

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

CHILDRENS HOSPITAL MEDICAL CENTER,	:	MEMORANDUM OPINION
	:	
Plaintiff-Appellee,	:	CASE NO. 2011-P-0103
	:	
- VS -	:	
	:	
JEFFREY G. TOMAIKO,	:	
	:	
Defendant-Appellant.	:	

Civil Appeal from the Portage County Municipal Court, Ravenna Division, Case No. R10 CVF 10.

Judgment: Appeal dismissed.

David A. Sed, 269 West Main Street, P.O. Box 672, Ravenna, OH 44266 (For Plaintiff-Appellee).

Jeffrey G. Tomaiko, pro se, 1901 Meadowlark Drive, Mogadore, OH 44260 (Defendant-Appellant).

DIANE V. GRENDELL, J.

{¶1} On December 8, 2011, appellant, Jeffrey G. Tomaiko, pro se, filed a notice of appeal with this court from an October 4, 2011 judgment of the Portage County Municipal Court, Ravenna Division.

{¶2} In the October 4, 2011 entry, the trial court adopted the magistrate's decision and ordered that no further discovery be conducted and that the case be set for trial. It is from that entry that appellant filed his notice of appeal.

{¶3} Section 3(B)(2), Article IV of the Ohio Constitution limits the jurisdiction of an appellate court to the review of final judgments of lower courts. *Germ v. Fuerst*, 11th Dist. No. 2003-L-116, 2003-Ohio-6241, ¶3. In order for a judgment to be final and appealable, the requirements of R.C. 2505.02 and Civ.R. 54(B), if applicable, must be satisfied. See *Geauga Cty. Treasurer v. Segedy*, 11th Dist. No. 2009-G-2907, 2009-Ohio-3941, citing *Chef Italiano Corp. v. Kent State Univ.* (1989), 44 Ohio St.3d 86, 88.

{¶4} Pursuant to R.C. 2505.02(B), there are seven categories of a “final order,” and if a trial court’s judgment satisfies any of them, it will be considered a “final order” which can be immediately appealed and reviewed by a court of appeals.

{¶5} Here, the trial court’s October 4, 2011 order does not fit within any of the categories of R.C. 2505.05. The trial court simply ordered that no further discovery shall take place and that the matter be set for trial. Therefore, the entry appealed from is an interlocutory order and is not final. This appeal has been filed prematurely. Appellant will have a meaningful and effective remedy by means of an appeal once a final judgment is reached as to all claims and parties when the case is decided and/or dismissed. See *Johnson v. Warren Police Dept.*, 11th Dist. No. 2005-T-0117, 2005-Ohio-6904, at ¶14.

{¶6} Thus, this appeal is hereby, sua sponte, dismissed as prematurely filed.

{¶7} Appeal dismissed.

CYNTHIA WESTCOTT RICE, J.,
MARY JANE TRAPP, J.,
concur.