

**IN THE COURT OF APPEALS OF OHIO
ELEVENTH APPELLATE DISTRICT
TRUMBULL COUNTY**

JAMES WALKER,

Requester-Appellant,

- vs -

TRUMBULL NEIGHBORHOOD
PARTNERSHIP,

Respondent-Appellee.

CASE NO. 2026-T-0067

Administrative Appeal from the
Court of Claims of Ohio

Trial Court No. 2026-00008 PQ

MEMORANDUM OPINION AND JUDGMENT ENTRY

Decided: August 17, 2026
Judgment: Appeal dismissed

James Walker, pro se, 506 Belvedere Avenue, S.E., Warren, OH 44483 (Requester-Appellant).

Zachariah S. Germaniuk, Douglass & Associates, Co., L.P.A., 4725 Grayton Road, Cleveland, OH 44135 (For Respondent-Appellee).

EUGENE A. LUCCI, J.

{¶1} On June 29, 2026, appellant, James Walker, filed a pro se appeal from a May 21, 2026 entry and a June 5, 2026 entry issued by the Court of Claims of Ohio.

{¶2} Mr. Walker initiated this action in the Court of Claims of Ohio for a violation of access to public records. In the May 21, 2026 entry, the Court of Claims adopted the special master's recommendations, granting the motion to dismiss filed by appellee, Trumbull Neighborhood Partnership. Mr. Walker moved for reconsideration, which was denied in the June 5, 2026 entry. This appeal ensued.

{¶3} It is well established that a motion for reconsideration is not recognized under the Ohio Rules of Civil Procedure, and therefore, any judgment on such a motion is a nullity and cannot be appealed. *Pitts v. Ohio Dept. of Transp.*, 67 Ohio St.2d 378, 381 (1981); *see also Schultz v. Schultz*, 2025-Ohio-4995, at ¶ 2 (11th Dist.). Thus, the June 5, 2026 entry denying Mr. Walker’s motion for reconsideration is itself a nullity and cannot be reviewed on appeal. Furthermore, the filing of a motion for reconsideration does not extend the time for filing an appeal from a final judgment. *Pitts* at 380. An appeal from the May 21, 2026 entry, the only final appealable order listed on the trial court’s docket, is untimely.

{¶4} App.R. 4(A) requires a party to file a notice of appeal 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 period in Rule 58(B) of the Ohio Rules of Civil Procedure.

{¶5} App.R. 3(A) clearly states that the only jurisdictional requirement for filing a valid appeal is to file it within the time allowed by App.R. 4. The Supreme Court of Ohio has indicated that failing to comply with the time requirements prescribed in App.R. 4(A) is a jurisdictional defect, which is fatal to the appeal. *Rives v. Lowes*, 2025-Ohio-4530, ¶ 2 (11th Dist.).

{¶6} “Subject to the provisions of App.R. 4(A)(3), a party who wishes to appeal from an order that is final upon its entry shall file the notice of appeal required by App.R. 3 within 30 days of that entry.” See App.R. 4(A)(1). Civ.R. 58(B) directs the clerk of courts to serve the parties with notice of the entry within three days of entering the judgment upon the journal. If Civ.R. 58(B) service does not occur within three days, the

time to appeal does not begin to run until service is made and noted on the appearance docket. *Rives* at ¶ 3.

{¶7} In the present case, the trial court issued its entry on May 21, 2026. The clerk of courts noted on the appearance docket that a copy of the entry was sent to the parties on that same date. Therefore, pursuant Civ.R. 58(B), the time to appeal began to run from May 21, 2026. The deadline for Mr. Walker to file an appeal was June 22, 2026. Thus, his June 29, 2026 notice of appeal was untimely filed.

{¶8} This court is not empowered to extend the time deadline in **civil** cases. *State ex rel. Pendell v. Adams Cty. Bd. of Elections*, 40 Ohio St.3d 58, 60 (1988); see also App.R. 14(B).

{¶9} Based upon the foregoing, this appeal is dismissed for lack of a final appealable order and untimeliness.

ROBERT J. PATTON, J.,

SCOTT LYNCH, J.,

concur.

JUDGMENT ENTRY

For the reasons stated in the memorandum opinion of this court, it is ordered that this appeal is hereby dismissed for lack of a final appealable order and untimeliness.

Pursuant to this entry, any pending motions are hereby overruled as moot.

Costs to be taxed against appellant.

JUDGE EUGENE A. LUCCI

JUDGE ROBERT J. PATTON,
concur

JUDGE SCOTT LYNCH,
concur

THIS DOCUMENT CONSTITUTES A FINAL JUDGMENT ENTRY

A certified copy of this opinion and judgment entry shall constitute the mandate pursuant to Rule 27 of the Ohio Rules of Appellate Procedure.