

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

BRADY NEUKAM,	:	APPEAL NO. C-150362
	:	TRIAL NO. 14CV26008
Plaintiff-Appellant,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
KA-KELL SERVICES, LLC.,	:	
	:	
Defendant-Appellee.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Plaintiff-appellant Brady Neukam filed a complaint against defendant-appellee Ka-Kell Services, LLC., (“Ka-Kell”) seeking payment for engineering work that Neukam had performed for Ka-Kell on a construction project. Ka-Kell filed a counterclaim against Neukam, asking the court to order Neukam to reimburse Ka-Kell for fees that he had allegedly overcharged. After a trial, a magistrate with the court of common pleas rendered judgment in favor of Ka-Kell on all claims. Neukam filed objections to the magistrate’s decision. The trial court issued an entry overruling Neukam’s objections, and Neukam has appealed.

This court’s jurisdiction is limited to the review of orders that are final and appealable. Ohio Constitution, Article IV, Section 3(B)(2). When matters are

resolved by a magistrate, the magistrate's decision remains interlocutory until the trial court "(1) rules on any objections, (2) adopts, modifies, or rejects the decision, and (3) enters a judgment that determines all the claims for relief in the action or determines there is no just reason for delay." See *Alexander v. LJJ Mgt.*, 1st Dist. Hamilton No. C-090091, 2010-Ohio-2763, ¶ 12; See also Civ.R. 53(D).

Although the docket describes the entry appealed from as an entry approving the decision of the magistrate and entering judgment for the defendant, there is a disconnect between that description and the actual entry in the record. The record demonstrates that the entry appealed from, captioned "Judgment Entry," solely overruled the objections to the magistrate's decision. The entry never adopted that decision or entered a final judgment in the action. Consequently, there was no final order issued in this case and the magistrate's decision remained interlocutory.

Because the trial court's entry was not a final order, we have no jurisdiction to entertain this appeal. Therefore, the appeal is dismissed.

A certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HENDON, P.J., CUNNINGHAM and DEWINE, JJ.

To the clerk:

Enter upon the journal of the court on March 4, 2016
per order of the court _____.
Presiding Judge