

[Cite as *Eagle Communications v. Coral Beach Travel & Tours, Inc.*, 2006-Ohio-3329.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 87686

EAGLE COMMUNICATIONS, ET AL., :  
:   
Plaintiffs-Appellees :   
: JOURNAL ENTRY  
vs. : and  
: OPINION  
CORAL BEACH TRAVEL & TOURS, :  
INC., :

Defendant-Appellant :

DATE OF ANNOUNCEMENT  
OF DECISION : JUNE 29, 2006

CHARACTER OF PROCEEDING: : Civil appeal from  
: Common Pleas Court  
: Case No. 544312

JUDGMENT : DISMISSED.

DATE OF JOURNALIZATION :

APPEARANCES:

For plaintiffs-appellees: Robert J. Willis, Esq.  
PETRONZIO SCHNEIER CO., LPA  
5001 Mayfield Road, Suite 201  
Lyndhurst, Ohio 44124

For defendant-appellant: Michael S. Goldstein, Esq.  
MICHAEL S. GOLDSTEIN CO., L.P.A.  
Beachwood Gateway Office Park  
21625 Chagrin Boulevard, Suite 240  
Beachwood, Ohio 44122-5335

For Telephone Consumer  
Rights Bar Association  
of Ohio, Amicus Curiae: Joseph R. Compoli, Jr., Esq.  
612 East 185<sup>th</sup> Street  
Cleveland, Ohio 44119

James R. Goodluck, Esq.  
3517 St. Albans Road  
Cleveland Heights, Ohio 44121

MICHAEL J. CORRIGAN, J.:

{¶ 1} A group of plaintiffs, headed by named plaintiff Eagle Communications, brought this action under the Telephone Consumer Protection Act ("TCPA"), Section 227(b)(1)(C), Title 47, U.S. Code against defendant Coral Beach Travel & Tours, Inc., seeking damages for their receipt of unsolicited facsimile transmissions. The complaint also set forth a cause of action under the Ohio Consumer Sales Practices Act, R.C. Chapter 1345, and asked for compensatory damages, punitive damages and attorney fees. The court granted Eagle Communication's motion for summary judgment and ordered Coral Beach Travel to pay damages totaling \$25,500. Coral Beach Travel argues on appeal that the court erred by granting summary judgment.

We do not reach the merits of its arguments, however, as we lack a final, appealable order.

{¶ 2} According to Civ.R. 54(B), an action is not terminated unless the court has resolved all of the claims or the rights and liabilities of all of the parties, or the court has specified that there is no just reason for delay.

{¶ 3} The motion for summary judgment sought judgment solely on the TCPA claim. It did not mention the Consumer Sales Practices Act claim. Nothing in the court's judgment mentioned the Consumer Sales Practices Act claim. That claim therefore remains unresolved, and absent Civ.R. 54(B) certification of no just reason for delay, we lack a final order.

Appeal dismissed.

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 Common Pleas 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.

MICHAEL J. CORRIGAN  
JUDGE

KENNETH A. ROCCO, P.J., and

PATRICIA ANN BLACKMON, 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).

