

[Cite as *Rausch v. Rausch*, 2005-Ohio-3730.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 85600

MARIANN RAUSCH

Plaintiff-Appellant

-vs-

ROBERT RAUSCH

Defendant-Appellee

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JOURNAL ENTRY

AND

OPINION

Date of Announcement
of Decision:

JULY 21, 2005

Character of Proceeding:

Civil appeal from
Court of Common Pleas
Domestic Relations Division
Case No. DR-264115

Judgment:

Appeal dismissed.

Date of Journalization:

Appearances:

For Plaintiff-Appellant:

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For Defendant-Appellee:

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323 Lakeside Avenue, West
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JAMES J. SWEENEY, J.:

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

{¶ 2} On October 27, 2004, the Cuyahoga County Court of Common Pleas, Domestic Relations Division, issued a judgment entry with regard to defendant-appellee Robert Rausch's various post-divorce decree motions, including a motion for reallocation of parental rights and responsibilities, motion to modify child support, and motion to terminate spousal support.

{¶ 3} On November 3, 2004, plaintiff-appellant Mariann Rausch timely filed a motion for findings of fact and conclusions of law.

On November 26, 2004, plaintiff filed a notice of appeal before the trial court ruled upon the motion for findings of fact and conclusions of law.

{¶ 4} When a party has timely filed a motion for findings of fact and conclusions of law, which has not been ruled upon by the trial court, no final appealable order exists from which to appeal.

Walker v. Doup (1988), 36 Ohio St.3d 229; *In re adoption of Gibson* (1986), 23 Ohio St.3d 170, 173; *In re T.W.*, Cuyahoga App. No. 85559, 2005-Ohio-3128; *Messina v. Good Times Café* (May 23, 1991), Cuyahoga App. Nos. 58576, 58577, 58873.

Appeal dismissed.

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

It is ordered that a special mandate issue out of this Court directing the Court of Common Pleas, Domestic Relations Division 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.

PATRICIA A. BLACKMON, A.J., and
ANN DYKE, P.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).