

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

CITIMORTGAGE, INC.,	:	MEMORANDUM OPINION
Plaintiff-Appellee,	:	
- VS -	:	CASE NO. 2015-G-0008
LOUIS S. SNIDER, et al.,	:	
Defendant-Appellant.	:	

Civil Appeal from the Geauga County Court of Common Pleas, Case No. 11 F 000931.

Judgment: Appeal dismissed.

Kara A. Czanik and Harry J. Finke, IV, Graydon Head & Ritchey, LLP, 1900 Fifth Third Center, 511 Walnut Street, Cincinnati, OH 45202-3157 (For Plaintiff-Appellee).

Donald Gallick, 190 North Union Street, Suite 102, Akron, OH 44304 (For Defendant-Appellant).

TIMOTHY P. CANNON, P.J.

{¶1} Appellant, Louis S. Snider, filed a pro se notice of appeal from a December 29, 2014 entry of the Geauga County Court of Common Pleas. For the following reasons, this appeal is dismissed for lack of a final, appealable order.

{¶2} On August 15, 2012, the trial court entered a decree of foreclosure in favor of appellee, CitiMortgage, Inc., against appellant. Also, on December 1, 2014, the trial court denied appellant's Civ.R. 60(B) motion for relief from judgment. Appellant did not file a timely appeal from either of these entries. On December 15, 2014, appellant filed

a “motion to set aside judgment,” which the trial court overruled on December 29, 2014. On January 28, 2015, appellant filed a timely appeal from this entry. Appellee filed a motion to dismiss the appeal, arguing that appellant’s “motion to set aside judgment” was essentially a motion for reconsideration of the trial court’s December 1, 2014 order.

{¶3} It is well established that the filing of a motion for reconsideration from a final, appealable order in the trial court is a nullity. *Pitts v. Ohio Dept. of Transp.*, 67 Ohio St.2d 378, 381 (1981). Therefore, a judgment or order from a motion for reconsideration is likewise a nullity and cannot properly be appealed. *Id.*; see also *Stewart v. Lowry*, 11th Dist. Portage No. 2008-P-0068, 2008-Ohio-6414, ¶3.

{¶4} In an April 16, 2015 judgment entry, this court overruled appellee’s motion to dismiss, stating we found no reason to treat appellant’s “motion to set aside judgment” as a motion for reconsideration. Now, however, with the benefit of a full review of the record, the briefs on appeal, and appellant’s assignment of error, it is clear appellant asked the trial court to do nothing more than reconsider its order overruling appellant’s Civ.R. 60(B) motion for relief. Because this entry was final and appealable, appellant’s motion was a nullity. Therefore, the December 29, 2015 judgment of the trial court overruling the motion is a nullity and cannot properly be appealed.

{¶5} Based upon the foregoing analysis, this appeal is hereby dismissed for lack of a final, appealable order.

{¶6} Appeal dismissed.

CYNTHIA WESTCOTT RICE, J.,
THOMAS R. WRIGHT, J.,
concur.