

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

CATHY BEIL	:	APPEAL NO. C-250185
	:	TRIAL NO. A-2001716
and	:	
WAYNE BEIL,	:	
Plaintiffs-Appellees,	:	<i>JUDGMENT ENTRY</i>
vs.	:	
ERIC C. DETERS,	:	
Defendant-Appellant,	:	
and	:	
ERIC C. DETERS & PARTNERS, P.S.C., et al.,	:	
Defendants.	:	

**BOCK, Judge.**

This court sua sponte removes this cause from the regular calendar and places it on the court’s accelerated calendar and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); Loc.R. 11.1.

**Background**

Plaintiffs-appellees Cathy and Wayne Beil (“the Beils”) sued defendant-appellant Eric C. Deters (“Deters”),<sup>1</sup> asserting legal malpractice and “breach of

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<sup>1</sup> The Beils sued other defendants, but they are not involved with this appeal.

promise” claims. The Beils later added additional claims.

In 2021, the Beils moved for partial summary judgment on their breach-of-promise claim. The trial court granted their motion against Deters and awarded damages. The entry did not include a Civ.R. 54(B) certification.

Deters sought relief from that summary judgment under Civ.R. 60(B). The trial court denied his motion—its entry included a Civ.R. 54(B) certification that there was no just cause for delay. Deters appealed (“2022 Appeal”). Deters’s 2022 Appeal brief asserted that the trial court had erred by including the Civ.R. 54(B) certification. Later, Deters moved this Court to dismiss the 2022 Appeal based on a lack of a final appealable order. We agreed with Deters and dismissed the 2022 Appeal.

After we dismissed the 2022 Appeal, the parties continued to litigate the action below. Eventually, the remaining claims were resolved by default judgment, summary judgment, or voluntary dismissal, and the trial court awarded additional damages based on new claims. Deters appealed (“the 2024 Appeal”). We dismissed the 2024 Appeal for lack of a final appealable order.

On remand, the trial court issued an “Entry and Final Judgment.” The trial court dismissed duplicative causes of action and granted summary judgment in favor of the Beils on Deters’s counterclaims. Deters then filed the current appeal.

**The appeal is moot**

Deters’s single assignment of error is virtually identical to the error he assigned in his 2022 Appeal: “The trial court committed reversible error by labeling the non-final order denying [Deters’s] Rule 60 motion as final and appealable by ruling ‘there is no just reason for delay.’”

We ordered the parties to file supplemental briefing on whether Deters’s appeal is moot. Deters’s supplemental brief stated, “I stand by my brief the Entry and Final

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Judgment is still not final. I guess that does make it moot.” The Beils’ supplemental brief also asserted that the appeal was moot. We agree with both Deters and the Beils that this appeal is moot.

Appellate courts lack jurisdiction to entertain moot appeals. *In re Ndubuisi Ezeh*, 2022-Ohio-4033, ¶ 11 (1st Dist.). An appeal is moot where the issues are no longer live or “the parties lack a legally cognizable interest in the outcome.” (Citations omitted.) *Andrew v. Dennis*, 2022-Ohio-2567, ¶ 7 (1st Dist.). If a ruling in the appellant’s favor would not grant any meaningful relief, the appeal is moot. *C.T.F. v. A.B.M.*, 2024-Ohio-1998, ¶ 34 (10th Dist.).

Deters’s appeal is moot because we have already granted the relief Deters seeks. *See State v. Elersic*, 2002-Ohio-6696, ¶ 6 (11th Dist.) (Citations omitted.) (“Moot cases are dismissed because they no longer present a justiciable controversy. The requested relief has been obtained, it serves no further purpose, it is no longer within the court’s power, or it is not disputed.”).

Deters’s sole assignment of error in this appeal reads, “The trial court committed reversible error by labeling the non-final order denying Appellant’s Rule 60 motion as final and appealable by ruling ‘there is no just cause for delay.’” In 2022, we agreed with Deters that the trial court erred by including a Civ.R. 54 certification that there was no just cause for delay and we granted his motion to dismiss the 2022 Appeal because of the trial court’s error. Thus, we have already afforded Deters the relief he now seeks, rendering this appeal moot.

We therefore dismiss the appeal as moot.

The court further orders that 1) a copy of this Judgment constitutes the mandate, 2) the mandate be sent to the trial court for execution under App.R. 27, and 3) costs shall be taxed under App.R. 24.

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**KINSLEY, P.J., and NESTOR, J., concur.**

**To the clerk:**

**Enter upon the journal of the court on 11/14/2025 per order of the court.**

By:  \_\_\_\_\_  
**Administrative Judge**