

**THE COURT OF APPEALS
ELEVENTH APPELLATE DISTRICT
PORTAGE COUNTY, OHIO**

BRENDA L. MUCHA,	:	MEMORANDUM OPINION
Plaintiff-Appellee,	:	
- vs -	:	CASE NO. 2004-P-0039
COLTON HAYES MUCHA, et al.,	:	
Defendants,	:	
RAYMOND BAILEY,	:	
Defendant-Appellant.	:	

Civil appeal from the Court of Common Pleas, Juvenile Division, Case No. 2003 JPI 00010.

Judgment: Appeal dismissed.

Timothy P. Assaf, 230 White Pond Drive, Suite A, Akron, OH 44313 (For Plaintiff-Appellee).

Holly Kehres Farah, Kehres & Farah, 638 West Main Street, Ravenna, OH 44266 (For Defendant-Appellant).

WILLIAM M. O'NEILL, J.

{¶1} On May 25, 2004, appellant, Raymond Bailey, filed a notice of appeal from an April 26, 2004 judgment of the Portage County Court of Common Pleas, Juvenile Division. In that judgment, the trial court determined that it had jurisdiction to proceed on the paternity complaint filed by appellee, Brenda L. Mucha.

{¶2} On June 9, 2004, appellee filed a motion to dismiss this appeal for want of a final appealable order. Appellant has not filed a response. It is appellee's contention that none of the subsections of R.C. 2505.02(B) are met by this case and, therefore, an appeal at this time is premature.

{¶3} R.C. 2505.02(B) provides as follows:

{¶4} "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:

{¶5} "(1) An order that affects a substantial right in an action that in effect determines the action and prevents a judgment:

{¶6} "(2) An order that affects a substantial right made in a special proceeding or upon a summary application in an action after judgment;

{¶7} "(3) An order that vacates or sets aside a judgment or grants a new trial;

{¶8} "(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.

{¶9} "(5) An order that determines that an action may or may not be maintained as a class action."

{¶10} We must agree with appellee and conclude that this case does not fall within any of these five categories. A determination that the court had jurisdiction to

proceed with a case does not affect any substantial right of any party. *Burns v. Burns* (July 7, 1987), 10th App. No. 86AP-1110, 1987 WL 13935; *City of Kettering v. Slothower* (1959), 109 Ohio App. 547.

{¶11} Further the trial court has not vacated a judgment or granted a new trial, nor has a provisional remedy been granted or denied. Finally, this case does not involve a certification as a class action.

{¶12} Accordingly, the judgment appealed from does not constitute a final appealable order. This court does not have jurisdiction to consider this matter at this time. Appellee's motion to dismiss is hereby granted.

{¶13} Appeal dismissed.

DONALD R. FORD, P.J.,

JUDITH A. CHRISTLEY, J.,

concur.