

[Cite as *Condominiums at Stonebridge Owners' Assn. v. Patton*, 2009-Ohio-2586.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
**No. 92039**

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**THE CONDOMINIUMS AT STONEBRIDGE  
OWNERS' ASSOCIATION, INC., ET AL.**

PLAINTIFFS-APPELLANTS

vs.

**ROBERT PATTON, ET AL.**

DEFENDANTS-APPELLEES

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**JUDGMENT:  
DISMISSED**

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Civil Appeal from the  
Cuyahoga County Court of Common Pleas  
Case No. CV-645753

**BEFORE:** Rocco, P.J., Dyke, J., and Jones, J.

**RELEASED:** June 4, 2009

**JOURNALIZED:**

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N.B. This entry is an announcement of the court's decision. See App.R. 22(B) 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(C) 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(C). See, also, S.Ct. Prac.R. II, Section 2(A)(1).

KENNETH A. ROCCO, P.J.:

{¶ 1} Plaintiff-appellant, The Condominiums at Stonebridge, Ltd., and third party defendants-appellants, The K&D Group, Inc., Douglas Price, Robert Corna, and Cyndi Kriz, appeal from a common pleas court order finding that the parties entered into an enforceable settlement agreement on February 4, 2008, and ordering the parties to comply with the terms of this agreement within thirty days of the court's order. The appellants assert that the common pleas court erred by granting the motion to enforce settlement agreement which was filed by defendants-appellees, Robert Patton and Jeannie Patton. We find the common pleas court's order was not final and appealable. Therefore, we lack jurisdiction over this appeal.

{¶ 2} The order from which appellants have appealed states, in its entirety:

"Defendants/third party plaintiffs, Robert and Jeannie Patton's motion to enforce settlement agreement and for sanctions, filed 2-15-08 is granted in part and denied in part.

"Hearing was held on 3-28-08 on motion to enforce settlement agreement. After considering the arguments of counsel, the applicable law and relevant facts, the court finds that the parties entered into an enforceable settlement agreement on February 4, 2008. Based on this finding, defendants/third party plaintiffs, Robert and Jeannie Patton's, motion to enforce settlement agreement is granted. Parties are to comply with the terms of settlement agreement within thirty (30) days of this order.

"Defendants/third party plaintiffs, Robert and Jeannie Patton's motion for sanction, is denied.

“Final.

“Court cost assessed as each their own.”

{¶ 3} “An order is a ‘final order’ subject to appeal under R.C. 2505.02(B), \*  
\* \* when it affects a substantial right in an action that in effect determines the  
action and prevents a judgment. R.C. 2505.02(B)(1).” “One fundamental  
principle in the interpretation of judgments is that, to terminate the matter, the  
order must contain a statement of the relief that is being afforded the parties.”  
*Harkai v. Scherba Indus.* (2000), 136 Ohio App.3d 211, 215. “The matters should  
be disposed of ‘such that the parties need not resort to any other document to  
ascertain the extent to which their rights and obligations have been  
determined.’” *Bergin v. Berezanski*, Summit App. No. 21451, 2003-Ohio-4266, ¶5.

{¶ 4} Despite the common pleas court’s use of the word “final,” neither its  
statement that the parties entered into an enforceable settlement agreement nor  
its order for the parties to comply with the agreement disposes of any claim or  
states the relief being afforded to any party. All claims remain pending before the  
court. We have no jurisdiction to review this order and must dismiss this appeal.

Appeal dismissed.

It is ordered that appellees recover from appellants costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate be sent to 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.

KENNETH A. ROCCO, PRESIDING JUDGE

ANN DYKE, J., and  
LARRY A. JONES, J., CONCUR