

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

CRISTIAL SATTERWHITE,	:	APPEAL NO. C-160506
	:	TRIAL NO. A-1500820
Plaintiff-Appellant,	:	
	:	
and	:	<i>JUDGMENT ENTRY.</i>
	:	
SYDNEY SHAUNTEE,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
FRISCH'S RESTAURANT, INC.,	:	
	:	
Defendant-Appellee,	:	
	:	
and	:	
	:	
OHIO MEDICAID,	:	
	:	
Defendant.	:	

We consider this appeal on the accelerated calendar, 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. 11.1.1.

Cristial Satterwhite appeals the summary judgment entered by the Hamilton County Court of Common Pleas in favor of Frisch's Restaurant, Inc., on her claim for negligence.

Satterwhite alleged that on January 14, 2014, while at Frisch's Montgomery Road location, she suffered an electrical shock from the breakfast bar. Further, she alleged that

Frisch's had breached its duty to her as a business invitee by creating and/or permitting a hazardous condition to exist at its restaurant and by failing to warn her of latent or concealed defects of which it knew or should have known. Frisch's denied all allegations.

The trial court resolved cross-motions for summary judgment in favor of Frisch's, finding in part that Satterwhite had failed to present any evidence of the type identified in Civ.R. 56(C). In her sole assignment of error, Satterwhite essentially argues that the trial court erred by granting summary judgment to Frisch's and by denying her motion for summary judgment in light of the evidence she presented in support of her claim. We review the trial court's decision on summary judgment de novo, applying the standards set forth in Civ.R. 56(C). *Comer v. Risko*, 106 Ohio St.3d 185, 186, 833 N.E.2d 712 (2005).

Satterwhite's assignment of error fails. We first note that Satterwhite failed to present her argument with the specificity demanded by App.R. 16(A)(7) and 1st Dist. Loc.R. 16.1(A)(3)(e) and (D), as she wholly failed to provide citation to the part of the record upon which she relies to support her argument.

Further, it is clear that Satterwhite's argument relies, at least in part, on documents and other materials that were not filed in the trial court. Any documents and exhibits not filed in the trial court are not a part of the record to be considered by this court on appeal. *See State v. Ishmail*, 54 Ohio St.2d 402, 377 N.E.2d 500 (1978). The composition of the record on appeal comprises "[t]he original papers and exhibits thereto filed in the trial court, the transcript of proceedings, if any, including exhibits, and a certified copy of the docket and journal entries prepared by the clerk of the trial court." App.R. 9(A)(1).

Although Satterwhite is a pro se litigant on appeal, and was a pro se litigant for part of the proceedings below, she is "bound by the same rules and procedures as those [civil] litigants who retain counsel." *Meyers v. First Natl. Bank of Cincinnati*, 3 Ohio

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App.3d 209, 210, 444 N.E.2d 412 (1st Dist.1981). Pro se litigants “are not to be accorded greater rights and must accept the results of their own mistakes and errors.” *Id.*

Therefore, we overrule the assignment of error and affirm the trial court’s judgment.

Further, a certified copy of this judgment entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

MOCK, P.J., CUNNINGHAM and MILLER, J.J.

To the clerk:

Enter upon the journal of the court on April 21, 2017
per order of the court _____.
Presiding Judge