

[Cite as *Rice v. Rice*, 2002-Ohio-5032.]

STATE OF OHIO, COLUMBIANA COUNTY
IN THE COURT OF APPEALS
SEVENTH DISTRICT

AMANDA J. RICE, ADMINISTRATRIX)
OF THE ESTATE OF JAMES M. RICE,)
DECEASED)
)
PLAINTIFF-APPELLEE)
)
VS.)
)
ROLAND F. RICE, ET AL.)
)
DEFENDANTS-APPELLANTS)

CASE NO. 2001-CO-28

OPINION AND
JOURNAL ENTRY

CHARACTER OF PROCEEDINGS:

Appellee's Motion for Reconsideration
Pursuant to App.R. 26(A).
Case No. 2000-CV-216

JUDGMENT:

Dismissed.

APPEARANCES:

For Plaintiff-Appellee:

Attorney David P. Powers
Stacey, Hutson, Stacey & Powers
20 South Main Street
Columbiana, Ohio 44408

For Defendant-Appellant:

Attorney. Milton A. Hayman
700 Bank One Building
Steubenville, Ohio 43952

JUDGES:

Hon. Cheryl L. Waite
Hon. Gene Donofrio
Hon. Joseph J. Vukovich

Dated: September 18, 2002

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PER CURIAM.

{¶1} Appellee Amanda J. Rice, administratrix of the estate of James M. Rice, has filed a Motion for Reconsideration of our Opinion issued on June 26, 2002. Appellee's motion was filed on July 10, 2002. App.R. 26(A) requires that all motions for reconsideration be filed, "before the judgment or order of the court has been approved by the court and filed by the court with the clerk for journalization or within ten days after the announcement of the court's decision, whichever is the later." Appellee's motion has not been filed within the time frame set by App.R. 26(A).

{¶2} App.R. 14(B) allows us to extend the time for filing a motion for reconsideration, but only, "on a showing of extraordinary circumstances." Appellee's counsel stated that the motion was filed late because counsel was on vacation. This is not the type of extraordinary circumstance envisioned by App.R. 26(A). We may also enlarge the ten-day time limit for filing a motion for reconsideration if the motion raises an issue of sufficient importance to warrant an exception to rule. *State v. Boone* (1996), 114 Ohio App.3d 275, 277, 683 N.E.2d 67. Appellee's motion appears to challenge our interpretation of the facts of this case, which is not a sufficiently important issue to grant an exception to the time limits of App.R. 26(A). Therefore, this motion for reconsideration is dismissed.

Waite, J., concurs.

Vukovich, P.J., dissents.

Donofrio, J., concurs.