

[Cite as *Cooper v. Cooper*, 2005-Ohio-625.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 84652

BEN J. COOPER	:	
	:	JOURNAL ENTRY
Plaintiff-Appellee	:	
	:	and
vs.	:	
	:	OPINION
VIVIAN E. COOPER	:	
	:	
Defendant-Appellant	:	

DATE OF ANNOUNCEMENT
OF DECISION:

February 17, 2005

CHARACTER OF PROCEEDING:

Civil appeal from
Common Pleas Court
Domestic Relations Division
Case No. D-273222

JUDGMENT:

DISMISSED

DATE OF JOURNALIZATION:

APPEARANCES:

For Plaintiff-Appellee:

RAMON BASIE
15381 Brewster Road
East Cleveland, Ohio 44112

For Defendant-Appellant:

VIVIAN E. COOPER, PRO SE
3051 East 128th Street
Cleveland, Ohio 44120

ANTHONY O. CALABRESE, JR., J.:

{¶ 1} Defendant-appellant Vivian E. Cooper appeals from various rulings by the Cuyahoga County Court of Common Pleas, Domestic Relations Division, in relation to her divorce from plaintiff-appellee Ben J. Cooper. For the reasons stated below, the case is dismissed for lack of a final appealable order.

{¶ 2} This court has jurisdiction to "review, affirm, modify, set aside, or reverse judgments or final orders." R.C. 2501.02. A judgment apportioning pension benefits between ex-spouses is not a final order until a Qualified Domestic Relations Order ("QDRO") is entered that disposes of all the retirement benefits. *Lyddy v. Lyddy* (1989), 64 Ohio App.3d 561.

{¶ 3} In the case sub judice, the judgment entry issued by the court states: "The Wife's share to the Husband's pension shall be ordered by a separate order called a Qualified Domestic Relations Order." The record indicates that the QDRO was not entered prior to the instant appeal. Therefore, we are without jurisdiction to review the case. *Batt v. Batt*, Cuyahoga App. Nos. 82740 and 83452, 2004-Ohio-1680.

Appeal dismissed.

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

It is ordered that a special mandate be sent to the Cuyahoga

County Court of Common Pleas, Domestic Relations Division,
directing said 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.

ANTHONY O. CALABRESE, JR.
JUDGE

FRANK D. CELEBREZZE, JR., P.J., and
KENNETH A. ROCCO, 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).