

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

SHARYLL PRIMUS,	:	MEMORANDUM OPINION
Plaintiff-Appellant,	:	
- vs -	:	CASE NO. 2015-P-0031
WALMART,	:	
Defendant-Appellee.	:	

Civil Appeal from the Portage County Municipal Court, Ravenna Division, Case No. 2014 CVI 02025R.

Judgment: Appeal dismissed.

Sharyll Primus, pro se, 5064 Shermanwood Drive, Brimfield, OH 44240 (Plaintiff-Appellee).

Peggy Foley Jones and Jessica L. Sanderson, Giffen & Kaminski LLC, 1300 East Ninth Street, Suite 1600, Cleveland, OH 44114 (For Defendant-Appellee).

COLLEEN MARY O'TOOLE, J.

{¶1} This appeal emanates from the Portage County Municipal Court, Ravenna Division. On April 21, 2015, appellant, Sharyll Primus, pro se, filed a notice of appeal. In her notice, appellant indicates she is appealing a March 23, 2015 judgment entry

{¶2} The docket in this matter reveals that on July 30, 2014, appellant filed a personal injury action against appellee, Walmart, in small claims court. In a decision dated September 15, 2014, the magistrate recommended the granting of default judgment against appellee, which was adopted by the trial court on that same date. On October 28, 2014, appellee filed a motion for relief from judgment requesting that the

September 15, 2014 entry be set aside because it did not learn of the judgment until October 9, 2014, when it was received from its third party administrator. The trial court granted appellee's motion for relief from judgment on December 9, 2014. On February 18, 2015, appellee filed a motion to dismiss. In a March 11, 2015 entry, the trial court granted appellee's motion to dismiss. Appellant filed a motion for reconsideration with the trial court on March 18, 2015. The trial court overruled appellant's motion on March 23, 2015. It is from that entry that appellant filed the instant appeal.

{¶3} It is well settled that the filing of a motion for reconsideration from a final order in the trial court is a nullity. *Pitts v. Ohio Dept. of Transp.*, 67 Ohio St.2d 378, 381 (1981); see also, *Kuss v. Clements*, 11th Dist. No. 2012-P-0023, 2012-Ohio-1678, at ¶ 4. Therefore, all judgment entries or orders from a motion for reconsideration are a nullity. *Pitts* at 381. Thus, the trial court's March 23, 2015 judgment entry overruling appellant's motion for reconsideration is a nullity and cannot be reviewed on appeal.

{¶4} Furthermore, filing a motion for reconsideration does not extend the time for filing an appeal from a final judgment. *Id.* at 380. An appeal from the March 11, 2015 entry granting appellee's motion to dismiss, which is the only final appealable order listed on the trial court docket, is untimely.

{¶5} Based upon the foregoing analysis, this appeal is hereby dismissed, sua sponte, for lack of a final appealable order.

{¶6} Appeal dismissed.

TIMOTHY P. CANNON, J.,
CYNTHIA WESTCOTT RICE, J.,
concur.