

[Cite as *Midwest Fireworks Mfg. Co. v. Gibel*, 2002-Ohio-1847.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT  
COUNTY OF CUYAHOGA  
NO. 79955

MIDWEST FIREWORKS MANUFACTURING:

CO. :

:

Plaintiff-appellant :

:

vs. :

:

ALBERT GIBEL, et al :

:

Defendants-appellees :

:

JOURNAL ENTRY  
and  
OPINION

DATE OF ANNOUNCEMENT  
OF DECISION

:

APRIL 18, 2002

CHARACTER OF PROCEEDING

:

Civil appeal from  
Cuyahoga County Court of  
Common Pleas  
Case No. 367569

JUDGMENT

:

DISMISSED.

DATE OF JOURNALIZATION

:

APPEARANCES:

For plaintiff-appellant:

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For defendant-appellees  
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(Continued)

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Cuyahoga County Board  
of Revision:

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For defendant-appellee  
Bridget McCafferty,  
Judge:

CHARLES E. HANNAN, JR.  
Assistant County Prosecutor  
Justice Center, 8th Floor  
1200 Ontario Street  
Cleveland, Ohio 44113

JUDGE TERRENCE O'DONNELL:

{¶1} Midwest Fireworks Manufacturing Co, Inc. appeals from a July 3, 2001 order of the common pleas court finding Larry Lomaz/Midwest Fireworks in direct contempt of court after Lomaz, Midwest's representative, failed to appear in court for a scheduled hearing. The court issued a bench warrant for Larry Lomaz, sentenced him to thirty days in jail, and fined him \$250; the court, however, imposed no sanction or penalty against Midwest Fireworks Manufacturing Co., Inc.

{¶2} Because a contempt order consists of both a finding of contempt and the imposition of a penalty or a sanction, a ruling on contempt is not a final appealable order unless there is a finding of contempt and a sanction or penalty has been imposed. See *Chain Bike v. Spoke'n Wheel, Inc.* (1979), 64 Ohio App.2d 62, 410 N.E.2d 802; *Cooper v. Cooper* (1984), 14 Ohio App.3d. 327, 471 N.E.2d 525.

{¶3} In accordance with the case law authority, because the trial court in the instant case has not imposed a sanction against Midwest Fireworks Manufacturing Co. Inc., the only party that has filed a notice of appeal, we have no final appealable order as to that party. Accordingly, this appeal is dismissed.

It is ordered that appellees recover of appellant their costs herein taxed.

It is ordered that a special mandate issue out of this court directing the Cuyahoga County Court of Common Pleas 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.

JUDGE  
TERRENCE O'DONNELL

ANNE L. KILBANE, P.J. and  
JAMES J. SWEENEY, J. CONCUR

N.B. This entry is an announcement of the court's decision. See App.R. 22(B), 22(D) and 26(A); Loc.App.R. 22. This decision will be journalized and will become the judgment and order of the court pursuant to App.R. 22(E) unless a motion for reconsideration with supporting brief, per App.R. 26(A), is filed within ten (10) days of the announcement of the court's decision. The time period for review by the Supreme Court of Ohio shall begin to run upon the journalization of this court's

announcement of decision by the clerk per App.R. 22(E). See, also,  
S.Ct.Prac.R. II, Section 2(A)(1).