

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

MARK JOHNSON, Individually, and as	:	APPEAL NOS. C-170213
the guardian of DAVID JOHNSON,	:	C-170504
	:	TRIAL NO. A-1501878
GLEND A JOHNSON,	:	
	:	
and	:	
	:	<i>JUDGMENT ENTRY.</i>
GARY JOHNSON,	:	
	:	
Plaintiffs-Appellants,	:	
	:	
vs.	:	
	:	
ANTHONY J. ABDULLAH, M.D.,	:	
	:	
Defendant-Appellee,	:	
	:	
and	:	
	:	
CHRIST HOSPITAL,	:	
	:	
FAROOQ MIRZA, M.D.,	:	
	:	
JOSEPH F. DAUGHERTY III, M.D.,	:	
	:	
DAUGHERTY MEDICAL GROUP,	:	
	:	
ANTHEM BLUE CROSS/BLUE	:	
SHIELD,	:	
	:	
and	:	
	:	
OHIO DEPARTMENT OF JOB	:	
AND FAMILY SERVICES,	:	
	:	
Defendants.	:	

We consider these appeals 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.

OHIO FIRST DISTRICT COURT OF APPEALS

Plaintiffs-appellants Mark Johnson, individually and as the guardian of David Johnson, Glenda Johnson and Gary Johnson filed this medical malpractice action against defendants the Christ Hospital, Farooq Mirza, M.D., Joseph F. Daugherty, III, M.D., Daugherty Medical Group, Anthem Blue Cross/Blue Shield, the Ohio Department of Job and Family Services and defendant-appellee Anthony J. Abdullah, M.D. Defendant Ohio Department of Job and Family Services filed an answer and cross-claim pursuant to R.C. 5160.37 for the cost of medical services and care provided to David Johnson.

Plaintiffs dismissed with prejudice their claims against the Christ Hospital, Joseph F. Daugherty, III, M.D., and the Daugherty Medical Group. Following a jury trial, the trial court entered judgment for Anthony J. Abdullah, M.D., on plaintiffs' medical-negligence claim.

The Ohio Supreme Court has held that "an order of a court is a final, appealable order only if the requirements of both Civ.R. 54(B), if applicable, and R.C. 2505.02 are met." *Chef Italiano Corp. v. Kent State Univ.*, 44 Ohio St.3d 86, 541 N.E.2d 64 (1989), syllabus. Because the trial court's order entering judgment for Dr. Abdullah lacks Civ.R. 54(B) certification and, at a minimum, plaintiffs' claims against Farooq Mirza, M.D., remain pending in the trial court, these appeals are dismissed for lack of a final appealable order. *See id.*

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

MYERS, P.J., MILLER and DETERS, JJ.

To the clerk:

Enter upon the journal of the court on May 23, 2018

per order of the court _____.

Presiding Judge