[Cite as *Franklin Cty. Prosecutor v. Eichenberger*, 2026-Ohio-4498.]

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

Franklin County Prosecutor,	:	
Plaintiff-Appellee,	:	No. 26AP-395 (C.P.C. No. 24CV-6484)
v.	:	(REGULAR CALENDAR)
Raymond L. Eichenberger,	:	
Defendant/Third Party Plaintiff-Appellant,	:	
v.	:	
Mark Serrott,	:	
Third Party Defendant-Appellee.	:	

D E C I S I O N

Rendered on November 12, 2026

On brief: *Shayla D. Favor*, Prosecuting Attorney, *Thomas Ellis*, and *Patrick Stevens*, for appellee Franklin County Prosecuting Attorney. **Argued:** *Thomas Ellis*.

On brief: *Raymond L. Eichenberger*, pro se.

On brief: *Fishel Downey Albrecht & Riepenhoff LLC*, *Daniel T. Downey*, and *Benjamin D. Humphrey*, for appellee Mark Serrott. **Argued:** *Benjamin D. Humphrey*.

APPEAL from the Franklin County Court of Common Pleas

EDELSTEIN, J.

{¶ 1} Raymond L. Eichenberger appeals from a judgment entry of the Franklin County Court of Common Pleas dismissing his counterclaim against plaintiff-appellee, Shayla D. Favor, Franklin County Prosecuting Attorney[1] ("Franklin County Prosecutor"), and his third-party claim against third party defendant-appellee, Judge Mark Serrott. Mr. Eichenberger additionally appeals from an order of the trial court denying his motion to quash service. For the following reasons, we dismiss the appeal.

I. Facts and Procedural History

{¶ 2} On August 21, 2024, the Franklin County Prosecutor filed a complaint seeking a declaration that Mr. Eichenberger is a vexatious litigator pursuant to R.C. 2323.52.[2] After service of process by certified mail failed, the Franklin County Prosecutor sought the appointment of a process server to accomplish service. The prosecutor filed a proof of service stating personal service by process server was accomplished on June 11, 2025.

{¶ 3} Mr. Eichenberger filed a motion to quash service on July 12, 2025 contesting the method of service. In an October 22, 2025 order, the trial court determined service of process was accomplished and denied Mr. Eichenberger's motion to quash service. The order specified Mr. Eichenberger shall have 14 days from the date of the order to file an answer. Mr. Eichenberger appealed the trial court's October 22, 2025 order denying his motion to quash. This court dismissed the appeal for lack of jurisdiction, finding the October 22, 2025 order was not a final, appealable order. (Nov. 18, 2025 Journal Entry of Dismissal, case No. 25AP-894.)

{¶ 4} On January 15, 2026, Mr. Eichenberger filed an answer and counterclaim against the Franklin County Prosecutor and a third-party complaint against Mark Serrott, the then-presiding trial court judge. Mr. Eichenberger alleged the Franklin County Prosecutor and Judge Serrott violated his constitutional rights in their handling of the vexatious litigator action against him, seeking compensatory and punitive damages in

[1] When this case originated, G. Gary Tyack was the Franklin County Prosecuting Attorney. Ms. Favor succeeded Mr. Tyack as the Franklin County Prosecuting Attorney on January 12, 2025.

[2] The August 21, 2024 complaint at issue in this appeal is a refiled complaint. The Franklin County Prosecutor originally filed a complaint to declare Mr. Eichenberger a vexatious litigator on April 27, 2021, and the trial court dismissed that complaint without prejudice. (Franklin County case No. 21 CV-2629.)

excess of $4,000,000. Judge Serrott recused from the matter, and the case was transferred to a visiting judge.

{¶ 5} The Franklin County Prosecutor filed a Civ.R. 12(B)(6) motion to dismiss Mr. Eichenberger's counterclaim and third-party claim for failure to state a claim upon which relief can be granted, arguing the Franklin County Prosecutor was entitled to immunity on Mr. Eichenberger's counterclaim. Similarly, Judge Serrott filed a Civ.R. 12(C) motion for judgment on the pleadings seeking dismissal of Mr. Eichenberger's third-party claim against him on the basis of immunity.

