

[Cite as *Tinter v. Lucik*, 2005-Ohio-5858.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 86026

ELIZABETH M. TINTER

Plaintiff-Appellant

-vs-

MARILYN LUCIK, ET AL.

Defendants-Appellees

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JOURNAL ENTRY

AND

OPINION

Date of Announcement  
of Decision:

NOVEMBER 3, 2005

Character of Proceeding:

Civil appeal from  
Court of Common Pleas  
Case No. CV-521453

Judgment:

APPEAL DISMISSED

Date of Journalization:

Appearances:

For Plaintiff-Appellant:

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Euclid-Ninth Tower, #700  
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Cleveland, Ohio 44115-1301

For Defendants-Appellees:

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JAMES J. SWEENEY, P.J.:

{¶ 1} Plaintiff-appellant, Elizabeth M. Tinter, appeals from the trial court's judgment granting defendants-appellees' motion for directed verdict at the close of plaintiff's case-in-chief. However, this Court lacks jurisdiction to hear this appeal. The trial court has not yet made a disposition of defendants' counterclaim, which asserted a claim for breach of a noncompetition agreement. The trial court's journal entry does not certify its partial judgment as no just reason for delay pursuant to Civ.R. 54(B). Consequently, the trial court's judgment is not a final appealable order pursuant to Civ.R. 54(B).

Appeal 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 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.

COLLEEN CONWAY COONEY, J., and  
MICHAEL J. CORRIGAN, J., CONCUR.

JAMES J. SWEENEY  
PRESIDING 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).