

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

STONEGATE REAL PROPERTIES, INC.,	:	<b>MEMORANDUM OPINION</b>
Plaintiff-Appellant,	:	
- vs -	:	<b>CASE NO. 2011-T-0057</b>
DANCO GENERAL CONTRACTING, L.L.C.,	:	8-12-11
Defendant,	:	
NORTH AMERICAN SPECIALTY INSURANCE COMPANY, et al.,	:	
Defendant-Appellee.	:	

Civil Appeal from the Court of Common Pleas, Case No. 2008 CV 02678.

Judgment: Appeal dismissed.

*Robert L. Gensler, Jr. and Stephen A. Turner, Turner, May, & Shepherd, 185 High Street, N.E., Warren, OH 44481-1219 (For Plaintiff-Appellant).*

*John J. Petro, Williams & Petro Co., LLC, 338 South High Street, Columbus, OH 43215-3588 (For Defendant-Appellee).*

CYNTHIA WESTCOTT RICE, J.

{¶1} This appeal emanates from the Trumbull County Court of Common Pleas. On June 3, 2011, appellant, Stonegate Real Properties, Inc., by and through counsel, filed a notice of appeal from a May 17, 2011 entry. In that entry, the trial court granted

the motion for summary judgment of appellee, North American Specialty Insurance Company, and dismissed it as a party to the action.

{¶2} Civ.R. 54(B) provides that:

{¶3} “When more than one claim for relief is presented in an action whether as a claim, counterclaim, cross-claim, or third-party claim, and whether arising out of the same or separate transactions, or when multiple parties are involved, the court may enter final judgment as to one or more but fewer than all of the claims or parties only upon an express determination that there is no just reason for delay. In the absence of a determination that there is no just reason for delay, any order or other form of decision, however designated, which adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties, shall not terminate the action as to any of the claims or parties, and the order or other form of decision is subject to revision at any time before the entry of judgment adjudicating all the claims and the rights and liabilities of all the parties.”

{¶4} This court has held that where there are multiple claims and/or parties involved, an entry that enters final judgment as to one or more but fewer than all of the claims is not a final appealable order in the absence of Civ.R. 54(B) language stating that “there is no just reason for delay[.]” *Montello v. Ackerman*, 11th Dist. No. 2009-L-111, 2009-Ohio-6383, at ¶6. See, also, *Kessler v. Totus Tuus, L.L.C.*, 11th Dist. No. 2007-A-0028, 2007-Ohio-3019, at ¶7.

{¶5} Here, while the trial court granted the motion for summary judgment of appellee, it is clear that there are claims still pending in the trial court against Danco General Contracting, L.L.C. Furthermore, the May 17, 2011 entry appealed from does

not contain any Civ.R. 54(B) language. Thus, without the inclusion of Civ.R. 54(B) language, there is no final appealable order at this time.

{¶6} Based upon the foregoing analysis, this appeal is hereby dismissed due to lack of a final appealable order.

{¶7} Appeal dismissed.

MARY JANE TRAPP, J.,

THOMAS R. WRIGHT, J.,

concur.