

[Cite as *Long v. Erie Ins. Co.* , 2007-Ohio-6100.]

COURT OF APPEALS
FAIRFIELD COUNTY, OHIO
FIFTH APPELLATE DISTRICT

LOIS DOREEN LONG,
ADMINISTRATOR OF THE ESTATE
AMANDA THOMPSON, ET AL.

Plaintiff-Appellants

-vs-

ERIE INSURANCE COMPANY

Defendant-Appellee

JUDGES:

Hon. W. Scott Gwin, P.J.
Hon. William B. Hoffman, J.
Hon. John W. Wise, J.

Case No. 2007CA00019

OPINION

CHARACTER OF PROCEEDING:

Appeal from the Fairfield County Court of
Common Pleas, Civil Case No. 05 CV 397

JUDGMENT:

Dismissed

DATE OF JUDGMENT ENTRY:

October 22, 2007

APPEARANCES:

For Plaintiff-Appellants

For Defendant-Appellee

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Hoffman, J.

{¶1} Plaintiffs-appellants Lois Doreen Long, Administrator of the Estate of Amanda Thompson, et al., appeal the March 16, 2007 Entry of the Fairfield County Court of Common Pleas, which granted summary judgment in favor of Defendant-appellee Erie Insurance Company.

STATEMENT OF THE CASE¹

{¶2} Appellants filed a wrongful death action against Defendants Kylie Paradise and Terry Gates as a result of an automobile accident, in which Paradise is alleged to have negligently operated a vehicle.² The decedent, Amanda Thompson, was a passenger in the vehicle. Included in Appellants' Complaint was a claim for uninsured/underinsured motorist coverage against Appellee under an insurance policy issued by Appellee to Donald Long, resident spouse of Appellant Lois Long.

{¶3} Appellee filed a motion for summary judgment, which was granted by the trial court on March 16, 2007. It is from that Entry Appellants prosecute this appeal, assigning as error:

{¶4} "I. THE TRIAL COURT ERRED BY GRANTING ERIE'S MOTION FOR SUMMARY JUDGMENT AND DENYING APPELLANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT."

{¶5} We will not address the merits of Appellants' argument because we find this Court does not have jurisdiction to do so. No final appealable order exists under R.C. 2505.02 because the claim against Defendant Paradise remains pending. The trial

¹ A rendition of the facts is unnecessary for our resolution of this appeal.

² We have been advised the complaint against Gates has been dismissed.

court did not include a finding there is no just cause for delay in its Entry.³ (See, Civ. R. 54(B)).

{¶6} Accordingly, we dismiss Appellants' appeal for want of jurisdiction.

By: Hoffman, J.

Gwin, P.J. and

Wise, J. concur

HON. WILLIAM B. HOFFMAN

HON. W. SCOTT GWIN

HON. JOHN W. WISE

³ We are aware the trial court stated in its Entry, "This is a final, appealable order." (Entry, at 4). Such determination does not satisfy the requirement of Civ. R. 54(B).

