**[Cite as *Thompson v. Thompson*, 2010-Ohio-2730.]**

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

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| Grace M. Thompson, | : | |
| Plaintiff-Appellant, | : | |
| v. | : | No. 09AP-722 (C.P.C. No. 07DR06-2266) |
| Nathaniel B. Thompson, | : | (REGULAR CALENDAR) |
| Defendant-Appellee. | : | |

D E C I S I O N

Rendered on June 15, 2010

*David C. Watson*, for appellant

*Law Offices of William L. Geary Co., LPA, William L. Geary and Tracy Q. Wendt*, for appellee

APPEAL from the Franklin County Court of Common Pleas, Division of Domestic Relations

CONNOR, J.

**{¶1}** Appellant, Grace M. Thompson, appeals from the judgment of the Franklin County Court of Common Pleas, Division of Domestic Relations after a trial. Because the judgment from which appellant appeals is not a final, appealable order, we must dismiss this appeal.

**{¶2}** The parties were married in October 1970 and separated in August 2003. They filed for divorce in May 2005 but dismissed the matter when neither side was

prepared for the May 2007 trial. The parties refiled their divorce proceedings in June 2007. The matter proceeded to trial in May 2009.

**{¶3}** Both sides agree that the primary issues in this matter regard the distribution of property. More specifically, much of the dispute in this appeal concerns the distribution of appellant's State Teacher's Retirement System ("STRS") account. With this appeal, appellant challenges the way the trial court divided the parties' property and presents six assignments of error in support. In response, appellee Nathanial B. Thompson, filed a motion to dismiss based upon the fact that three of appellant's six assignments of error concern the STRS distribution and no division of property order ("DOPO") has been filed.

**{¶4}** In support of his argument that a dismissal is proper, appellee cites *Green v. Green*, 10th Dist. No. 04AP-61, 2005-Ohio-851. In *Green*, our court provided:

> [I]t is well-established that a judgment apportioning pension benefits between ex-spouses is not a final appealable order until such time as a qualified domestic relations order ("QDRO") or DOPO is entered. Until the court issues the QDRO or DOPO, there is no order directing the plan administrator to divide the benefits in a certain manner. Id. In other words, no "substantial right" of any party is affected until the court actually issues the QDRO or DOPO. *Procuniar v. Procuniar* (Sept. 8, 1995), Greene App. No. 95-CA-19, 1995 Ohio App. LEXIS 3929. Therefore, an order that merely requires parties to prepare and sign a QDRO or DOPO is not a final appealable order. See, e.g., *Rash v. Rash*, 155 Ohio App. 3d 106, 2003 Ohio 5688, at P13, 799 N.E.2d 266; *Isaacson v. Isaacson*, Wood App. No. WD-01-030, 2002 Ohio 738; *Marx v. Marx*, Lucas App. No. L-00-1297, 2002 Ohio 852; *Coutcher v. Coutcher*, Lucas App. No. L-02-1054, 2003 Ohio 791; and *Keith v. Keith*, Lucas App. No. L-04-1011, 2004 Ohio 1334.

Id. at ¶9; see also *Forman v. Forman*, 3d Dist. No. 9-05-14, 2006-Ohio-11.

**{¶5}** In response to appellee's motion to dismiss, appellant acknowledges that no DOPO has been filed but argues that the distribution has effectively been decided by ordering appellant to sign a DOPO that reflects appellee's position on the issue. However, again, as we held in *Green*, an order to prepare and sign a DOPO is not a final appealable order.

**{¶6}** Because there is no final appealable order in this matter, we lack jurisdiction. We therefore sustain appellee's motion to dismiss filed October 14, 2009.

*Appeal dismissed*.

KLATT and FRENCH, JJ., concur.