

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

LISA ZELENAK,	:	<b>MEMORANDUM OPINION</b>
Plaintiff-Appellant,	:	
- vs -	:	<b>CASE NO. 2004-P-0014</b>
MARY JUST, et al.,	:	
Defendant-Appellee.	:	

Civil appeal from the Court of Common Pleas, Case No. 98 CV 1028.

Judgment: Appeal Dismissed.

*Lisa Zelenak*, pro se, 1685 Athena Drive, Kent, OH 44240 (Plaintiff-Appellant).

*Paul J. Favalon*, 50 South Main Street, Suite 502, Akron, OH 44308 (For Defendant-Appellee).

CYNTHIA WESTCOTT RICE, J.

{¶1} On February 24, 2004, appellant, Lisa Zelenak, filed a notice of appeal from a March 24, 2003 judgment of the Portage County Court of Common Pleas. Thus, appellant's notice of appeal was filed eleven months after the judgment had been issued by the trial court.

{¶2} App.R. 4(A) states:

{¶3} “A party shall file the notice of appeal required by App.R. 3 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.”

{¶4} Loc. R. 5(C) of the Eleventh District Court of Appeals provides:

{¶5} “In filing of a Notice of Appeal in civil cases in which the trial court clerk has not complied with Ohio Civ.R. 58(B), *and the Notice of Appeal is deemed to be filed out of rule*, appellant shall attach an affidavit from the trial court clerk stating that service was not perfected pursuant to Ohio App.R. 4(A). The clerk shall then perfect service and furnish this Court with a copy of the appearance docket in which date of service has been noted. Lack of compliance shall result in the *sua sponte* dismissal of the appeal under Ohio App.R. 4(A).” (Emphasis sic.)

{¶6} In the present case, appellant has not complied with the thirty-day rule set forth in App.R. 4(A) nor has appellant alleged that there was a failure by the trial court clerk to comply with Civ.R. 58(B). The time requirement is jurisdictional in nature, and may not be enlarged by an appellate court. *State ex rel. Pendell v. Adams Cty. Bd. of Elections* (1988), 40 Ohio St.3d 58, 60; App.R. 14(B).

{¶7} Accordingly, this appeal is, sua sponte, dismissed pursuant to App.R. 4(A).

Appeal dismissed.

WILLIAM M. O’NEILL and DIANE V. GRENDALL, JJ., concur.