

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

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| RIVER CORPORATION, | : | APPEAL NO. C-160285 |
| Plaintiff-Appellee, | : | TRIAL NO. 15CV-15308 |
| vs. | : | <i>JUDGMENT ENTRY.</i> |
| MARK CALLAHAN d.b.a. AUTOS UNLIMITED, | : | |
| Defendant-Appellant. | : | |

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. See Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant Mark Callahan, d.b.a. Autos Unlimited, appeals the trial court’s judgment denying his motion to aside the judgment entered against him on a breach-of-contract claim. Yet, in his single assignment of error, he contends the trial court erred by entering summary judgment in favor of plaintiff-appellee River Corporation (“River”). The trial court, however, did not grant summary judgment in favor of River. It entered judgment in favor of River after a bench trial was conducted, where Callahan, who had notice of the trial, did not appear.

The time to appeal from the trial court’s grant of judgment in favor of River has passed. And, unfortunately, Callahan has not assigned any error with respect to the trial court’s judgment he has appealed from, which was a denial of a motion to

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set aside the judgment. The burden of affirmatively demonstrating error on appeal rests with the party asserting error. *See* App.R. 9 and App.R. 16(A)(7). Because Callahan has not raised any error on appeal with respect to the denial of the motion to set aside judgment, we must overrule his assignment of error.

The judgment of the trial court is affirmed.

Further, a certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

MOCK, P.J., ZAYAS and DETERS, JJ.

To the clerk:

Enter upon the journal of the court on June 16, 2017

per order of the court _____.
Presiding Judge