

[Cite as *Kaldas, Inc. v. Samer, Inc.*, 2004-Ohio-4357.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 83901

KALDAS, INC.	:	ACCELERATED DOCKET
	:	
Plaintiff-appellee	:	JOURNAL ENTRY
	:	AND
-vs-	:	OPINION
	:	
SAMER, INC., ET AL.	:	
	:	
Defendants-appellants	:	

DATE OF ANNOUNCEMENT
OF DECISION:

AUGUST 18, 2004

CHARACTER OF PROCEEDING:

Civil appeal from the
Court of Common Pleas
Case No. CV-495037

JUDGMENT:

Dismissed.

DATE OF JOURNALIZATION:

APPEARANCES:

For Plaintiff-Appellee:

NATE N. MALEK, ESQ.
MALEK, DEAN & ASSOCIATES, LLC
323 Lakeside Ave. West
Suite 350
Cleveland, Ohio 44113

For Defendant-Appellant:

JIHAD M. SMAILI, ESQ.
1360 West Ninth Street
Suite 310
Cleveland, Ohio 44113

ANN DYKE, P.J.

{¶1} This appeal is before the court on the accelerated docket pursuant to App.R. 11.1 and Loc. App.R. 11.1. Defendants-appellants Samer's Inc., Abuasi, Inc. and Samer Abuasi ("Samer, Inc.") appeal from the judgment of the trial court denying its motion for relief from judgment in favor of plaintiff-appellee Kaldas, Inc. ("appellee"). For the reasons set forth below, we sua sponte dismiss the appeal for lack of a final appealable order.

{¶2} On April 30, 2004, this court sua sponte remanded this case to the trial court to clarify whether the trial court's journal entry dated February 26, 2003 was intended to enter judgment against all defendants or just one defendant. On May 7, 2004, the trial court entered the following: "Pursuant to order of the Court of Appeals, Judgment was entered against defendant Abuasi, Inc. and Samer Abuasi, personally." We note, however, in derogation of Civ.R. 54 (B), there is no disposition in the record regarding defendant Samer, Inc. *Accord Convenient Food Mart v. Winfield* (Feb. 18, 1999), Cuyahoga App. No. 74012.

Appeal dismissed.

It is ordered that appellee recover of appellee recover of appellants its costs herein taxed.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure. Exceptions.

DIANE KARPINSKI, J., AND
SEAN C. GALLAGHER, J. CONCURS

ANN DYKE
PRESIDING JUDGE

N.B. This entry is an announcement of the court's decision. See App. R. 22(B), 22(D) and 26(A); Loc.App.R. 27. This decision will be journalized and will become the judgment and order of the court pursuant to App.R. 22(E) unless a motion for reconsideration with supporting brief, per App.R. 26(A), is filed within ten (10) days of the announcement of the court's decision. The time period for review by the Supreme Court of Ohio shall begin to run upon the journalization of this court's announcement of decision by the clerk per App.R. 22(E). See, also S.Ct.Prac.R. II, Section 2(A)(1).