

**IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
MONTGOMERY COUNTY**

BROWNMOR COMPANY LLC	:	
dba Roy Hageman & Son Trucking	:	Appellate Case No. 23673
	:	
Plaintiff-Appellee	:	Trial Court Case Nos. 2009-CVF-35
	:	
v.	:	
	:	(Civil Appeal from Montgomery
RODNEY TRIMBACH	:	County Court Area #2)
dba Trimbach Custom Homes	:	
	:	
Defendant-Appellant	:	
	:	

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OPINION

Rendered on the 18th day of June, 2010.

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THOMAS B. TALBOT, JR., Atty Reg. #0002615, Talbot & Ducker, Post Office Box 384
Wright Brothers Station, Dayton, Ohio 45402
Attorney for Plaintiff-Appellee

RODNEY TRIMBACH, 6605 Rolling Glen Drive, Huber Heights, Ohio 45424
Defendant-Appellant, *pro se*

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BROGAN, J.

{¶ 1} Rodney Trimbach appeals *pro se* from the trial court’s entry of judgment in favor of appellee Brownmor Company, LLC, for \$2,268 plus interest and costs.

{¶ 2} The record reflects that Brownmor sued Trimbach in Montgomery

County Court, seeking to recover the above amount for services rendered. The case appears to have proceeded to trial on August 25, 2009. Following post-trial briefing, the trial court entered judgment in favor of Brownmor based on the evidence presented. This appeal followed.

{¶ 3} Trimbach's sole argument is that Brownmor failed to prove it provided any services to him. Without a transcript or a statement of the evidence, however, we cannot determine whether Brownmor satisfied its burden of proof. The record does not reflect that Trimbach ordered a transcript, and no transcript has been filed.

{¶ 4} "The duty to provide a transcript of the evidence for appellate review falls upon the appellant." *Pickett v. Allied Waste Servs.*, Montgomery App. No. 22166, 2008-Ohio-2245, ¶6, citing *Knapp v. Edwards Laboratories* (1980), 61 Ohio St.2d197, 199. "When portions of the transcript necessary for resolution of assigned errors are omitted from the record, we have nothing to pass upon and, thus, we have no choice but to presume the validity of the lower court's proceedings and affirm." *Id.* Without a transcript or an App.R. 9(C) statement, we cannot review the evidence to determine whether the trial court erred in entering judgment in favor of Brownmor.

{¶ 5} Trimbach's assignment of error is overruled, and the trial court's judgment is affirmed.

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DONOVAN, P.J., and GRADY, J., concur.

Copies mailed to:

Thomas B. Talbot, Jr.
Rodney Trimbach
Hon. James D. Piergies