

COURT OF APPEALS
LICKING COUNTY, OHIO
FIFTH APPELLATE DISTRICT

RUSSELL AARON WILSON	:	JUDGES:
	:	Hon. William B. Hoffman, P.J.
Plaintiff-Appellant	:	Hon. W. Scott Gwin, J.
	:	Hon. Julie A. Edwards, J.
-vs-	:	
	:	Case No. 2007-CA-00138
NATASHA JAYNE WILSON	:	
	:	
Defendant-Appellee	:	<u>OPINION</u>

and

BENJAMIN RIGGLE
Third Party Defendant-Appellee

CHARACTER OF PROCEEDING: Civil appeal from the Licking County Court of Common Pleas, Domestic Relations Division, Case No. 07-DR-00782

JUDGMENT: Dismissed

DATE OF JUDGMENT ENTRY: May 29, 2008

APPEARANCES:

For Plaintiff-Appellant

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For Defendant-Appellee

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For Third Party Defendant-Appellee
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Gwin, P.J.

{¶1} Plaintiff Russell Wilson appeals a judgment of the Court of Common Pleas, Domestic Relations Division, of Licking County, Ohio, which sustained the motion of appellee Benjamin Riggle to intervene as a third party defendant.

{¶2} However, before addressing the merits of the appeal, we must first determine whether the court's decision is a final appealable order. Ohio law provides appellate courts have jurisdiction to review only final orders or judgments, see Section 3 (B)(2), Article IV of the Ohio Constitution; R.C. 2505.02. If an order is not final and appealable an appellate court has no option but to dismiss the matter.

{¶3} R.C. 2505.02 states in pertinent part:

{¶4} “(B) An order is a final order that may be reviewed, affirmed, modified, or reversed, with or without re-trial, 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:

{¶9} “(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.

{¶10} “(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} While the denial of a motion to intervene may be a final appealable order, the granting of such motion is not a final order, see *Okey v. Worthington City Schools*, (August 10, 2000), Franklin App. No. 00AP-132 at 2, citations deleted.

{¶12} We find we lack jurisdiction to review this decision. Accordingly, the appeal is dismissed.

By Gwin, J.,

Hoffman, P.J., and

Edwards, J., concur

HON. W. SCOTT GWIN

HON. WILLIAM B. HOFFMAN

HON. JULIE A. EDWARDS

