

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

CHRISTOPHER P. HITCHCOCK, TREASURER OF GEAUGA COUNTY, OHIO,	:	MEMORANDUM OPINION
	:	
Plaintiff-Appellee,	:	CASE NO. 2010-G-2995
	:	
- vs -	:	
	:	
ARTHUR E. SEGEDY, JR., et al.,	:	
	:	
Defendants,	:	
	:	
ALLEN E. SEGEDY,	:	
	:	
Defendant-Appellant.	:	

Civil Appeal from the Court of Common Pleas, Case No. 09 F 000356.

Judgment: Appeal dismissed.

David P. Joyce, Geauga County Prosecutor, Courthouse Annex, 231 Main Street, Chardon, OH 44024 (For Plaintiff-Appellee).

Allen E. Segedy, pro se, 7707 Country Lane, Chagrin Falls, OH 44023 (Defendant-Appellant).

MARY JANE TRAPP, P.J.

{¶1} On October 20, 2010, appellant, Allen E. Segedy, pro se, filed a notice of appeal from a September 17, 2010 entry of the Geauga County Court of Common Pleas.

{¶2} On November 23, 2010, appellee, Christopher P. Hitchcock, Treasurer of Geauga County, Ohio, filed a motion to dismiss the appeal as untimely. No response in opposition to the motion has been filed.

{¶3} The notice of appeal was due on Monday, October 18, 2010, which was not a holiday or a weekend. App.R. 4(A) states that:

{¶4} “A party shall file the notice of appeal required by App.R. 3 within thirty days of the later of entry of the judgment or order appealed or, in a civil case, service of the notice of judgment and its entry if service is not made on the party within the three day rule period in Rule 58(B) of the Ohio Rules of Civil Procedure.”

{¶5} Loc.R. 3(D)(2) of the Eleventh District Court of Appeals provides:

{¶6} “In the filing of a Notice of Appeal in civil cases in which the trial court clerk has not complied with Ohio Civ.R. 58(B), *and the Notice of Appeal is deemed to be filed out of rule*, appellant shall attach an affidavit from the trial court clerk stating that service was not perfected pursuant to Ohio App.R. 4(A). The clerk shall then perfect service and furnish this Court with a copy of the appearance docket in which date of service has been noted. Lack of compliance shall result in the sua sponte dismissal of the appeal under Ohio App.R. 4(A).” (Emphasis sic.)

{¶7} Here, appellant has neither complied with the thirty-day rule set forth in App.R. 4(A) nor alleged that there was a failure by the trial court clerk to comply with Civ.R. 58(B). The time requirement is jurisdictional in nature and may not be enlarged by an appellate court. *State ex rel. Pendell v. Adams Cty. Bd. of Elections* (1988), 40 Ohio St.3d 58, 60; App.R. 14(B).

{¶8} Accordingly, appellee's motion to dismiss is granted. This appeal is dismissed pursuant to App. R. 4(A).

{¶9} Appeal dismissed.

DIANE V. GRENDELL, J.,

TIMOTHY P. CANNON, J.,

concur.