

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

TERESA JONES, et al.,	:	<b>MEMORANDUM OPINION</b>
Plaintiffs-Appellants,	:	
- vs -	:	<b>CASE NO. 2015-P-0005</b>
NATURAL ESSENTIALS, INC.,	:	
Defendant-Appellee.	:	

Civil Appeal from the Common Pleas Court, Case No. 2014 CV 00215.

Judgment: Appeal dismissed.

*Natalie F. Grubb and Mark E. Owens*, Grubb & Associates, L.P.A., 437 West Lafayette Road, Suite 260-A, Medina, OH 44256 (For Plaintiffs-Appellants).

*Todd H. Lebowitz*, Baker & Hostetler, PNC Center, 1900 East Ninth Street, Suite 3200, Cleveland, OH 44114-3485(For Defendant-Appellee).

COLLEEN MARY O'TOOLE, J.

{¶1} Appellants, Teresa Jones, Kevin Jones and Rob Lovejoy, by and through counsel of record, filed a notice of appeal from a December 17, 2014 entry of the Portage County Court of Common Pleas, in which the trial court granted appellee, Natural Essentials, Inc.'s motion to compel appellants to testify at deposition and for sanctions and other relief caused by appellants walking out of the December 4-5, 2014

depositions. It is from that judgment entry that appellants filed the instant appeal on January 14, 2015.

{¶2} Subsequently, on January 20, 2015, the record reveals that appellants filed a notice of dismissal without prejudice pursuant to Civ.R. 41(A)(1)(a) with the trial court.

{¶3} Since dismissals under Civ.R. 41(A)(1)(a) are self-executing and are fully and completely effectuated upon the filing of a notice of voluntary dismissal by plaintiff, the filing of the notice of dismissal automatically terminates the case without intervention by the court. *Selker & Furber v. Brightman*, 138 Ohio App.3d 710, 714 (2000).

{¶4} This court stated in *Wilson v. Vaccariello*, 11th Dist. No. 2007-L-046, 2007-Ohio-2688, at ¶ 7-8: “[a] voluntary dismissal by a plaintiff operates to nullify the claims brought against the dismissed party and leaves the parties as if the action was never filed. \* \* \*.” See also, *Gruenspan v. Thompson*, 8th Dist. No. 77276, 2000 Ohio App. LEXIS 4783, at \*2.

{¶5} In the case at bar, on December 17, 2014, the trial court granted appellee’s motion to compel. Thereafter, on January 14, 2015, appellants filed a notice of appeal. Subsequently, on January 20, 2015, appellants filed a notice of dismissal without prejudice pursuant to Civ.R. 41(A)(1)(a). Specifically, the notice of dismissal stated that:

{¶6} “Now come Plaintiffs, Teresa Jones, Kevin Jones, and Rob Lovejoy (together “Plaintiffs”), by and through undersigned counsel, and hereby agree to dismiss the within action pursuant to Civ. R. 41(A)(1)(a) as the Plaintiffs dismiss their Complaint, without prejudice in this matter. \* \* \*

{¶7} “Plaintiffs invoke the benefit of the Ohio Savings Statute, codified as Ohio Revised Code Section 2305.19, if and when same becomes applicable to this matter.”

{¶8} Based on the foregoing language contained in the notice of dismissal, appellants voluntarily dismissed “the within action.” Therefore, because appellants dismissed their entire case pursuant to Civ.R. 41(A)(1)(a) in the trial court, this court lacks jurisdiction to consider the appeal.

{¶9} Accordingly, this appeal is hereby dismissed, sua sponte, due to lack of jurisdiction.

{¶10} Appeal dismissed.

TIMOTHY P. CANNON, P.J.,

CYNTHIA WESTCOTT RICE, J.,

concur.