

No. 2013-177-Appeal.

ORDER

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.’” Iozzi v. City of Cranston, 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.’” Id. (quoting Wachovia Bank v. Hershberger, 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 25th day of September, 2014.

By Order,

_____/s/_____
Clerk



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.