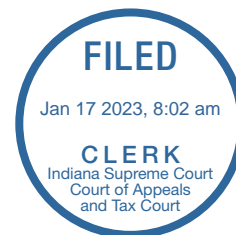


MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as binding precedent, but it may be cited for persuasive value or to establish *res judicata*, collateral estoppel, or law of the case.



APPELLANT PRO SE

Michael C. Steele
Indianapolis, Indiana

IN THE COURT OF APPEALS OF INDIANA

Michael C. Steele,
Appellant-Plaintiff,

v.

Elizabeth Nichole Taber,
Appellee-Defendant

January 17, 2023

Court of Appeals Case No.
22A-CT-925

Appeal from the
Hamilton Circuit Court

The Honorable
Paul Felix, Judge

Trial Court Cause No.
29C01-1807-CT-6174

Vaidik, Judge.

- [1] Michael C. Steele dated Elizabeth Nichole Taber for a time before they broke up in July 2018. Within days, Steele, a licensed Indiana attorney acting pro se, sued Taber. He eventually amended his complaint to include five counts: defamation (written/libel), defamation (spoken/slander), malicious

prosecution, intentional infliction of emotional distress, and defamation (false light). Taber hired an attorney who successfully moved for dismissal of the last three counts and for summary judgment on the first two. Steele didn't appeal either order.

[2] Taber then moved for an award of attorney's fees, alleging she had incurred nearly \$120,000 in fees and asking to be reimbursed for the full amount. The trial court granted the motion in part. The court found that two of Steele's claims (intentional infliction of emotional distress and defamation (false light)) were "clearly frivolous," found "scant evidence in support of the remaining three," and found that "the underlying relationship was the primary cause for this litigation." Appellant's App. Vol. II pp. 18-19. The court also found that beyond the weakness of Steele's claims, his conduct during the litigation was "oppressive," "obstreperous," and in bad faith. *Id.* at 20-21. Despite these findings, the court ordered Steele to pay Taber only \$4,500, a fraction of the amount she had requested.

[3] Steele, still acting pro se, now appeals the fee award. But his brief does not permit meaningful review of the trial court's decision. To begin, Steele didn't include a statement of the case or a statement of facts, as required by Appellate Rule 46(A)(5) and (6). He simply launches into his argument, with no context. The statement of the case and statement of facts are vital parts of an appellate brief, which is precisely why the appellate rules require them.

- [4] There are other problems with the brief. Steele doesn't address the elements of the five causes of action he brought against Taber. He doesn't cite any caselaw discussing the causes of action. And the majority of Steele's factual assertions are not supported by citations to the record, as required by Appellate Rule 46(A)(8). Much of his argument consists of personal attacks on Taber, her attorneys, and the trial-court judge. Steele even tells us that "everything [Taber and her attorney] have done is going on the internet," apparently on a website he created ("sexliesandvideotape.com"). Appellant's Br. p. 26. But none of this helps us to evaluate the trial court's conclusion that Steele's lawsuit was frivolous. To the contrary, the contents and tone of Steele's brief bolster the trial court's finding that his lawsuit was based not on viable legal claims against Taber but rather hard feelings stemming from their relationship and breakup.¹
- [5] Because Steele's brief doesn't allow us to decipher the exact nature of his claims against Taber, let alone determine whether they had a good-faith basis, we cannot say the trial court erred by ordering Steele to pay a small portion of Taber's attorney's fees.

[6] Affirmed.

Riley, J., and Bailey, J., concur.

¹ After Steele filed suit, Taber filed a disciplinary grievance against him. Steele later demanded that the grievance be withdrawn as a condition precedent to settling this case. In August 2021, our Supreme Court found that demand to be improper and suspended Steele from the practice of law for thirty days. *Matter of Steele*, 171 N.E.3d 998 (Ind. 2021).