

IN THE COURT OF APPEALS FOR STARK COUNTY, OHIO

FIFTH APPELLATE DISTRICT

STATE OF OHIO, ex rel.
Anthony J. Celebrezze, Jr.
Attorney General of Ohio,

Plaintiff-Appellant

-vs-

INDUSTRIAL EXCESS LANDFILL, INC.

Defendant

and

HYMAN BUDOFF,

Defendant-Appellee

JUDGMENT ENTRY

CASE NO. CA-6750

Appeal dismissed for want of jurisdiction.

order. See Ohio Civil Rule 54(B).

Geo. H. Dwyer

John L. Milligan

John R. Hoffman

 JUDGES

A TRUE COPY TESTE:
 HELEN J. GAROFALO, CLERK
 By *Helen J. Garofalo* Deputy
 Date *4-27-88*

FILED
 HELEN J. GAROFALO
 CLERK OF COURTS
 STARK COUNTY OHIO
 APR 21 4 02 PM '88



COURT OF APPEALS
STARK COUNTY, OHIO
FIFTH APPELLATE DISTRICT

STATE OF OHIO, ex rel. : JUDGES:
Anthony J. Celebrezze, Jr., : Hon. John R. Milligan, P.J.
Attorney General of Ohio, : Hon. John R. Hoffman, J.
: Hon. Ira G. Turpin, J.

Plaintiff-appellant

vs.

INDUSTRIAL EXCESS LANDFILL,

Defendant

and

HYMAN BUDOFF,

Defendant-Appellee

Case No. CA-6750



O P I N I O N

CHARACTER OF PROCEEDING:

Civil Appeal from the
Court of Common Pleas
Case No. 84-1684

JUDGMENT:

DISMISSED

DATE OF JUDGMENT ENTRY:

APPEARANCES:

For Plaintiff-Appellant

For Defendant-Appellee

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FILED
HELEN J. GAROFALO
CLERK OF COURTS
STARK COUNTY OHIO
APR 21 4 02 PM '86

TURPIN, J.

The State of Ohio, ex rel. Anthony J. Celebrezze, Jr., Attorney General of Ohio, plaintiff-appellant, filed suit against the defendant, Industrial Excess Landfill, Inc., and defendant-appellee, Hyman Budoff, individually and as president, treasurer, and secretary of Industrial Excess Landfill, Inc., for a violation of Chapter 3704, 3767, and 6111 of the Ohio Revised Code and regulations within the Ohio Administrative Code.

The trial court sustained, via a judgment entry, the defendant-appellee Hyman Budoff's motion for summary judgment; the plaintiff-appellant appeals and assigns a sole assignment of error:

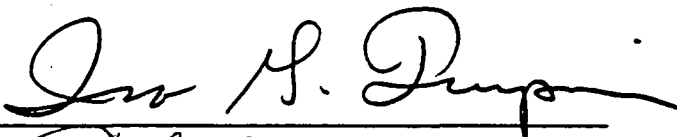
BASED UPON ALL THE EVIDENCE SUBMITTED, THE TRIAL COURT ERRED BY CONCLUDING THAT REASONABLE MINDS COULD NOT DIFFER REGARDING THE PERSONAL LIABILITY OF DEFENDANT HYMAN BUDOFF WHEN A CORPORATION HE CONTROLS VIOLATES THE LAWS OF THE STATE OF OHIO OR HE OPERATES A CORPORATION IN DEROGATION OF THE PRINCIPLES OF CORPORATION LAW.


This court finds that the granting of summary judgment to the defendant-appellee Hyman Budoff without an Ohio Rules of Civil Procedure Rule 54(B) certification is not a final appealable order.

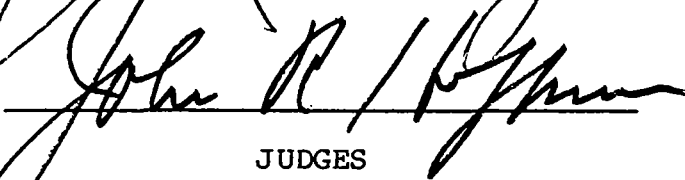
Under Ohio Rules of Civil Procedure 54(B), before an order becomes final as to one of more, but not all of the multiple parties to a lawsuit, the trial court at its discretion must make

an express determination that there is "no just reason for delay." Absent an express determination of finality, the Court of Appeals is required to dismiss an attempted appeal for want of jurisdiction. See Mulqueen v. Thomas Lombardi & Sons, Inc. (March 17, 1986), Stark App. No. 6724, unreported. This court therefore will dismiss this appeal for want of jurisdiction; no final order, see Ohio Civ. R. 54(B).

Milligan, P.J. and
Hoffman, J. concur.







JUDGES

IGT/emc