

COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT,  
PORTAGE COUNTY

Jones v. Russell

2026-Ohio-2138 · No. 2026-P-0026 · Decided June 8, 2026

SUMMARY

The Ohio Eleventh District Court of Appeals dismissed Mary Elizabeth Jones’s appeal from an order compelling arbitration because the notice of appeal was filed after the applicable 30-day deadline. The court held that it lacked jurisdiction and reserved Match Group, Inc.’s request for sanctions for a separate judgment entry.

CASE DETAILS

|                       |                                                                                                                                                                                                          |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals of Ohio, Eleventh Appellate District, Portage County                                                                                                                                    |
| WRITING FOR THE COURT | Eugene A. Lucci; Matt Lynch; Scott Lynch                                                                                                                                                                 |
| JURISDICTION          | Ohio Court of Appeals, Eleventh Appellate District, Portage County                                                                                                                                       |
| DECIDED               | June 8, 2026                                                                                                                                                                                             |
| DOCKET                | 2026-P-0026                                                                                                                                                                                              |
| DISPOSITION           | dismissed                                                                                                                                                                                                |
| PROCEDURAL POSTURE    | Appellant appealed from a trial-court entry staying the case and ordering arbitration. The appellee moved to dismiss the appeal as untimely, and the appellate court dismissed for lack of jurisdiction. |
| STANDARD OF REVIEW    | The court reviewed its appellate jurisdiction based on whether the notice of appeal was filed within the time prescribed by the Ohio Rules of Appellate Procedure.                                       |
| PRECEDENTIAL VALUE    | Published                                                                                                                                                                                                |
| PARTIES               | Mary Elizabeth Jones v. Match Group, Inc.                                                                                                                                                                |

TOPICS

- appellate jurisdiction
- final judgment rule
- appellate procedure
- arbitration
- civil procedure

PRACTICE AREAS

- appellate procedure
- arbitration
- civil procedure

**QUESTIONS PRESENTED**

1. Whether the appeal from the trial court's May 13, 2024 order was timely under App.R. 3(A) and App.R. 4(A).
2. Whether the appellate court had jurisdiction to consider the appeal when the notice of appeal was filed outside the applicable 30-day period.

**HOLDINGS**

1. A notice of appeal from an order final upon its entry must be filed within 30 days of the entry, subject to the service provision in App.R. 4(A)(3).
2. When a notice of appeal is not filed within the time prescribed by law, the reviewing court lacks jurisdiction to consider issues that should have been raised in the appeal.

**KEY QUOTATIONS**

- “Where a notice of appeal is not filed within the time prescribed by law, the reviewing court is without jurisdiction to consider issues that should have been raised in the appeal.”* (¶ 2)

*“This appeal is dismissed, and all pending motions not specifically referenced herein are overruled as moot.”* (¶ 5)

**FACTUAL BACKGROUND**

The trial court entered an order on May 13, 2024, staying the case and ordering the parties to arbitrate their dispute. The clerk's docket reflected that notice of the entry was sent to the attorneys and parties on May 14, 2024. Jones did not file her notice of appeal until March 20, 2026.

**PROCEDURAL HISTORY**

The Portage County Court of Common Pleas entered an order on May 13, 2024, staying the case and ordering the parties to resolve their dispute through arbitration. Jones filed a notice of appeal on March 20, 2026. Match Group moved to dismiss the appeal as untimely, and the appellate court granted that motion, reserving the sanctions request for a separate judgment entry.

**DISPOSITION**

dismissed

**CASES CITED**

- State ex rel. Pendell v. Adams Cty. Bd. of Elections, 40 Ohio St. 3d 58, 60 (1988)

**OPINION**

Jones v. Russell  
2026 Ohio 2138

PER CURIAM.

[Cite as Jones v. Russell, 2026-Ohio-2138.]

IN THE COURT OF APPEALS OF OHIO

ELEVENTH APPELLATE DISTRICT

PORTAGE COUNTY

MARY ELIZABETH JONES, CASE NO. 2026-P-0026

Plaintiff-Appellant, Civil Appeal from the - vs - Court of Common Pleas

JOHN RUSSELL,

Trial Court No. 2022 CV 00584 Defendant,

MATCH GROUP, INC.,

Defendant-Appellee.

MEMORANDUM OPINION AND JUDGMENT ENTRY

Decided: June 8, 2026 Judgment: Appeal dismissed Mary Elizabeth Jones, pro se, P.O. Box 5, Aurora, OH 44202 (Plaintiff-Appellant). Christopher E. Cotter and Emily K. Anglewicz, Roetzel & Andress, L.P.A., 222 South Main Street, Suite 400, Akron, OH 44308 (For Defendant-Appellee). EUGENE A. LUCCI, J. {¶1} On March 20, 2026, appellant, Mary Elizabeth Jones, noticed an appeal from the May 13, 2024 entry of the Portage County Court of Common Pleas that stayed the case and ordered the parties to resolve their dispute through arbitration. On April 27, 2026, appellee, Match Group, Inc., moved to dismiss the appeal as untimely and requested this court issue sanctions against appellant. {¶2} Pursuant to App.R. 3(A), “An appeal as of right shall be taken by filing a notice of appeal with the clerk of the trial court within the time allowed by Rule 4.” App.R. 4(A)(1) states, “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.” App.R. 4(A)(3), which is applicable in civil cases, provides that where the clerk has not completed service of a judgment pursuant to Civ.R. 58(B) within three days, the 30-day deadline to appeal does not commence until the clerk completes service. “Where a notice of appeal is not filed within the time prescribed by law, the reviewing court is without jurisdiction to consider issues that should have been raised in the appeal.” (Citations omitted.) State ex rel. Pendell v. Adams Cty. Bd. of Elections, 40 Ohio St.3d 58, 60 (1988). {¶3} Here, the trial court issued its entry on May 13, 2024, and the clerk of courts’ docket reflects that notice was sent to the attorneys and parties the next day. This order was final upon its entry. See R.C. 2711.02(C). Accordingly, the 30-day period to appeal commenced on May 13, 2024. Thus, appellant failed to timely appeal the judgment, and this court lacks jurisdiction over this matter. {¶4} Accordingly, insofar as appellee’s April 27, 2026 motion sought dismissal, the motion is granted. This court shall hereafter rule on appellee’s motion for sanctions in a separate judgment entry. {¶5} This appeal is dismissed, and all pending motions not specifically referenced herein are overruled as moot.

MATT LYNCH, P.J.,

SCOTT LYNCH, J.,

concur.

PAGE 2 OF 3

Case No. 2026-P-0026

JUDGMENT ENTRY

For the reasons stated in the memorandum opinion of this court, appellee's motion to dismiss is granted. It is ordered that the appeal is hereby dismissed for lack of jurisdiction. This court shall hereafter issue a ruling on appellee's motion for sanctions in a separate judgment entry. Any other pending motions not specifically referenced in the memorandum opinion are hereby overruled as moot. Costs to be taxed against appellant.

JUDGE EUGENE A. LUCCI

PRESIDING JUDGE MATT LYNCH,

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.

PAGE 3 OF 3

Case No. 2026-P-0026