{¶ 6} In an April 6, 2026 judgment entry, the trial court granted both motions to dismiss. The trial court determined Judge Serrott is entitled to immunity from any civil liability alleged in the third-party complaint pursuant to R.C. 2744.03(A)(1), and the Franklin County Prosecutor is entitled to immunity from any civil liability alleged in the counterclaim pursuant to R.C. 2744.03(A)(7). Thus, the trial court dismissed Mr. Eichenberger's counterclaim against the Franklin County Prosecutor and the third-party complaint against Judge Serrott. In granting the motions to dismiss, the trial court specifically noted the original claim seeking to declare Mr. Eichenberger a vexatious litigator remained pending, stating "[a]ll issues not having been decided, this Order is not final and appealable. This matter will be scheduled for further hearing by separate Notice filed herein." (Apr. 6, 2026 Jgmt. Entry at 5.) Mr. Eichenberger filed a notice of appeal from both the April 6, 2026 judgment entry granting the motions to dismiss and the October 22, 2025 order denying his motion to quash service.

II. Assignments of Error

{¶ 7} Mr. Eichenberger raises the following five assignments of error for our review:

> [I.] THE TRIAL COURT ERRED AS A MATTER OF LAW AND ABUSED ITS DISCRETION WHEN IT RULED THAT SERVICE OF SUMMONS AND COMPLAINT IN THIS CASE UPON THE DEFENDANT HAD BEEN PERFECTED BY PERSONAL SERVICE, WHEN THE PLAINTIFF'S EMPLOYEE PROCESS SERVER ALLEGEDLY LEFT SUMMONS AND COMPLAINT WEDGED BETWEEN A SCREEN DOOR AND THE DOOR JAMB AT A HOUSE NOT

> OCCUPIED BY THE DEFENDANT OR THE RESIDENCE OF THE DEFENDANT.
>
> [II.] THE TRIAL COURT ERRED AS A MATTER OF LAW AND ABUSED ITS DISCRETION WHEN IT GRANTED THE MOTIONS TO DISMISS OF THE PLAINTIFF AND THE THIRD PARTY DEFENDANT, BECAUSE GRANTING MOTIONS TO DISMISS BEFORE DISCOVERY HAS BEEN CONDUCTED IN A CIVIL LAWSUIT VIOLATES DUE PROCESS OF LAW.
>
> [III.] THE TRIAL COURT ERRED AS A MATTER OF LAW AND ABUSED ITS DISCRETION WHEN IT GRANTED PLAINTIFF'S MOTION TO DISMISS THE COUNTERCLAIM OF THE DEFENDANT BASED SOLELY ON SOVEREIGN IMMUNITY AND GOVERNMENTAL IMMUNITY.
>
> [IV.] THE TRIAL COURT ERRED AS A MATTER OF LAW AND ABUSED ITS DISCRETION WHEN IT GRANTED THIRD PARTY DEFENDANT SERROTT'S MOTION TO DISMISS THE THIRD PARTY COMPLAINT BASED SOLELY ON SOVEREIGN IMMUNITY AND GOVERNMENTAL IMMUNITY.
>
> [V.] THE TRIAL COURT ERRED AS A MATTER OF LAW AND ABUSED ITS DISCRETION WHEN IT GRANTED THIRD PARTY DEFENDANT SERROTT'S MOTION TO DISMISS THE THIRD PARTY COMPLAINT WITHOUT PERMITTING THE THIRD PARTY PLAINTIFF AN OPPORTUNITY TO FILE A MEMORANDUM CONTRA TO THE MOTION TO DISMISS PURSUANT TO THE CIVIL RULES.

(Sic passim.)

