

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

|  |   |                            |
|--|---|----------------------------|
| ROGER SIELAFF, et al.,                     | : | <b>MEMORANDUM OPINION</b>  |
| Plaintiffs-Appellees/<br>Cross-Appellants, | : | <b>CASE NO. 2010-L-085</b> |
| - VS -                                     | : |                            |
| MICHAEL C. CARVCASCI, et al.,              | : |                            |
| Defendants-Appellants/<br>Cross-Appellees, | : |                            |
| (JOHN W. BOSCO,                            | : |                            |
| Appellant/Cross-Appellee).                 | : |                            |

Civil Appeal from the Painesville Municipal Court, Case No. 08 CVG 01807.

Judgment: Cross-appeal dismissed.

*Gerald J. Patronite*, 34950 Chardon Road, #210, Willoughby Hills, OH 44094-9162  
(For Plaintiffs-Appellees/Cross-Appellants).

*Michael C. Carvcasci* and *Kellie A. Swaney*, pro se, 16206 Moseley Road, Madison, OH 44057-9407 (Defendants-Appellants/Cross-Appellees).

*John W. Bosco*, John W. Bosco Co., L.P.A., pro se, Paramount Building, 31805 Vine Street, Willowick, OH 44095 (Appellant/Cross-Appellee).

CYNTHIA WESTCOTT RICE, J.

{¶1} On July 15, 2010, appellants/cross-appellees, Michael C. Carvcasci and Kellie A. Swaney and John W. Bosco, filed a notice of appeal from a June 18, 2010

entry from the Painesville Municipal Court. Appellees/cross-appellants, Roger Sielaff and Lynn Sielaff, filed their cross-appeal on August 5, 2010.

{¶2} In the case at hand, Roger and Lynn Sielaff had the option of filing their cross-appeal within ten days of appellants filing their notice of appeal under App.R. 4(B)(1), or the traditional thirty-day window created by App.R. 4(A). Therefore, pursuant to the foregoing rules, the latest that Roger and Lynn Sielaff could have filed their cross-appeal was July 26, 2010.

{¶3} Here, the record indicates that the cross-appeal was filed with this court on August 5, 2010, which is ten days beyond the required time limit of App.R. 4(B)(1). The time requirements for filing a cross-appeal pursuant to App.R. 4(A) and App.R. 4(B)(1) are mandatory and jurisdictional. *Kaplysh v. Takieddine* (1988), 35 Ohio St.3d 170. See, also, *Reeves v. Hurley*, 11th Dist. No. 2009-G-2911, 2009-Ohio-4622, at ¶2. As a result, this court lacks jurisdiction under App.R. 4(A), and thus, cannot address the merits of Roger and Lynn Sielaff's untimely cross-appeal.

{¶4} Based upon the foregoing analysis, Roger and Lynn Sielaff's cross-appeal is hereby, sua sponte, dismissed for untimeliness. However, the appeal filed by appellants can proceed.

{¶5} Cross-appeal dismissed.

MARY JANE TRAPP, P.J., concurs,

COLLEEN MARY O'TOOLE, J., concurs in judgment only.