

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

OPINION

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

2026 Ohio 713

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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