

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

JUDITH R. STANEK,	:	MEMORANDUM OPINION
Plaintiff-Appellee,	:	
- vs -	:	CASE NO. 2009-L-122
EDMUND D. STANEK,	:	
Defendant-Appellant,	:	
(LAKE COUNTY CHILD SUPPORT ENFORCEMENT AGENCY,	:	
Appellee).	:	

Civil Appeal from the Court of Common Pleas, Domestic Relations Division, Case No. 75 DR 000474.

Judgment: Appeal dismissed.

Judith R. Stanek, pro se, 1741 Birchcrest Road, Columbus, OH 43221 (Plaintiff-Appellee).

Edmund D. Stanek, pro se, 3060 Willowbrook Way, Beavercreek, OH 45431 (Defendant-Appellant).

Charles E. Coulson, Lake County Prosecutor, and *Karen A. Sheppert*, Assistant Prosecutor, 105 Main Street, P.O. Box 490, Painesville, OH 44077 (For Appellee, Lake County Child Support Enforcement Agency).

TIMOTHY P. CANNON, J.

{¶1} On September 28, 2009, appellant, Edmund D. Stanek, filed a notice of appeal from two separate August 27, 2009 judgment entries of the Lake County Court

of Common Pleas, Domestic Relations Division. In the first August 27, 2009 entry, the trial court denied appellant's motion to dismiss. In the second August 27, 2009 entry, the trial court overruled appellant's objections.

{¶2} On November 13, 2009, appellee, Lake County Child Support Enforcement Agency, filed a motion to dismiss the appeal for lack of a final appealable order. Appellee posits that appellants have appealed from the denial of a motion to dismiss, which is not a final order within the meaning of R.C. 2505.02.

{¶3} Appellant has not responded to the motion to dismiss the appeal.

{¶4} This court has stated that in order "[f]or this court to have jurisdiction, the appealed judgment must be a final appealable order pursuant to R.C. 2505.02. In addition, this court has held that the denial of a motion to dismiss a complaint is not a final appealable order." *Sason v. Shepherd*, 11th Dist. No. 2007-L-199, 2008-Ohio-173, at ¶3, citing *Hill v. Home & Roam Pools*, 11th Dist. No. 2003-A-0097, 2003-Ohio-5862. See, also, *Ferrell v. Standard Oil Co. of Ohio* (1984), 11 Ohio St.3d 169, 171.

{¶5} Based upon the foregoing analysis, the judgment of the trial court in this matter is not a final appealable order. Thus, this court is without jurisdiction to consider this appeal. Appellee's motion to dismiss is granted, and this appeal is hereby dismissed for lack of a final appealable order.

{¶6} Appeal dismissed.

MARY JANE TRAPP, P.J.,

CYNTHIA WESTCOTT RICE, J.,

concur.