

[Cite as *F & L Ctr. Co., Ltd. v. H. Goodman, Inc.*, 2004-Ohio-2165.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 83503

F & L CENTER COMPANY, LIMITED	:	
	:	ACCELERATED DOCKET
Plaintiff-Appellant	:	
	:	JOURNAL ENTRY
-vs-	:	
	:	AND
H. GOODMAN, INC.	:	
	:	OPINION
Defendant-Appellee	:	

Date of Announcement of Decision:	APRIL 29, 2004
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Character of Proceeding:	Civil appeal from Court of Common Pleas Case No. CV-465611
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Judgment:	Appeal dismissed.
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Date of Journalization:

Appearances:

For Plaintiff-Appellant:	MICHAEL J. CONNICK, ESQ. MOIRA A. McANDREW, ESQ. The Tower at Erievue Suite 1420 1301 East Ninth Street Cleveland, Ohio 44114
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For Defendant-Appellee:	DAVID D. YEAGLEY, ESQ.
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JAMES J. SWEENEY, J.:

{¶1} This appeal is before the Court on the accelerated docket pursuant to App.R. 11.1 and Loc. App.R. 11.1.

{¶2} This appeal is dismissed sua sponte for lack of a final appealable order.

{¶3} To create a final and appealable order, the requirements of both Civ.R. 54(B) and R.C. 2505.02 must be met. *General Acc. Ins. Co. v. Insurance Co. of North America* (1989), 44 Ohio St.3d 17, 20-21; *Allstate Ins. Co. v. Soto* (Nov. 30, 2000), Cuyahoga App. Nos. 78114 and 78115. In this case, the record reflects that defendant's counterclaim remains pending and the journal entry appealed from does not contain language that "there is no just reason for delay" pursuant to Civ.R. 54(B). Therefore, the order appealed from is not a final appealable order. Id.

Appeal dismissed.

It is ordered that appellee recover of appellant its costs herein taxed.

It is ordered that a special mandate issue out of this Court directing the 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.

ANNE L. KILBANE, P.J., and

DIANE KARPINSKI, J., CONCUR.

JAMES J. SWEENEY
JUDGE

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. 112, Section 2(A)(1).