## **Supreme Court**

No. 2013-177-Appeal.

Jonathan Mensing et al.

V.

Mortgage Electronic Registration Systems, : Inc., et al. :

#### ORDER

The plaintiffs, Jonathan Mensing and Laxmi Sundaram, appeal from a Superior Court summary judgment dismissing their claims against the defendants, Mortgage Electronic Registration Systems, Inc., OneWest Bank, FSB., and HSBC Bank USA, NA, as trustee for Deutsche Alt2006-AF1. This case came before the Supreme Court at a session in conference pursuant to Article I, Rule 12A(3)(b) of the Supreme Court Rules of Appellate Procedure. At this time, we proceed to decide this case without further briefing and argument.

This appeal is not properly before the Court. Under "[Article I,] Rule 4(a) [of the Supreme Court Rules of Appellate Procedure], a notice of appeal must be filed 'within twenty (20) days of the date of the entry of the judgment." <u>Iozzi v. City of Cranston</u>, 52 A.3d 585, 588 (R.I. 2012) (quoting Rule 4(a)). "It is well settled that 'the time specified in Rule 4(a) is mandatory, and that once the prescribed time has passed there can be no review by way of appeal." <u>Id.</u> (quoting <u>Wachovia Bank v. Hershberger</u>, 911 A.2d 278, 279-80 (R.I. 2006) (mem.)). Judgment in the instant case was entered on April 10, 2013 and the plaintiffs filed their notice of appeal on May 7, 2013, more than twenty days thereafter. Thus, the plaintiffs' notice of appeal was untimely, and this case must be dismissed.

Accordingly, the plaintiffs' appeal is denied and dismissed.
Entered as an Order of this Court on this 25 <sup>th</sup> day of September, 2014
By Order,



### RHODE ISLAND SUPREME COURT CLERK'S OFFICE

# Clerk's Office Order/Opinion Cover Sheet

**TITLE OF CASE:** Jonathan Mensing et al. v. Mortgage Electronic Registration

Systems, Inc., et al.

**CASE NO:** No. 2013-177-Appeal.

**COURT:** Supreme Court

**DATE ORDER FILED:** September 25, 2014

**JUSTICES:** Suttell, C.J., Goldberg, Flaherty, Robinson, and Indeglia, JJ.

**WRITTEN BY:** N/A – Court Order

**SOURCE OF APPEAL:** Providence County Superior Court

JUDGE FROM LOWER COURT:

Associate Justice Bennett R. Gallo

### **ATTORNEYS ON APPEAL:**

For Plaintiffs: George E. Babcock, Esq.

For Defendants: Paul J. Bogosian, Jr., Esq.