

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

George W. Sullivan,	:	
Plaintiff-Appellant,	:	
v.	:	No. 12AP-909 (Ct. of Cl. No. 2012-06246)
Unknown,	:	(REGULAR CALENDAR)
Defendant-Appellee.	:	

D E C I S I O N

Rendered on April 25, 2013

George W. Sullivan, pro se.

APPEAL from the Court of Claims of Ohio

KLATT, P.J.

{¶ 1} Plaintiff-appellant, George W. Sullivan, appeals a judgment of the Court of Claims of Ohio that dismissed his action without prejudice. Because the judgment appealed is not a final, appealable order, we dismiss this appeal.

{¶ 2} Sullivan, acting pro se, filed a complaint in the trial court against "Veterans Relief" and "Legal Aid." The complaint alleged that defendants' employees destroyed certain documents, which resulted in the denial of veterans' benefits to Sullivan.

{¶ 3} The trial court sua sponte dismissed defendants as parties because neither was a state agency or instrumentality. Pursuant to R.C. 2743.02(E), only state agencies and instrumentalities can be defendants in original actions in the Court of Claims. The trial court gave Sullivan one month to file an amended complaint that named a proper defendant. The trial court cautioned Sullivan that if he did not file such a complaint, the court would dismiss his action.

{¶ 4} Sullivan did not file an amended complaint. Consequently, on October 2, 2012, the trial court issued a judgment dismissing Sullivan's complaint without prejudice pursuant to Civ.R. 41(B)(1).

{¶ 5} Sullivan now appeals the October 2, 2012 judgment, and he assigns the following errors:

1- I should have received an settlement from the State of Ohio and/or Jefferson County, Ohio. It was brought to my attention that settlements were made and I was left out. The State of Ohio and/or the county neglected to inform me/us of the settlements.

2- Ohio Legal Aid in Stubenville was well aware of the facts and I/we were refused any and all assistance along with Ohio Attorney Generals Office and the Veterans Administration in Cleveland, Ohio.

3- Congressman Douglas Applegate's Office (Stubenville) was inform and gone to in the early to mid '80's, they were already well aware of the problems and the office also neglected to inform us of any and all restitution for the victims of the Veterans Relief in Stubenville, Ohio.

4- Recent developments include Veterans Affairs in Cleveland, Attorney Generals Office & himself, Ohio Court system starting in Stubenville and all the way up to the present court, they are all aware of the problems and everybody has to play politics due to the severity and who it involves including Judge Joe Clark, he proved to me that things were mishandled and neglected including the law.

5- According to the Constitution Department in Ohio, I'm being refused information and justice under the Ohio revised code.

(Sic passim.)

{¶ 6} We lack jurisdiction to address Sullivan's assignments of error because the judgment he is appealing is not a final, appealable order. Pursuant to the Ohio Constitution, Article IV, Section 3(B)(2), appellate courts' jurisdiction extends only to the review of final, appealable orders. Ordinarily, a dismissal without prejudice does not prevent a party from refile and, therefore, ordinarily, such a dismissal is not a final, appealable order. *Natl. City Commercial Capital Corp. v. AAAA at Your Serv., Inc.*, 114

Ohio St.3d 82, 2007-Ohio-2942, ¶ 8. From our review of the trial court record, we can discern no reason why Sullivan could not refile his action in an appropriate court. Accordingly, we dismiss this appeal for lack of jurisdiction.

Appeal dismissed.

BROWN and SADLER, JJ., concur.
