

[Cite as *Percio v. Smith*, 2016-Ohio-3482.]

**IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CLARK COUNTY**

VALERIE PERCIO, et al.	:	
	:	
Plaintiffs-Appellants	:	C.A. CASE NO. 2015-CA-81
	:	
v.	:	T.C. NO. 12-CV-491
	:	
DAVID C. SMITH, et al.	:	(Civil Appeal from
	:	Common Pleas Court)
Defendant-Appellee	:	
	:	

.....

OPINION

Rendered on the 17th day of June, 2016.

.....

BRYAN O. STEWARD, Atty. Reg. No. 0082014 and WILLIAM W. JOHNSTON, Atty. Reg. No. 0021772, 800 Cross Pointe Rd., Suite E, Gahanna, Ohio 43215
Attorneys for Plaintiffs-Appellants

DAVID C. SMITH, 12811 E. National Road, South Vienna, Ohio 45369
Defendant-Appellee

DENNIS HANEY, 12811 E. National Road, South Vienna, Ohio 45369
Defendant-Appellee

.....

FROELICH, J.

{¶ 1} Valerie Percio appeals from a judgment of the Clark County Court of Common Pleas, which entered judgment in favor of Percio and Joan Grieco and against

Dennis Haney in the amount of \$66,500.¹ The trial court's judgment did not address the claims against David Smith, another defendant.

{¶ 2} In a prior appeal, this court reversed the trial court's June 5, 2013 judgment in favor of both Haney and Smith, and remanded for further proceedings. As a result of that reversal, the June 5, 2013 judgment in favor of Smith was no longer effective. Upon remand, the trial court was required to address the claims against both Smith and Haney in order to have a final appealable order.

{¶ 3} Because the trial court's judgment failed to dispose of the claims against Smith, and in the absence of a proper Civ.R. 54(B) certification, this appeal must be dismissed for want of a final appealable order.

.....

DONOVAN, P.J. and WELBAUM, J., concur.

Copies mailed to:

Bryan O. Steward
William W. Johnston
David C. Smith
Dennis Haney
Hon. Douglas M. Rastatter

¹ A merit brief was filed by Percio and Joan Grieco. However, only Percio filed a notice of appeal.