

IN THE COURT OF APPEALS OF OHIO
FOURTH APPELLATE DISTRICT
MEIGS COUNTY

Larry E. Cummins, et al.,
Plaintiffs-Appellees,
v.

No. 00 CA 12

Janet Greene, et al.,

DECISION & JUDGMENT
ENTRY

Defendants-Appellees,
and
Westfield Companies,
Defendant-Appellant.

Released: 10/20/00

COUNSEL FOR APPELLANT: William S. Cole, **COLE & LEWIS**, Jackson,
Ohio

COUNSEL FRO APPELLEE
JANET GREENE: James D. Sillery, **MOLLIKA, GALL, SLOAN &
SILLERY, CO. L.P.A.**, Athens, Ohio

PER CURIAM:

On August 11, 2000, this court filed an Entry stating that it appeared that the judgment from which appellant, Westfield Companies, appeals which denied a motion for a hearing on its cross-claim, was not a final appealable order pursuant to R.C. 2505.02 because there are two Motions for Pre-Judgment Interest [filed on September 4, 1998 and September 28, 1998] and Westfield's cross-claim which have not been ruled upon by the trial court. We note that in December 1998, the trial court denied Westfield's Motion for Summary Judgment on their cross-claim but never ruled upon the merits of that cross-claim. Appellant filed a Memorandum Regarding Jurisdiction asserting

that the trial court's denial of the Motion for Summary Judgment on the cross-claim implicitly denied the cross-claim itself. Appellee also filed a Memorandum.

It is axiomatic that in Ohio a court speaks through its entries. *State v. King* (1994), 70 Ohio St.3d 158. See, also, *State ex rel. Worcester v. Donnellon* (1990), 49 Ohio St.3d 117; *Rigsby v. Rigsby* (Mar. 27, 1987), Pickaway App. No. 85 CA 41, unreported.

Here, the trial court did not explicitly rule on the cross-claim nor is there any indication in the record that it ruled upon the motion for pre-judgment interest. As a result, the order from which this appeal is taken is not a final appealable order and this court does not have jurisdiction to consider the merits of this appeal pursuant to R.C. 2505.02.

APPEAL DISMISSED.

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JUDGMENT ENTRY

It is ordered that the **APPEAL BE DISMISSED** and that appellee recover of appellant costs herein taxed.

The Court finds that there were reasonable grounds for this appeal.

It is further ordered that a special mandate issue out of this Court directing the Meigs County Common Pleas Court to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.
Exceptions.

Harsha, J. and Evans, J. Concur

FOR THE COURT

By: _____
Roger L. Kline, Presiding Judge

NOTICE TO COUNSEL

Pursuant to Local Rule No. 14, this document constitutes a final judgment entry and the time period for further appeal commences from the date of filing with the clerk.