

STATE OF OHIO)
)ss:
COUNTY OF SUMMIT)

IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT

BARBARA LUNDIN

C.A. No. 25201

Appellee

v.

VINCENT NIEPSUJ

APPEAL FROM JUDGMENT
ENTERED IN THE
COURT OF COMMON PLEAS
COUNTY OF SUMMIT, OHIO
CASE No. 2002 02 0687

Appellant

DECISION AND JOURNAL ENTRY

Dated: March 30, 2011

CARR, Judge.

{¶1} Appellant, Vincent Niepsuj (“Husband”), appeals from the judgment of the Summit County Court of Common Pleas, Domestic Relations Division. This Court dismisses the appeal for lack of a final, appealable order.

I.

{¶2} Vincent and Barbara (“Wife”) Niepsuj (nka Lundin) were divorced in 2003. On April 10, 2009, Wife filed a motion to enforce the divorce decree. A hearing on the motion was held on May 20, 2009, and the magistrate issued a decision on the motion on June 18, 2009. Husband filed timely objections to the magistrate’s decision. On December 17, 2009, the domestic relations court issued a judgment entry, purportedly ruling on Husband’s objections. Husband filed a timely appeal.

II.

{¶3} Husband raises six assignments of error which we decline to restate here.

{¶4} As a preliminary matter, this Court is obligated to raise sua sponte questions related to our jurisdiction. *Whitaker-Merrell Co. v. Geupel Constr. Co., Inc.* (1972), 29 Ohio St.2d 184, 186. This Court has jurisdiction to hear appeals only from final judgments. Article IV, Section 3(B)(2), Ohio Constitution; R.C. 2501.02. For a judgment to be final and appealable, the requirements of R.C. 2505.02 must be satisfied. *Chef Italiano Corp. v. Kent State Univ.* (1989), 44 Ohio St.3d 86, 88. R.C. 2505.02(B) requires that an order fully determine an action to be final. In the absence of a final, appealable order, this Court must dismiss the appeal for lack of subject matter jurisdiction. *Lava Landscaping, Inc. v. Rayco Mfg., Inc.* (Jan. 26, 2000), 9th Dist. No. 2930-M.

{¶5} This Court has repeatedly held:

“Civ.R. 53 governs magistrate’s decisions. This Court has literally interpreted Civ.R. 53 in the past and has held that for a trial court’s ruling on a magistrate’s decision to be final, the court must independently enter judgment. *Harkai v. Scherba Industries, Inc.* (2000), 136 Ohio App.3d 211, 218-21 (holding that an order in which the court merely adopts or affirms a magistrate’s decision is not final because a court must explicitly enter judgment independently of the magistrate).” *In re Strickler*, 9th Dist. No. 09CA009692, 2010-Ohio-2277, at ¶5.

{¶6} In this case, the domestic relations court stated that Husband’s objection is overruled. It failed, however, to independently enter judgment. “[A]fter explicitly ruling on every objection, [the trial court] must enunciate the orders which resolve the issues in dispute.” *Id.* at ¶6. In this case, the domestic relations court did not adhere to an earlier order or explicitly enter judgment. Accordingly, this Court must dismiss the appeal for lack of a final, appealable order.

Appeal dismissed.

Immediately upon the filing hereof, this document shall constitute the journal entry of judgment, and it shall be file stamped by the Clerk of the Court of Appeals at which time the period for review shall begin to run. App.R. 22(E). The Clerk of the Court of Appeals is instructed to mail a notice of entry of this judgment to the parties and to make a notation of the mailing in the docket, pursuant to App.R. 30.

Costs taxed to Appellant.

DONNA J. CARR
FOR THE COURT

MOORE, J.
BELFANCE, P. J.
CONCUR

APPEARANCES:

VINCENT M. NIEPSUIJ, pro se, Appellant.

BARABRA LUNDIN, pro se, Appellee.