

**IN THE COURT OF APPEALS OF OHIO
ELEVENTH APPELLATE DISTRICT
GEAUGA COUNTY**

BRIAN KENNEDY,

Petitioner-Appellee,

- vs -

ALEA R. KENNEDY,

Respondent-Appellant.

CASE NO. 2024-G-0039

Civil Appeal from the
Court of Common Pleas

Trial Court No. 2022 DK 000080

MEMORANDUM
OPINION

Decided: January 13, 2025
Judgment: Appeal dismissed

Deanna L. DiPetta and Kathryn E. Meloni, Meyers, Roman, Friedberg & Lewis, 28601 Chagrin Boulevard, Suite 600, Cleveland, OH 44122 (For Petitioner-Appellee).

Alea R. Kennedy, pro se, 1101 Tropicana Avenue, No. 2121, Las Vegas, NV 89119 (Respondent-Appellant).

John H. Lawson, Prospect Park Building, 4614 Prospect Avenue, Suite 323, Cleveland, OH 44103 (Guardian Ad Litem).

JOHN J. EKLUND, J.

{¶1} On September 11, 2024, Appellant, Alea Kennedy, filed her Notice of Appeal. On December 6, 2024, Appellee, Brian Kennedy, notified this Court that the Geauga County Court of Common Pleas declared Appellant to be a vexatious litigator pursuant to R.C. 2323.52 on November 20, 2024, in Case No. 2024 M 000587. The court's docket in that case supports that assertion. Appellant has not contested it. On

December 12, 2024, we granted Appellant 14 days to seek leave to continue her appeal or to show cause why her appeal should not be dismissed for failure to do so.

{¶2} Appellant has not filed any motion seeking leave to continue her appeal.

{¶3} “Whenever it appears by suggestion of the parties or otherwise that a person found to be a vexatious litigator under this section has instituted, continued, or made an application in legal proceedings without obtaining leave to proceed from the appropriate court of common pleas or court of appeals to do so under division (F) of this section, the court in which the legal proceedings are pending shall dismiss the proceedings or application of the vexatious litigator.” R.C. 2323.52(I).

{¶4} When the word “shall” is used in a statute, compliance is mandatory unless there appears a clear and unequivocal legislative intent that it receive a construction other than its ordinary usage. See *Watkins v. Hall*, 2020-Ohio-4192, ¶ 5 (11th Dist.). This Court has also held that, “[a]bsent the requisite request for leave, a court of appeals is required to dismiss the proceedings.” *Id.*, quoting *Novotny v. Krlich*, 2017-Ohio-8287, ¶ 3 (11th Dist.).

{¶5} It appears that Appellant has been declared a vexatious litigator on November 20, 2024, in Case No. 2024 M 000587. Appellant has failed to seek leave to continue her appeal. Therefore, her appeal is dismissed.

MATT LYNCH, J.,

EUGENE A. LUCCI, J.,

concur.