

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

UNION HOME MORTGAGE CORP.	:	APPEAL NO. C-200090
Plaintiff-Appellee,	:	TRIAL NO. A-1800648
vs.	:	<i>JUDGMENT ENTRY.</i>
JON R. WALLACE	:	
Defendant-Appellant.	:	

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.

This appeal arises from the trial court’s grant of summary judgment for plaintiff-appellee Union Home Mortgage on all of its claims against its former employee, defendant-appellant Jon R. Wallace. Mr. Wallace raises two assignments of error on appeal, contending that: 1) the trial court lacked personal jurisdiction over him, and 2) the non-compete contract at the heart of Union Home Mortgage’s complaint is unconscionable and unenforceable.

After a review of the proceedings below, we have concluded that this court lacks jurisdiction to consider Mr. Wallace’s appeal. The complaint filed by Union Home Mortgage against Mr. Wallace sought a combination of damages, including injunctive relief, compensatory damages, punitive damages, costs, interest, and reasonable attorney’s fees. The trial court’s January 22, 2020 order granting summary judgment to Union Home Mortgage—from which Mr. Wallace filed this appeal—decided the merits of this case, but explicitly stated that the “matter w[ould] be continued for a damages

hearing.” To this day, the trial court has not fully resolved the issue of damages due to Union Home Mortgage.

The Ohio Constitution limits the jurisdiction of this court to appeals from “final orders” of lower courts. *Scheer v. Knierim*, 1st Dist. Hamilton No. C-150763, 2016-Ohio-5583, ¶ 3. An order is final when it “affects a substantial right in an action that in effect determines the action and prevents a judgment.” R.C. 2505.02(B)(1). “A decision determining liability but deferring the issue of damages is not a final order because it does not determine the action or prevent a judgment.” *Id.* at ¶ 3, citing *Miller v. First Internatl. Fid. & Trust Bldg., Ltd.*, 113 Ohio St.3d 474, 2007-Ohio-2457, 866 N.E.2d 1059, ¶ 6; R.C. 2505.02. Accordingly, we lack jurisdiction to consider Mr. Wallace’s appeal from the trial court’s grant of summary judgment.

We requested supplemental briefing from the parties on the question of whether appellate jurisdiction existed, and we received no authority or argument to support an exercise of jurisdiction. Because there is no final, appealable order in this case, we hereby dismiss this appeal for lack of jurisdiction.

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.

**ZAYAS, P.J., MYERS and BERGERON, JJ.**

To the clerk:

Enter upon the journal of the court on January 20, 2021,  
per order of the court\_\_\_\_\_.

Presiding Judge