

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

ROCKAWAY PARK HOLDINGS CORP.,	:	<b>MEMORANDUM OPINION</b>
Plaintiff-Appellee,	:	
- vs -	:	<b>CASE NO. 2018-P-0073</b>
DAVEY KENT, INC.,	:	
Defendant,	:	
J. THOMAS MYERS, II,	:	
Defendant-Appellant.	:	

Civil Appeal from the Portage County Court of Common Pleas, Case No. 2017 CV 00988.

Judgment: Appeal dismissed.

*Aaron Matthew Cole*, Thomas & Thomas, 2323 Park Avenue, Cincinnati, OH 45206 (For Plaintiff-Appellee).

*J. Thomas Myers, II*, pro se, 200 West Williams Street, Kent, OH 44240 (Defendant-Appellant).

TIMOTHY P. CANNON, J.

{¶1} On September 28, 2018, appellant, J. Thomas Myers, II, filed a notice of appeal from an August 31, 2018 entry of the Portage County Court of Common Pleas. In that entry, the trial court overruled appellant’s motion to dismiss for improper venue and lack of personal jurisdiction.

{¶2} On October 22, 2018, appellee, Rockaway Park Holdings Corp., filed a motion to dismiss the appeal for lack of a final appealable order. Appellee posits that appellant has 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 filed no response to the motion to dismiss the appeal.

{¶4} For this court to have jurisdiction over this matter, the appealed entry must be final and appealable pursuant to R.C. 2505.02. This court has held that an order denying a motion to dismiss not a final appealable order. *Stanek v. Stanek*, 11th Dist. Lake No. 2009-Ohio-6859; see, also, *Ferrell v. Standard Oil Co. of Ohio*, 11 Ohio St.3d 169, 171 (1984).

{¶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.

DIANE V. GRENDALL, J.,

CYNTHIA WESTCOTT RICE, J.,

concur.