

**COURT OF APPEALS
ELEVENTH APPELLATE DISTRICT
LAKE COUNTY, OHIO**

KENNETH ZIMMERMAN,	:	MEMORANDUM OPINION
Plaintiff-Appellee,	:	
-vs-	:	CASE NO. 2004-L-204
JOHN R. DINAPOLI, II, et al.,	:	
Defendants,	:	
NATIONWIDE MUTUAL INSURANCE CO.,		
Intervenor-Appellant.		

Civil Appeal from the Court of Common Pleas, Case No. 03 CV001649.

Judgment: Appeal dismissed.

Michael J. Monteleone, 1650 Midland Building, 101 Prospect Avenue, West, Cleveland, OH 44115 (For Plaintiff-Appellee).

Richard A. DiLisi, Lakeside Place, #410, 323 Lakeside Avenue, West, Cleveland, OH 44113 (For Intervenor-Appellant).

COLLEEN MARY O'TOOLE, J.

{¶1} On December 8, 2004, appellant, Nationwide Mutual Insurance Company, filed a notice of appeal from a November 10, 2004 judgment of the Lake County Court

of Common Pleas. In that judgment, the trial court denied appellant's motion for summary judgment, but stated that "[t]here is no just reason for delay."

{¶2} It is well established that the denial of a motion for summary judgment is not a final appealable order. *State ex rel. Overmeyer v. Walinski* (1966), 8 Ohio St.2d 23. The denial of a motion for summary judgment is always reviewable on an appeal from a subsequent final judgment. *Sagenich v. Erie Ins. Group* (Dec. 12, 2003), 11th Dist. No. 2003-T-0144, 2003 Ohio App. LEXIS 5991, ¶ 3.

{¶3} Additionally, an order that is not final cannot be rendered final merely by adding Civ.R. 54(B) language. *Noble v. Colwell* (1989), 44 Ohio St.3d 92, 96; *Fireman's Fund Ins. Cos. v. BPS Co.* (1982), 4 Ohio App.3d 3, 4.

{¶4} Accordingly, the trial court's addition of Civ.R. 54(B) language did not make the otherwise nonfinal order final in this case. Appellant can appeal the trial court's decision once it renders a final appealable order.

{¶5} Based upon the foregoing analysis, this appeal is hereby sua sponte dismissed for lack of a final appealable order.

{¶6} Appeal dismissed.

DIANE V. GRENDALL, J.,

CYNTHIA WESTCOTT RICE, J.,

concur.