

**THE COURT OF APPEALS  
ELEVENTH APPELLATE DISTRICT  
GEAUGA COUNTY, OHIO**

CHARLES V. LONGO, et al.,	:	<b>MEMORANDUM OPINION</b>
Plaintiffs-Appellants,	:	
- vs -	:	<b>CASE NO. 2006-G-2699</b>
MARY BENDER, ESQ.,	:	
Defendant-Appellee.	:	

Civil Appeal from the Court of Common Pleas, Case No. 05 PT 000086.

Judgment: Appeal dismissed.

*Charles V. Longo*, Charles V. Longo, Co., L.P.A., 25550 Chagrin Boulevard, #320, Beachwood, OH 44122 (Plaintiffs-Appellants).

*Linda D. Cooper*, Cooper & Forbes, 166 Main Street, Painesville, OH 44077-3403 (For Defendant-Appellee).

DONALD R. FORD, P.J.

{¶1} On April 5, 2006, appellants, Charles V. Longo and Charles V. Longo Co., L.P.A., filed a notice of appeal from a March 10, 2006 judgment entry of the Geauga County Court of Common Pleas.

{¶2} In the March 10, 2006 judgment entry, the trial court granted the motion for sanctions of appellee, Mary Bender, Esq., and entered judgment in favor of her in the amount of \$540. It is from that entry that appellants filed their notice of appeal.

{¶3} On April 12, 2006, appellee filed a motion to dismiss the appeal because the order appealed from is not a final appealable order pursuant to R.C. 2505.02(B). Appellee states that appellants were subjected to sanctions by the trial court in relation to a motion for a protective order filed by appellee on a discovery matter.

{¶4} We note that an issue must be final and appealable on its own for this court to have jurisdiction to address it. The granting of sanctions accompanying a discovery order is not final and appealable. *Kennedy v. Chalfin* (1974), 38 Ohio St.2d 85, 88. In *Kennedy*, the Supreme Court of Ohio held that “a sanction order arising out of discovery procedures is not an order rendered in a special proceeding.” *Id.* at 89. The Court observed that discovery orders have been considered interlocutory in nature and were not subject to immediate appellate review. *Id.* at 88.

{¶5} In the case sub judice, the order currently before this court is not a final appealable order within the meaning of R.C. 2505.02. However, appellants may be afforded a meaningful and effective remedy as to this alleged error following a final judgment in this case. Furthermore, at the time of the trial court’s decision, other issues and claims remained pending in this action.

{¶6} Based upon the foregoing analysis, appellee’s motion to dismiss is granted, and this appeal is dismissed due to lack of jurisdiction.

{¶7} Appeal dismissed.

WILLIAM M. O’NEILL, J.,  
DIANE V. GRENDALL, J.,  
concur.