

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

THOMAS DESANTIS,	:	APPEAL NO. C-100030
	:	TRIAL NO. DR-0601301
Plaintiff-Appellant,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
DIANA LARA,	:	
	:	
Defendant-Appellee.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

Plaintiff-appellant Thomas DeSantis and defendant-appellee Diana Lara were divorced in New York in 2000. As relevant to this appeal, a New York court issued a support order for the couple's only child, Alexandra DeSantis. Lara and Alexandra moved to Ohio in 2004, and DeSantis relocated to Tennessee in 2005. In 2006, DeSantis registered the New York child-support order in Ohio. In June 2006, DeSantis also filed a motion to modify child support, in which he argued that support should be calculated under Ohio law. A magistrate in the court of domestic relations determined that Ohio law governed the resolution of the motion to modify. But upon objections to the magistrate's decision, the trial court rejected the decision and determined that the laws of New York should be applied.

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

DeSantis appealed to this court. We settled the parties' choice-of-law dispute by concluding that Ohio law governed the resolution of DeSantis' motion to modify his child-support obligations.² Following this court's remand, the domestic relations magistrate issued a decision that did the following: ordered counsel to provide proposed child-support worksheets for 2006, 2007, 2008, and 2009; ordered counsel to schedule a seven-hour hearing; and ordered the Hamilton County Child Support Enforcement Agency to credit and/or debit any payments in line with the new child-support determinations. The magistrate's decision further contained an internal inconsistency. In one paragraph, it granted DeSantis' motion to modify support filed in June 2006, as well as subsequently filed motions to modify. But in a later paragraph, the magistrate denied the same motions.

Both parties filed objections to the magistrate's decision. Following a hearing on the objections, the trial court determined that DeSantis' child-support obligations should be determined under Ohio law beginning May 1, 2008. The trial court further held that DeSantis' motions to modify were not yet granted, and it determined that it was not appropriate to present child-support worksheets until after a hearing had been conducted.

DeSantis has appealed from the trial court's decision, raising two assignments of error for our review. But because the trial court's decision was not a final appealable order, we do not reach the merits of DeSantis' arguments. This court's appellate jurisdiction is limited to the review of final judgments of lower courts.³ R.C. 2505.02 clearly explains what types of judgments are final orders.

² See *DeSantis v. Lara*, 1st Dist. No. C-080482, 2009-Ohio-2570.

³ Section 3(B)(2), Article IV, Ohio Constitution.

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In this case, the trial court determined the date that Ohio law should be applied to DeSantis' support obligations. But it did not determine the actual amount of support owed under Ohio law. That issue remains to be determined. Absent such a determination by the trial court, its decision is not a final order under R.C. 2505.02. Because the trial court's decision is not final and appealable, we are without jurisdiction to entertain this appeal. For that reason, the appeal is dismissed.

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.

CUNNINGHAM, P.J., SUNDERMANN and HENDON, JJ.

To the Clerk:

Enter upon the Journal of the Court on August 25, 2010
per order of the Court _____.
Presiding Judge