

MEMORANDUM DECISION

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APPELLANT PRO SE

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ATTORNEYS FOR APPELLEE

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IN THE COURT OF APPEALS OF INDIANA

Karen E. Fielder,
Appellant-Plaintiff,

v.

State Farm Mutual Automobile
Insurance Company,
Appellee-Defendant

June 6, 2023

Court of Appeals Case No.
23A-SC-412

Appeal from the Hamilton
Superior Court

The Honorable Darren J. Murphy,
Judge

Trial Court Cause No.
29D07-2209-SC-6958

Memorandum Decision by Judge Crone
Judges Robb and Brown concur.

Crone, Judge.

- [1] Karen E. Fielder, pro se, appeals the small claims judgment entered in favor of State Farm Mutual Automobile Insurance Company (State Farm) on her claim that State Farm failed to satisfy its obligations to her pursuant to her automobile insurance policy after her vehicle was damaged by an uninsured motorist. We conclude that Fielder has waived appellate review, and we therefore affirm.
- [2] It is well established that pro se litigants are held to the same legal standards as licensed attorneys. *Basic v. Amouri*, 58 N.E.3d 980, 983-84 (Ind. Ct. App. 2016). This means that pro se litigants must follow the established rules of procedure and be prepared to accept the consequences of their failure to do so. *Id.* These consequences include waiver of appellate review. *Id.* While we prefer to decide issues on the merits, where the appellant’s noncompliance with appellate rules is so substantial as to impede our consideration of the issues, we may deem the alleged errors waived. *Perry v. Anonymous Physician 1*, 25 N.E.3d 103, 105 n.1 (Ind. Ct. App. 2014), *trans. denied* (2015), *cert. denied* (2015). We afford pro se litigants no inherent leniency simply by virtue of being self-represented. *Zavodnik v. Harper*, 17 N.E.3d 259, 266 (Ind. 2014).
- [3] Indiana Appellate Rule 46 sets out the substantive requirements for an appellant’s brief. That rule provides: “The argument must contain the contentions of the appellant on the issues presented, supported by cogent reasoning. Each contention must be supported by citations to the authorities, statutes, and the Appendix or parts of the Record on Appeal relied on” Ind. Appellate Rule 46(A)(8)(a). “A litigant who fails to support [her] arguments

with appropriate citations to legal authority and record evidence waives those arguments for our review.” *Pierce v. State*, 29 N.E.3d 1258, 1267 (Ind. 2015).

[4] The argument section of Fielder’s appellant’s brief consists of merely two sentences and includes no citations to legal authority or record evidence. Indeed, her entire brief lacks a single citation. Although we acknowledge our preference for resolving cases on their merits, Fielder’s brief falls so short of the requirements set out in Appellate Rule 46 that we are unable to consider the issue she attempts to raise.

[5] Moreover, even had she provided cogent argument, Fielder has failed to present an adequate record on appeal. It has long been recognized that it is the appellant’s burden to provide us an adequate record to permit meaningful appellate review. *Wilhoite v. State*, 7 N.E.3d 350, 354-55 (Ind. Ct. App. 2014). “This burden is sustained by submitting a transcript of the trial proceedings or, where no transcript is available, an affidavit setting forward the content of the proceedings.” *Ford v. State*, 704 N.E.2d 457, 461 (Ind. 1998); *see* Ind. Appellate Rule 31(A) (“If no Transcript of all or part of the evidence is available, a party or the party’s attorney may prepare a verified statement of the evidence from the best available sources, which may include the party’s or the attorney’s recollection.”). Because Fielder has provided no transcript or affidavit of the evidence, she has failed to sustain this burden. We conclude that Fielder has waived our review of her appeal. The judgment of the trial court is affirmed.

[6] Affirmed.

Robb, J., and Brown, J., concur.