III. Analysis

{¶ 8} Before we reach the merits of Mr. Eichenberger's assignments of error, we must, as a threshold matter, determine whether the appeal is taken from a final, appealable order.

{¶ 9} Article IV, Section 3(B)(2) of the Ohio Constitution limits the jurisdiction of the appellate courts to considering only final, appealable orders. "If an order is not a final appealable order, the appellate court lacks jurisdiction and the court must dismiss the appeal." *Tassone v. Tassone*, 2019-Ohio-683, ¶ 7 (10th Dist.), citing *K.B. v. Columbus*,

2014-Ohio-4027, ¶ 8 (10th Dist.). Final orders "dispos[e] of the whole case or some separate and distinct branch thereof." *Lantsberry v. Tilley Lamp Co.*, 27 Ohio St.2d 303, 306 (1971). An order of a trial court is a final and appealable order only if it satisfies the requirements in R.C. 2505.02 and, if applicable, Civ.R. 54(B). *Tassone* at ¶ 7, citing *Eng. Excellence, Inc. v. Northland Assocs., LLC*, 2010-Ohio-6535, ¶ 10 (10th Dist.). The trial court's designation of an entry as a "final appealable order" is not dispositive of the issue. *In re Murray*, 52 Ohio St.3d 155, 157 (1990).

{¶ 10} R.C. 2505.02(B) defines final orders and provides, in pertinent part:

> An order is a final order that may be reviewed, affirmed, modified, or reversed, with or without retrial, when it is one of the following:
>
> (1) An order that affects a substantial right in an action that in effect determines the action and prevents a judgment;
>
> (2) An order that affects a substantial right made in a special proceeding or upon a summary application in an action after judgment;
>
> (3) An order that vacates or sets aside a judgment or grants a new trial;
>
> (4) An order that grants or denies a provisional remedy and to which both of the following apply:
>
> (a) The order in effect determines the action with respect to the provisional remedy and prevents a judgment in the action in favor of the appealing party with respect to the provisional remedy.
>
> (b) The appealing party would not be afforded a meaningful or effective remedy by an appeal following final judgment as to all proceedings, issues, claims, and parties in the action.

{¶ 11} "If the order is final under R.C. 2505.02, the court must determine whether Civ.R. 54(B) applies." *Peppers v. Scott*, 2016-Ohio-8265, ¶ 11 (10th Dist.), citing *Gen. Acc. Ins. Co. v. Ins. Co. of N. Am.*, 44 Ohio St.3d 17, 21 (1989). Civ.R. 54(B) provides:

> When more than one claim for relief is presented in an action whether as a claim, counterclaim, cross-claim, or third-party claim, and whether arising out of the same or separate

> transactions, or when multiple parties are involved, the court may enter final judgment as to one or more but fewer than all of the claims or parties only upon an express determination that there is no just reason for delay. In the absence of a determination that there is no just reason for delay, any order or other form of decision, however designated, which adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties, shall not terminate the action as to any of the claims or parties, and the order or other form of decision is subject to revision at any time before the entry of judgment adjudicating all the claims and the rights and liabilities of all the parties.

{¶ 12} Where a trial court enters judgment on some but not all of the claims in a multi-claim action or with respect to some but not all of the parties in a multi-party action, an appellate court has no jurisdiction to review the judgment in the absence of express Civ.R. 54(B) language indicating there is no just reason for delay. *In re Estate of Endt*, 2014-Ohio-1749, ¶ 10 (10th Dist.), citing *Moore v. Gross*, 2010-Ohio-3328, ¶ 12 (10th Dist.); *Peppers* at ¶ 11, quoting Civ.R. 54(B).

