

[Cite as *Lewis v. Old Republic Surety Co.*, 2006-Ohio-5302.]

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

Sidney T. Lewis,	:	
	:	
Plaintiff-Appellant,	:	
	:	No. 06AP-319
v.	:	(C.P.C. No. 05CVH04-4814)
	:	
Old Republic Surety Company et al.,	:	(ACCELERATED CALENDAR)
	:	
Defendants-Appellees.	:	

D E C I S I O N

Rendered on October 10, 2006

Sidney T. Lewis, pro se.

*Williams & Petro Co., LLC, and John J. Petro, for appellee
Old Republic Surety Company.*

*McNamara and McNamara, L.L.P., William H. Woods, and
Jonathan M. Bryan, for appellee Western Surety Company.*

ON MOTION TO DISMISS

FRENCH, J.

{¶1} Defendant-appellee, Old Republic Surety Company, has moved to dismiss this appeal for lack of a final appealable order.

{¶2} On March 8, 2006, the Franklin County Court of Common Pleas entered an order amending its case schedule in this matter. On April 6, 2006, plaintiff-appellant, Sidney T. Lewis, filed a notice of appeal from the case scheduling order. We have

informally deferred consideration of this appeal upon suggestion of appellant's bankruptcy. On or about September 5, 2006, the United States Bankruptcy Court for the Southern District of Ohio, Eastern Division, dismissed appellant's bankruptcy action, and we will now address appellee's April 17, 2006 motion to dismiss, which is hereby granted.

{¶3} The trial court's March 8, 2006 case scheduling order does not affect a substantive legal right, does not preclude judgment for any party, does not vacate a judgment or grant a new trial, and does not grant or deny any provisional remedy. Therefore, it is not a final appealable order under R.C. 2505.02(B), and this appeal must be dismissed for lack of a final appealable order.

Motion granted, appeal dismissed.

KLATT, P.J., and SADLER, J., concur.
