

## MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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APPELLANT PRO SE

Ronda Payne  
Crown Point, Indiana

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## IN THE COURT OF APPEALS OF INDIANA

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Midwest Elite Preparatory  
Academy, Inc., and Ronda Payne,  
*Appellants-Defendants/Counterclaimants,*

v.

Barsic Holdings, LLC,  
*Appellee-Plaintiff/Counterdefendant*

June 8, 2021

Court of Appeals Case No.  
19A-PL-1284

Appeal from the Lake Superior  
Court

The Honorable Bruce D. Parent,  
Judge

Trial Court Cause No.  
45D11-1508-PL-66

**Crone, Judge.**

- [1] Ronda Payne appeals the trial court's order ruling against her on all her counterclaims against Barsic Holdings, LLC. However, because her substantial noncompliance with the Indiana Appellate Rules precludes our review, we dismiss.

- [2] Payne has chosen to bring this appeal pro se. It is well settled that a pro se litigant is “held to the same established rules of procedure that a trained legal counsel is bound to follow and, therefore, must be prepared to accept the consequences of his or her action.” *Thacker v. Wentzel*, 797 N.E.2d 342, 345 (Ind. Ct. App. 2003) (quoting *Ramsey v. Review Bd. of Ind. Dep’t of Workforce Dev.*, 789 N.E.2d 486, 487 (Ind. Ct. App. 2003)). Although our preference is to dispose of cases on their merits, “where an appellant fails to substantially comply with the appellate rules, dismissal of the appeal is warranted.” *Hughes v. King*, 808 N.E.2d 146, 147 (Ind. Ct. App. 2004); *see also Miller v. Hague Ins. Agency, Inc.*, 871 N.E.2d 406, 407 (Ind. Ct. App. 2007) (“Although we will exercise our discretion to reach the merits when violations are comparatively minor, if the parties commit flagrant violations of the Rules of Appellate Procedure we will hold issues waived, or dismiss the appeal.”).
- [3] Here, Payne filed a notice of appeal on May 29, 2019. Appellate Rule 9(F)(5) requires that the notice of appeal contain a request for a transcript and designation of all portions of the transcript necessary to present fairly and decide the issues on appeal. Payne’s notice of appeal did not include a request for a transcript. On July 1, 2019, the trial court clerk filed a notice of completion of clerk’s record, which indicated that the transcript was not yet complete. On February 9, 2021, this Court issued an order directing Payne to file a brief within thirty days. Payne’s initial attempts to file a brief were unsuccessful due to her failure to comply with our appellate rules, but following two notices of correction, the appellate court clerk accepted her brief for filing

on March 23, 2021. Appellate Rule 49(A) provides that “[t]he appellant shall file its Appendix with its appellant’s brief.” Payne failed to file an appendix. Thus, we have neither a transcript nor an appendix.

[4] We have a brief and the appealed order. However, Payne’s brief fails to comply with Appellate Rule 46(A) in numerous respects. Appellate Rule 46(A) sets forth the required contents of an appellant’s brief, which include the following sections: statement of issues, statement of case, statement of facts, summary of argument, and argument. Of particular relevance to this appeal, paragraph 5 of Rule 46(A) requires that the statement of case describe the nature of the case and the course of proceedings with page reference to the record on appeal; paragraph (6) requires that the statement of facts include the facts necessary for review and be supported by page references to the record of appeal; and paragraph (8) requires that the argument be supported by cogent reasoning and citations to the authorities, statutes, and record on appeal and contain the applicable standard of review.

[5] Payne’s brief does not have a statement of issues. Although her brief purports to have a “Statement of the Case and Facts,” this section contains Payne’s assertions of error. There are no sections that succinctly set forth the nature of the case and course of proceedings or the facts necessary for review. There is no section identified as summary of argument or argument. The assertions of error are not supported by cogent reasoning or citations, and there is no standard of review. “We will not become an ‘advocate for a party, or address arguments that are inappropriate or too poorly developed or expressed to be

understood.’” *Basic v. Amouri*, 58 N.E.3d 980, 984 (Ind. Ct. App. 2016) (quoting *Perry v. Anonymous Physician 1*, 25 N.E.3d 103, 105 n.1 (Ind. Ct. App. 2014), *trans. denied* (2015), *cert. denied* (2015)). Due to the egregious violations of our appellate rules, we are unable to conduct adequate appellate review, and therefore we dismiss Payne’s appeal.

[6] Dismissed.

Riley, J., and Mathias, J., concur.