{¶ 13} Mr. Eichenberger argues the trial court's April 6, 2026 judgment entry granting the motions to dismiss of appellees is a final, appealable order because it involves the trial court's determination of immunity under R.C. 2744.02(C). However, R.C. 2744.02(C) confers an immediate right of interlocutory appeal only upon a ***denial*** of immunity to a political subdivision or employee of a political subdivision. R.C. 2744.02(C) ("An order that ***denies*** a political subdivision or an employee of a political subdivision the benefit of an alleged immunity from liability as provided in this chapter or any other provision of the law is a final order.") (emphasis added); *Hubbell v. Xenia*, 2007-Ohio-4839, syllabus ("When a trial court ***denies*** a motion in which a political subdivision or its employee seeks immunity under R.C. Chapter 2744, that order denies the benefit of an alleged immunity and is therefore a final, appealable order pursuant to R.C. 2744.02(C).") (emphasis added). Here, the trial court ***granted*** immunity to Judge Serrott and the Franklin County Prosecutor. Thus, the April 6, 2026 judgment entry dismissing the counterclaim and third-party claim does not fall within R.C. 2744.02(C). To be a final, appealable order, then, the April 6, 2026 order must satisfy the requirements of R.C. 2505.02 and Civ.R. 54(B).

{¶ 14} The trial court's April 6, 2026 judgment entry granting appellees' motions to dismiss Mr. Eichenberger's counterclaim and third-party claim against appellees did not resolve the original claim seeking to declare Mr. Eichenberger a vexatious litigator. The trial court expressly stated "[a]ll issues not having been decided, this Order is not final and appealable." (Apr. 6, 2026 Jgmt. Entry at 5.) Additionally, the order did not contain the Civ.R. 54(B) certification indicating no just reason for delay. *State ex rel. Keith v. McMonagle*, 2004-Ohio-5580, ¶ 4 ("A judgment that leaves issues unresolved and contemplates that further action must be taken is not a final appealable order."); *Tonti Homes Corp. v. Siculan*, 2022-Ohio-3067, ¶ 12 (10th Dist.) ("[E]ven if we were to consider that the trial court's . . . decision and entry meets the requirements of R.C. 2505.02, we could not find the decision and entry is a final, appealable order pursuant to Civ.R. 54(B)"). Accordingly, the trial court's April 6, 2026 judgment entry does not dispose of all claims and is not a final, appealable order. *Soliman v. Nawar*, 2023-Ohio-3650, ¶ 8 (10th Dist.) ("As the Civ.R. 54(B) language is absent from the order at issue, the entry is subject to modification and is not a final, appealable order.").

{¶ 15} As appellees note, we previously determined the trial court's October 22, 2025 order denying Mr. Eichenberger's motion to quash service was not a final, appealable order pursuant to R.C. 2505.02. (Nov. 18, 2025 Journal Entry of Dismissal, case No. 25AP-894.) "The general rule is that all orders in a case must be reviewed in a single appeal after final judgment." *State v. Glenn*, 2021-Ohio-3369, ¶ 10, citing *Anderson v. Richards*, 173 Ohio St. 50, 55 (1962) (acknowledging "the principle that there should be only one appeal in the cause itself wherein all errors can be urged simultaneously"), and *Digital Equip. Corp. v. Desktop Direct, Inc.*, 511 U.S. 863, 868 (1994) (the "general rule [is] that a party is entitled to a single appeal, to be deferred until final judgment has been entered, in which claims of [trial] court error at any stage of the litigation may be ventilated"). Thus, as we indicated before, because the trial court has not entered final judgment in this case, the October 22, 2025 order denying Mr. Eichenberger's motion to quash remains interlocutory and is not a final, appealable order.

{¶ 16} Having determined neither the trial court's April 6, 2026 judgment entry nor the trial court's October 22, 2025 order is a final, appealable order, we lack jurisdiction to review Mr. Eichenberger's five assignments of error.

IV. Disposition

{¶ 17} Based on the foregoing reasons, neither the April 6, 2026 judgment entry nor the October 22, 2025 order of the Franklin County Court of Common Pleas is a final, appealable order, and this court is without jurisdiction to consider the appeal. Accordingly, we dismiss the appeal.

Appeal dismissed.

DORRIAN and LELAND, JJ., concur.