

[Cite as *Hines v. Miami Valley Hosp.*, 2012-Ohio-4081.]

IN THE COURT OF APPEALS FOR MONTGOMERY COUNTY, OHIO

RONITA HINES	:	
Plaintiff-Appellant		C.A. CASE NO. 24920
v.		T.C. NO. 11CV7032
MIAMI VALLEY HOSPITAL	:	(Civil appeal from
Defendant-Appellee	:	Common Pleas Court)
	:	

OPINION

Rendered on the 7th day of September, 2012.

RONITA HINES, c/o St. Vincent DePaul Homeless Shelter, 120 Apple Street, Dayton, Ohio 45402

Plaintiff-Appellant

MIAMI VALLEY HOSPITAL, c/o Ms. Kitty Collins, Mid-Wife, 1 Wyoming Street, Dayton, Ohio 45409

Defendant-Appellee

DONOVAN, J.

{¶ 1} This matter is before the Court on the Notice of Appeal of Ronita Hines, filed November 30, 2011. Hines appeals from the decision of the trial court which granted a

motion to dismiss her complaint which was filed by Miami Valley Hospital (“MVH”), Geoffrey P. Walker, Kitty Collins and Tracy Millier. Appellees did not file a brief in response.

{¶ 2} The caption of Hines’ complaint lists the following individuals in addition to MVH: “Mr. Geoffrey P. Walker, Corporate; Dr. Gradulope/ Dr. Josph; Mid Wife Ms. Kitty Collins; Director of Emergency Room Ms. Tracy Millier.”

{¶ 3} On October 26, 2011, several of the Defendants filed their motion to dismiss, in which they argued that Hines failed to state a claim upon which relief could be granted, pursuant to Civ.R. 12(B)(6), and further that she failed to include an affidavit of merit, pursuant to Civ.R. 10(D)(2). The trial court’s decision provides that “the Motion to Dismiss of Defendants Miami Valley Hospital, ‘Mr. Geoffrey P. Walker, Corporate,’ ‘Mid Wife Ms. Kitty Collins,’ and ‘Director of Emergency Room Ms. Tracy Millier’ is sustained.” The decision does not indicate that “there is no just reason for delay,” pursuant to Civ.R. 54(B), which provides in part:

* * * 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.

{¶ 4} R.C. 2505.02 provides: “(B) 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 that action and prevents a judgment.” The trial court did not enter final judgment as to all Defendants. Hines’ complaint remains pending against “Dr. Gradulope / Dr. Josph,” and Hines’ appeal is accordingly dismissed for lack of a final appealable order.

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GRADY, P.J. and HALL, J., concur.

Copies mailed to:

Ronita Hines
Miami Valley Hospital
Hon. Mary Katherine Huffman