

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

NAOMI WASHINGTON,	:	APPEAL NO. C-250446
Plaintiff-Appellant,	:	TRIAL NO. A-2402481
vs.	:	
CITY OF CINCINNATI,	:	<i>ENTRY GRANTING</i>
Defendant-Appellee.	:	<i>APPELLANT'S APPLICATION</i>
		<i>FOR RECONSIDERATION</i>
		<i>AND JUDGMENT ENTRY</i>
		<i>UPON RECONSIDERATION</i>

This cause is before the court on plaintiff-appellant's application for reconsideration, filed on April 13, 2026.

Appellant requests this court to reconsider its judgment entry issued on April 1, 2026, which dismissed her appeal for lack of jurisdiction. Specifically, in the judgment entry, this court found that appellant attached and designated the July 17, 2025 entry from the trial court as the order appealed from. Yet, appellant's arguments related to the trial court's May 7, 2025 order which dismissed her complaint. Accordingly, "[b]ecause Washington attached the wrong order to her notice of appeal, this court is without jurisdiction to reach the merits of her appeal." *Washington v. City of Cincinnati*, No. C-250446, (1st Dist. April 1, 2026). In the application, appellant asserts that the July 17, 2025 order was the proper order to appeal and the dismissal of her appeal should be reconsidered.

The court of appeals may reconsider a judgment or order entered in an appeal if the application for reconsideration calls to the court's attention either an obvious error in its decision or an issue that the court did not, or did not fully, consider. See App.R. 26(A)(1); *State v. Black*, 78 Ohio App.3d 130, 132 (1st Dist. 1991), citing *Matthews v. Matthews*, 5 Ohio App.3d 140, 143 (10th Dist. 1981).

As set forth above, we dismissed the appeal for lack of jurisdiction because appellant failed to attach the correct judgment to the notice of appeal. Upon review, that reasoning conflicts with Loc.R. 3.1, which states, "The subject attachment is not

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jurisdictional but its omission may be the basis for dismissal of the appeal.” Loc.R. 3.1(A)(1)(a)(ii).

We grant appellant’s motion for reconsideration because Loc.R. 3.1 provides that an appellant’s failure to attach the correct judgment to the notice of appeal is not jurisdictional. Accordingly, to the extent this court concluded that the omission of the correct attachment was jurisdictional, the application to reconsider is well taken. We also take this opportunity to provide clarity regarding appellant’s challenges in this appeal to the two trial court orders issued on May 7, 2025, and July 17, 2025. Accordingly, the court grants the application for reconsideration and enters the following judgment entry.

The trial court issued two separate judgments relevant to this appeal. The first is the May 7, 2025 order dismissing Appellant’s claim. The second is the July 17, 2025 order granting summary judgment to Appellee on Appellee’s counterclaim. In her notice of appeal, Appellant designated the July 17, 2025 order as the order appealed from. However, in her brief, her assignments of error primarily related to the May 7, 2025 order.

Loc.R. 3.1 states that the notice of appeal shall designate the judgment, order or part thereof appealed from and “shall have attached to it a copy of the judgment(s) or order(s) being appealed. The subject attachment is not jurisdictional but its omission maybe the basis for dismissal of the appeal.” Loc.R. 3.1(A)(1)(a)(i) and (ii). Further, under App.R. 3(A), the court of appeals is vested with jurisdiction to take any action, including dismissal, when there is any defect in the notice of appeal, other than timeliness. *Transamerica Ins. Co. v. Nolan*, 72 Ohio St.3d 320 (1995), syllabus.

Appellant’s first assignment of error relates to the May 7 order. Appellant failed to designate that order in or attach that order to her notice of appeal. Accordingly, pursuant to App.R. 3(A) and Loc.R. 3.1(A), this court is vested with discretion to dismiss the appeal. While the rationale is different, the outcome is the same. Appellant’s appeal as it relates to the trial court’s May 7, 2025 order is dismissed.

Appellant’s second assignment of error again primarily challenges the trial court’s denial of her motion to amend her complaint. The trial court denied this motion in the May 7 order, which, as stated above, was not the order Appellant designated in the notice of appeal and we have dismissed that portion of her appeal.

