

**THE COURT OF APPEALS
ELEVENTH APPELLATE DISTRICT
GEAUGA COUNTY, OHIO**

CHRISTOPHER P. HITCHCOCK, TREASURER OF GEAUGA COUNTY, OHIO,	:	MEMORANDUM OPINION
	:	
Plaintiff-Appellee,	:	CASE NO. 2009-G-2907
- vs -	:	
ARTHUR E. SEGEDY, JR., et al.,	:	
Defendants,	:	
ALLEN E. SEGEDY,	:	
Defendant-Appellant.	:	

Civil Appeal from the Court of Common Pleas, Case No. 09 F 000356.

Judgment: Appeal dismissed.

David P. Joyce, Geauga County Prosecutor, Courthouse Annex, 231 Main Street, Chardon, OH 44024 (For Plaintiff-Appellee).

Allen E. Segedy, pro se, 7707 Country Lane, Chagrin Falls, OH 44023 (Defendant-Appellant).

MARY JANE TRAPP, P.J.

{¶1} On June 26, 2009, appellant, Allen E. Segedy, pro se, filed a notice of appeal from a June 17, 2009 entry of the Geauga County Court of Common Pleas.

{¶2} On March 27, 2009, appellee, Christopher P. Hitchcock, Treasurer of Geauga County, Ohio, filed a complaint in foreclosure against several people including

Allen Segedy. Allen then filed a motion to dismiss on May 4, 2009, which the trial court denied on May 18, 2009. Subsequently, on May 27, 2009, Allen filed a motion for default judgment. On June 17, 2009, the trial court denied Allen's motion for default judgment. Allen filed the instant appeal from that decision.

{¶3} Section 3(B)(2), Article IV of the Ohio Constitution limits the jurisdiction of an appellate court to the review of final judgments of lower courts. *Germ v. Fuerst*, 11th Dist. No. 2003-L-116, 2003-Ohio-6241, ¶3. In order for a judgment to be final and appealable, the requirements of R.C. 2505.02 and Civ.R. 54(B), if applicable, must be satisfied. See *Alden v. Kovar*, 11th Dist. Nos. 2006-T-0050 and 2006-T-0051, 2006 WL 1816263, at ¶5, citing to *Chef Italiano Corp. v. Kent State Univ.* (1989), 44 Ohio St.3d 86, 88. Pursuant to R.C. 2505.02(B), there are five categories of a "final order," and if a trial court's judgment satisfies any of them, it will be considered a "final order" which can be immediately appealed and reviewed by a court of appeals.

{¶4} Here, the trial court's order does not fit within any of the categories of R.C. 2505.02. The trial court's denial of default judgment is analogous to the denial of summary judgment. "An order denying a motion for summary judgment is not a final appealable order." *State ex rel. Overmeyer v. Walinski* (1966), 8 Ohio St.2d 23. Moreover, the denial of summary judgment is always reviewable on an appeal from a subsequent final judgment. *Sagenich v. Erie Ins. Group* (Dec. 12, 2003), 11th Dist. No. 2003-T-0144, 2003 WL 22952586, at ¶3.

{¶5} While the trial court's judgment in this case denied Allen an immediate remedy much like the denial of a summary judgment, it clearly did not determine the action or prevent a judgment. The trial court's determination may prolong the matter, but it did not decide the case. The denial of default judgment is simply an interlocutory

order. See *Kondrat v. Mitrovich* (May 25, 1984), 11th Dist. No. 9-185, 1984 Ohio App. LEXIS 10054; *Rulli v. Rulli*, 7th Dist. No. 01 CA 114, 2002-Ohio-3205, at ¶12; *Haley v. Reisinger*, 9th Dist. No. 24376, 2009-Ohio-447. It is not a final order, and appellant will have a meaningful and effective remedy by way of an appeal once a final judgment is reached as to all claims and parties when the case is decided and/or dismissed. See *Johnson v. Warren Police Dept.*, 11th Dist. No. 2005-T-0117, 2005-Ohio-6904, at ¶14.

{¶6} Accordingly, this appeal is hereby sua sponte dismissed for lack of a final appealable order.

{¶7} Appeal dismissed.

DIANE V. GRENDALL, J.,

TIMOTHY P. CANNON, J.,

concur.