

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

KEVIN OSUNA,	:	APPEAL NO. C-170456
	:	TRIAL NO. A-1505659
Plaintiff-Appellant,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
	:	
NATIONWIDE MUTUAL	:	
INSURANCE COMPANY,	:	
	:	
Defendant-Appellee,	:	
	:	
and	:	
	:	
LUIS CASTILLO,	:	
	:	
Defendant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Plaintiff-appellant Kevin Osuna, a Cincinnati police officer, was injured in an automobile accident while in the line of duty. At the time of the accident, Osuna had been riding as a passenger in a police cruiser driven by a fellow officer. Osuna’s cruiser was struck by a vehicle driven by Luis Castillo, an uninsured motorist.

Osuna filed a personal-injury complaint against defendant-appellee Nationwide Mutual Insurance Company (“Nationwide”), Luis Castillo, Castillo Stone Work, LLC, and the Ohio Bureau of Workers’ Compensation. But Osuna was unable to obtain service on Castillo Stone Work, LLC, and he voluntarily dismissed the Ohio

Bureau of Workers' Compensation from the action without prejudice. Nationwide moved for, and was granted, summary judgment on Osuna's claim for uninsured-motorist coverage under his personal insurance policy with Nationwide. Osuna has appealed from the trial court's entry granting summary judgment, arguing in a single assignment of error that the grant of summary judgment was in error.

Before considering the merits of Osuna's assignment of error, we must determine whether we have jurisdiction to proceed with this appeal. This court only has jurisdiction to review final orders and judgments. Ohio Constitution, Article IV, Section 3(B)(2); R.C. 2505.03. A final order is one that meets the requirements of R.C. 2505.02, and, if applicable, Civ.R. 54(B). *Chef Italiano Corp. v. Kent State Univ.*, 44 Ohio St.3d 86, 541 N.E.2d 64 (1989), syllabus. Civ.R. 54(B) is applicable where multiple claims for relief are presented or multiple parties are involved, and where the court has rendered a final judgment as to fewer than all claims or parties. *Id.* at 88. "An entry of judgment involving fewer than all claims or parties is not a final, appealable order unless the court expressly determines that there is 'no just reason for delay.' " *Kelly v. Swoish FT Blue Ash, LLC*, 1st Dist. Hamilton No. C-160461, 2017-Ohio-836, ¶ 5; Civ.R. 54(B).

Here, the trial court's entry rendered judgment on fewer than all of the claims and parties involved. The entry disposed of Osuna's claim against Nationwide, but his claim against Luis Castillo remained pending. And the entry contained no Civ.R. 54(B) language certifying that there was no just reason for delay. Consequently, the order appealed from is not final and appealable, and we have no jurisdiction to entertain this appeal.

Therefore, the appeal is dismissed.

OHIO FIRST DISTRICT COURT OF APPEALS

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.

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

To the clerk:

Enter upon the journal of the court on May 4, 2018
per order of the court _____.
Presiding Judge