

OHIO COURT OF APPEALS, ELEVENTH APPELLATE DISTRICT

L. Bryan Carr Co., L.P.A. v. LaForge

2026-Ohio-713 · No. 2026-G-0001 · Decided March 2, 2026

SUMMARY

The Eleventh District Court of Appeals of Ohio dismissed Marilyn A. LaForge’s appeal for lack of jurisdiction because her notice of appeal was filed after the 30-day deadline under App.R. 4(A)(1). The court declined to address whether the underlying judgment was a final appealable order and assessed costs against the appellant.

CASE DETAILS

COURT	Ohio Court of Appeals, Eleventh Appellate District
WRITING FOR THE COURT	Matt Lynch, Presiding Judge; Eugene A. Lucci, Judge; Robert J. Patton, Judge
JURISDICTION	Ohio Court of Appeals, Eleventh Appellate District, Geauga County
DECIDED	March 2, 2026
DOCKET	2026-G-0001
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant filed an appeal from a trial-court judgment. Appellees moved to dismiss for lack of jurisdiction based on the untimely notice of appeal. The court granted the motion and dismissed the appeal.
STANDARD OF REVIEW	The court did not reach the merits or conduct review of the final-appealable-order issue because the untimely notice of appeal deprived it of jurisdiction.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals memorandum opinion
PARTIES	Marilyn A. LaForge, f.k.a. Del Zoppo v. L. Bryan Carr Co., L.P.A., et al.

TOPICS

- appellate jurisdiction
- appellate procedure
- final judgment rule
- motions to dismiss
- civil procedure

PRACTICE AREAS

- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether the appeal had to be dismissed because the notice of appeal was filed after the deadline prescribed by Ohio Appellate Rule 4(A)(1).
2. Whether the court could review whether the underlying judgment was a final appealable order despite the untimely notice of appeal.

HOLDINGS

1. A notice of appeal from an order final upon entry must be filed within 30 days of the order's entry; because LaForge filed after the January 12, 2026 deadline, the notice was untimely and the appeal had to be dismissed for lack of jurisdiction.
2. Because the untimely notice of appeal deprived the court of jurisdiction, the court could not review whether the underlying judgment was a final appealable order.

KEY QUOTATIONS

“ “[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.” ” (¶ 3)

“The Supreme Court has held that the failure to comply with the time requirements of App.R. 4(A) is a jurisdictional defect, which is fatal to an appeal.” (¶ 4)

FACTUAL BACKGROUND

LaForge sought to appeal a December 11, 2025 judgment of the Geauga County Court of Common Pleas. She filed her notice of appeal on January 14, 2026, although the 30-day deadline expired no later than January 12, 2026. The parties disputed whether the judgment was a final appealable order, but the court resolved the appeal on the independent jurisdictional ground that the notice was untimely.

PROCEDURAL HISTORY

The Geauga County Court of Common Pleas entered judgment on December 11, 2025. LaForge filed a notice of appeal on January 14, 2026, two days after the January 12 deadline. The appellees moved to dismiss, and although LaForge agreed the appeal should be dismissed, she argued it should be dismissed for lack of a final appealable order and remanded for entry of a final order. The Eleventh District dismissed the appeal for lack of jurisdiction without reaching the final-appealable-order issue.

DISPOSITION

dismissed

CASES CITED

- In re H.F., 2008-Ohio-6810, ¶ 17
- State ex rel. Pendell v. Adams Cty. Bd. of Elections, 40 Ohio St. 3d 58, 60 (1988)

OPINION

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PER CURIAM.

[Cite as L. Bryan Carr Co., L.P.A. v. LaForge, 2026-Ohio-713.]

IN THE COURT OF APPEALS OF OHIO

ELEVENTH APPELLATE DISTRICT

GEAUGA COUNTY

L. BRYAN CARR CO., L.P.A., CASE NO. 2026-G-0001

et al., Plaintiffs-Appellees, Civil Appeal from the Court of Common Pleas - vs - MARILYN A. LAFORGE, Trial Court No. 2020 F 000495 f.k.a. DEL ZOPPO, et al., Defendant-Appellant.

MEMORANDUM OPINION AND JUDGMENT ENTRY

Decided: March 2, 2026 Judgment: Appeal dismissed Brian J. Green, Shapero & Green, L.L.C., Signature Square, Building II, 25101 Chagrin Boulevard, Suite 220, Beachwood, OH 44122 (For Plaintiffs-Appellees). Andrew M. Engel, Dann Law, 15000 Madison Avenue, Lakewood, OH 44107 (For Defendant-Appellant). MATT LYNCH, P.J. {¶1} On January 14, 2026, appellant, Marilyn A. LaForge, filed a notice of appeal from the December 11, 2025 judgment of the Geauga County Court of Common Pleas. On January 26, 2026, appellees filed a motion to dismiss, contending LaForge failed to file a timely appeal and this court is without jurisdiction to consider her appeal. In turn, LaForge filed a memorandum in opposition to appellees' motion to dismiss. While LaForge agreed with appellees the appeal should be dismissed, she contends the appeal should be dismissed for lack of a final appealable order and remanded to the trial court to enter a final order. Appellees filed a reply in support of their motion to dismiss, arguing the judgment is final and appealable, as appellant indicated on her untimely notice of appeal. {¶2} Appellees are correct in their assertion that LaForge's appeal must be dismissed for lack of jurisdiction because her notice of appeal was filed untimely. A timely notice of appeal was due no later than January 12, 2026, which was not a holiday or weekend. {¶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)(1). {¶4} The Supreme Court has held that the failure to comply with the time requirements of App.R. 4(A) is a jurisdictional defect, which is fatal to an appeal. In re H.F., 2008-Ohio-6810, ¶ 17, citing State ex rel. Pendell v. Adams Cty. Bd. of Elections, 40 Ohio St.3d 58, 60 (1988). {¶5} Because we do not have jurisdiction, we cannot review the merits of LaForge's argument concerning whether the judgment she untimely appealed is a final appealable order. {¶6} Accordingly, appellees' motion to dismiss is granted, and appellant's appeal is hereby dismissed. {¶7} Appeal dismissed.

EUGENE A. LUCCI, J.,

ROBERT J. PATTON, J.,

concur.

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JUDGMENT ENTRY

For the reasons stated in the memorandum opinion of this court, appellees' motion to dismiss is granted and the appeal is dismissed for lack of jurisdiction. Costs to be taxed against appellant.

PRESIDING JUDGE MATT LYNCH

JUDGE EUGENE A. LUCCI,

concur

JUDGE ROBERT J. PATTON,

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.

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