

[Cite as *Maurer v. Kendle*, 2015-Ohio-3005.]

COURT OF APPEALS
TUSCARAWAS COUNTY, OHIO
FIFTH APPELLATE DISTRICT

DAVID MAURER

Plaintiff-Appellant

-vs-

GERALD (BUD) KENDLE

Defendant-Appellee

JUDGES:

Hon. William B. Hoffman, P.J.

Hon. Sheila G. Farmer, J.

Hon. John W. Wise, J.

Case No. 2015 AP 01 0003

OPINION

CHARACTER OF PROCEEDING:

Appeal from the New Philadelphia
Municipal Court, Case No. CVI 1400111

JUDGMENT:

Dismissed

DATE OF JUDGMENT ENTRY:

July 22, 2015

APPEARANCES:

For Plaintiff-Appellant

For Defendant-Appellee

TRACEY A. LASLO
325 East Main Street
Alliance, Ohio 44601

THOMAS H. HISRICH
121 W. 4th Street
Dover, Ohio 44622

Hoffman, P.J.

{¶1} Plaintiff-appellant David Maurer appeals the December 18, 2014 Judgment Entry entered by the New Philadelphia Municipal Court, which overruled his Objections to a Magistrate's Decision filed July 23, 2014, and adopted said decision that same date. Defendant-appellee is Gerald (Bud) Kendle.

STATEMENT OF THE CASE¹

{¶2} Following a trial before a magistrate on July 16, 2014, the magistrate filed a Magistrate's Decision dismissing Appellant's case and recommending judgment in favor of Appellee. The trial court adopted the Magistrate's Decision via Judgment Entry that same day.

{¶3} Appellant filed a timely request for findings of fact and conclusions of law on July 21, 2014. On October 9, 2014, the magistrate issued same, and the trial court adopted same via Judgment Entry filed that same day. As such, the 30 day time limit to appeal the trial court's July 23, 2014 Judgment Entry commenced October 9, 2014.

{¶4} Appellant filed a Motion to Object to Magistrate's Decision and Reconsideration on November 17, 2014. The trial court overruled the Objections on December 18, 2014. It is from that Judgment Entry Appellant filed his Notice of Appeal on January 20, 2015.

{¶5} We dismiss this appeal for lack of jurisdiction because Appellant's Notice of Appeal was not filed within 30 days of the trial court's November 9, 2014 Findings of Fact and Conclusions of Law. Appellant's November 17, 2014 Motion to Object to

¹ A rendition of the facts is unnecessary for our resolution of this appeal.

Magistrate's Decision and Reconsideration was untimely; therefore, did not extend the time for filing his Notice of Appeal.

By: Hoffman, P.J.

Farmer, J. and

Wise, J. concur