

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

EMMA BURLILE, Executrix of the Estate of Evelyn Helton,	:	APPEAL NO. C-250231
	:	TRIAL NO. A-1706461
Plaintiff-Appellee,	:	
	:	
vs.	:	
	:	
ABUBAKAR ATIQ DURRANI, M.D.,	:	<i>JUDGMENT ENTRY</i>
	:	
and	:	
	:	
CENTER FOR ADVANCED SPINE TECHNOLOGIES, INC.,	:	
	:	
Defendants-Appellants.	:	

KINSLEY, Presiding 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.

Asserting two assignments of error, defendants-appellants Abubakar Atiq Durrani, M.D., and the Center for Advanced Spine Technologies, Inc., (collectively “Durrani”) appeal the trial court’s judgment granting plaintiff-appellee Emma Burlile’s motion to amend her complaint after the action was voluntarily dismissed.¹ Durrani argues that the trial court incorrectly characterized its order dismissing Burlile’s complaint as interlocutory and improperly granted her leave to amend the complaint in the absence of jurisdiction.

¹ Emma Burlile appeared in this case as the executrix of the estate of her mother Evelyn Helton.

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We agree with Durrani that the trial court lacked jurisdiction to entertain Burlile’s motion to amend the dismissed complaint. Burlile moved to voluntarily dismiss her complaint on the third day of trial, before the jury reached a verdict. The trial court agreed and granted dismissal, both on the record in open court and in a subsequently filed journal entry. As we held in *Dotson v. Durrani*, 2026-Ohio-174, ¶ 30 (1st Dist.), the trial court’s dismissal of Burlile’s complaint, even without prejudice, deprived it of jurisdiction over Burlile’s action. Because it lacked jurisdiction over the action, the trial court’s judgment granting Burlile’s motion to amend the dismissed complaint was entered without jurisdiction. *See id.* at ¶ 33.

Following our precedent in *Dotson*, we accordingly sustain Durrani’s first assignment of error, which argues that the trial court erred in determining that its dismissal of Burlile’s complaint was subject to revision, and vacate the trial court’s judgment, as it was entered without jurisdiction. Our disposition of Durrani’s first assignment of error renders the second assignment of error moot, and we decline to address it.

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.

ZAYAS and MOORE, JJ., concur.

To the clerk:

Enter upon the journal of the court on 5/6/2026 per order of the court.

By: 
Administrative Judge