

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

BEST FINANCIAL SOLUTIONS, LLC.,	:	APPEAL NO. C-200138
	:	TRIAL NO. A-1805391
Plaintiff-Appellant,	:	
	:	
vs.	:	
	:	<i>OPINION.</i>
TIFTON CUSTOM PACKAGING, LP.,	:	
	:	
SOUTHERN EXPOSURE FARMS, LLC.,	:	
	:	
CHARDEL CATTLE RANCH, LLC.,	:	
	:	
TRAMPIS DOWDLE,	:	
	:	
and	:	
	:	
JASON BROWN,	:	
	:	
Defendants-Appellees.	:	

Civil Appeal From: Hamilton County Court of Common Pleas

Judgment Appealed From Is: Case Remanded

Date of Judgment Entry on Appeal: July 9, 2021

Dinsmore & Shohl, LLP, and *Brian Sullivan*, for Plaintiff-Appellant,

Trampis Dowdle, pro se,

Jason Brown, pro se.

BOCK, Judge.

{¶1} Plaintiff-appellant Best Financial Solutions, LLC., (“Best Financial”) appeals the trial court’s judgment. For the following reasons, we remand this case to the trial court for entry of a final judgment.

Procedure

{¶2} Best Financial filed a complaint against Tifton Custom Packaging, L.P., Southern Exposure Farms, LLC, Chardel Cattle Farms, LLC, (collectively, “the Companies”), Trampis Dowdle, and Jason Brown.

{¶3} The trial court granted default judgment against the Companies. After a jury returned a verdict against Brown and Dowdle, the trial court entered a non-final judgment.

{¶4} In December 2019—before the trial court had entered its final judgment—Brown and Dowdle each filed notices of appeal with this court.

{¶5} In February 2020, the trial court entered its final judgment, which ordered a new trial. A few days later, Brown and Dowdle voluntarily dismissed their appeals. Best Financial appealed the trial court’s judgment.

Judgments entered by trial courts lacking jurisdiction are void

{¶6} Before this court can consider the merits of Best Financial’s appeal, we must determine whether the challenged judgment was void. We hold that the trial court lacked jurisdiction to issue its February 2020 judgment and it is therefore void.

{¶7} “[O]nce an appeal is perfected, the trial court is divested of jurisdiction over matters that are inconsistent with the reviewing court’s jurisdiction to reverse, modify, or affirm the judgment.” *State ex rel. Electronic Classroom of Tomorrow v. Cuyahoga Cty. Court of Common Pleas*, 129 Ohio St.3d 30, 2011-Ohio-626, 950

N.E.2d 149, ¶ 13. Even if the appeal is later dismissed for lack of a final, appealable order, the trial court is nevertheless divested of jurisdiction. *Id.* at ¶ 15-16. “[T]he determination as to the appropriateness of an appeal lies solely with the appellate court.” *In re S.J.*, 106 Ohio St.3d 11, 2005-Ohio-3215, 829 N.E.2d 1207, ¶ 10.

{¶8} When a trial court is divested of jurisdiction following a perfected appeal, absent a remand, it does not regain jurisdiction until after the appellate court has issued its decision. *State ex. rel. Special Prosecutors v. Judges, Court of Common Pleas*, 55 Ohio St.2d 94, 378 N.E.2d 162 (1978), paragraph three of the syllabus.

{¶9} When a trial court lacking jurisdiction enters a judgment, that judgment is void. *State v. Apanovitch*, 155 Ohio St.3d 358, 2018-Ohio-4744, 121 N.E.3d 351, ¶ 42.

The trial court lacked jurisdiction to enter judgment

{¶10} The trial court entered its judgment after Brown and Dowdle had perfected their appeals and before they had dismissed them.

{¶11} The order that Brown and Dowdle appealed was an interlocutory order. But their appeals divested the trial court of jurisdiction because this court had exclusive authority to determine whether the trial court’s order constituted a final, appealable order.

{¶12} Because the trial court lacked jurisdiction, its judgment is void. Therefore, we cannot consider the merits of Best Financial’s appeal.

Conclusion

{¶1} Because the trial court lacked jurisdiction to enter its judgment, the judgment is void. Therefore, we remand this case to the trial court for further proceedings consistent with this ruling.

Case remanded.

MYERS, P.J., and WINKLER, J., concur.

Please note:

The court has recorded its entry on the date of the release of this opinion