted. The trial court found that Curry:

failed to establish in her complaint that the Defendants individually were her employers, that she was a part of a protected class, and that she was discharged from a job or that she was not hired for a job that she was qualified to hold and was replaced by a person who did not belong to the protected class. Nor has she established in her complaint that she engaged

Richland County, Case No. 2020 CA 0005

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in protected activity and that she was, as a result, subject to adverse employment action.

{¶4} The trial court denied Curry's motion for summary judgment and granted appellees' motion for judgment on the pleadings and summary judgment. Curry appealed, but has not submitted any assignments of error.

{¶5} Curry has not only neglected to include assignments of error in her brief, she has also substantially failed to comply with the requirements of App.R. 16. The brief lacks a table of contents, a table of cases cited, a statement of the issues presented for review, a statement of the case briefly describing the nature of the case, the course of proceedings, and the disposition in the court below. While she refers to past incidents and events from prior cases, the haphazard nature of the statements prevent us from discerning a statement of facts relevant to the assignments of error presented for review, and the brief does not contain an argument of her contentions with citations to the authorities, statutes, and parts of the record on which appellant relies.

{¶6} Pursuant to App.R. 12(A)(2), we are not required to address issues which are not argued separately as assignments of error, as required by App.R. 16(A). *Kremer v. Cox*, 114 Ohio App.3d 41, 60, 682 N.E.2d 1006 (1996); *Hawley v. Ritley*, 35 Ohio St.3d 157, 159, 519 N.E.2d 390 (1988). Such deficiencies permit this court to dismiss appellant's appeal. *State v. Darby*, 5th Dist. Richland No. 2019 CA 0013, 2019-Ohio-2186, ¶¶ 21-24. We understand that 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.*, 10th Dist. No. 06AP-116, 2006-Ohio-3316, ¶ 9. See, also, *State v. Hall*, 11th Dist. No. 2007-T-0022, 2008-Ohio-2128, ¶ 11.

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And we recognize "an appellate court will ordinarily indulge a pro se litigant where there is some semblance of compliance with the appellate rules" *Oyler v. Oyler*, 5th Dist. Stark No. 2014CA00015, 2014-Ohio-3468, ¶¶ 18-19, but we find significant noncompliance with the appellate rules in the case before us as well as a lack of any cogent argument. While we note that "fairness and justice are best served when a court disposes of a case on the merits" we find that this brief reflects a flagrant, substantial disregard for the court rules that cannot be cured., *DeHart v. Aetna Life Ins. Co.*, 69 Ohio St.2d 189, 193, 431 N.E.2d 644 (1982), and we "may not construct legal arguments in support of an appellant's appeal." *Whitehall v. Ruckman*, 10th Dist. No. 07AP-445, 2007-Ohio-6780, ¶ 20, quoting *State ex rel. Petro v. Gold*, 166 Ohio App.3d 371, 2006-Ohio-943, ¶ 94 (10th Dist.), *appeal not allowed*, 110 Ohio St.3d 1439, 2006-Ohio-3862, *reconsideration denied*, 111 Ohio St.3d 1418, 2006-Ohio-5083. Appellant's brief in this case is so lacking in substance as to be of no legal consequence. *Byrd v. Byrd*, 10th Dist. Franklin No. 13AP-943, 2014-Ohio-2082, ¶¶ 5.

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{¶7} Because we find appellants' brief so completely in derogation of App.R. 16, her appeal is dismissed for want of prosecution pursuant to App.R. 18(C) and Loc.App.R. 5(B).

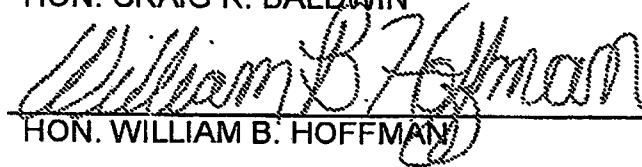
By: Baldwin, J.

Hoffman, P.J. and

Delaney, J. concur.



HON. CRAIG R. BALDWIN



HON. WILLIAM B. HOFFMAN



HON. PATRICIA A. DELANEY

CRB/dw

**Additional material
from this filing is
available in the
Clerk's Office.**