

**IN THE COURT OF APPEALS
ELEVENTH APPELLATE DISTRICT
PORTAGE COUNTY, OHIO**

JOHN ROHAL,	:	MEMORANDUM OPINION
Plaintiff-Appellee,	:	
- vs -	:	CASE NO. 2011-P-0024
L. PETER OLCESE, a.k.a. LOUIS	:	
PETER OLCESE, a.k.a. ROBERT	:	
LEE PRICE,	:	
Defendant-Appellant.	:	

Civil Appeal from the Court of Common Pleas, Case No. 2008 CV 1407.

Judgment: Appeal dismissed.

Scott J. Flynn, Flynn, Keith & Flynn, 250 South Water Street, P.O. Box 762, Kent, OH 44240 (For Plaintiff-Appellee).

L. Peter Olcese, pro se, PID: 554-182, Marion Correctional Institution, P.O. Box 57, Marion, OH 43301 (Defendant-Appellant).

MARY JANE TRAPP, J.

{¶1} On March 23, 2011, appellant, L. Peter Olcese, pro se, filed a notice of appeal from a March 9, 2011 judgment entry of the Portage County Court of Common Pleas. In that entry, the trial court overruled his motion to dismiss for lack of standing.

{¶2} The docket in the matter reveals that on August 29, 2008, appellee, John Rohal, filed a complaint with the Portage County Court of Common Pleas. With regard to the matter presently before this court, on March 1, 2011, Mr. Olcese filed a motion to

dismiss the case for lack of standing arguing that as a result of the Rohals' donation of their stock to the David Qunicy Grove Family Foundation, the foundation, only, has standing to bring the subject action. The trial court overruled that motion, and Mr. Olcese filed the instant appeal from that entry.

{¶3} For this court to have jurisdiction, the appealed judgment must be a final appealable order pursuant to R.C. 2505.02. "Generally, the denial of a motion to dismiss is not a final appealable order." *Pannunizio v. Hubbard*, 11th Dist. No. 2003-T-0143, 2004-Ohio-3930, 2004 Ohio App. LEXIS 3581, at ¶5. The underlying reasons for the motion to dismiss remain undisturbed until final judgment. Therefore, appellant can appeal the issue of standing after disposition of the entire case.

{¶4} Based upon the foregoing, the trial court's March 9 judgment entry is not a final appealable order. Thus, this court is without jurisdiction. Accordingly, this appeal is hereby, sua sponte, dismissed for lack of a final appealable order.

{¶5} Appeal dismissed.

TIMOTHY P. CANNON, P.J.,

CYNTHIA WESTCOTT RICE, J.,

concur.