

COURT OF APPEALS OF OHIO, FIFTH APPELLATE DISTRICT, LICKING COUNTY

Bentz v. Park Natl. Corp.

2025-Ohio-5380 · No. 25 CA 00052 · Decided November 26, 2025

SUMMARY

The Fifth District Court of Appeals of Ohio dismissed the appeal in Bentz v. Park National Corporation for lack of a final appealable order. The trial court had granted summary judgment on the Electronic Funds Transfer Act claim but had not resolved the breach-of-contract claim or damages relating to a default judgment against another defendant, and it had not included the required Civ.R. 54(B) language. The appellate court therefore did not reach the merits of the assignments of error.

CASE DETAILS

COURT	Court of Appeals of Ohio, Fifth Appellate District, Licking County
WRITING FOR THE COURT	Craig R. Baldwin, P.J.; William B. Hoffman, J.; David M. Gormley, J.
JURISDICTION	Court of Appeals of Ohio, Fifth Appellate District, Licking County
DECIDED	November 26, 2025
DOCKET	25 CA 00052
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellants appealed the trial court's grant of summary judgment to Park National Corporation and The Park National Bank, NA, on the Electronic Funds Transfer Act claim and the trial court's failure to address the breach-of-contract claim. The appellate court dismissed the appeal for lack of a final appealable order.
STANDARD OF REVIEW	De novo jurisdictional review of whether the trial court's order is final and appealable; the court must consider the issue sua sponte.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Meghan Bentz, Jason Bentz, Pizzaburg Mount Gilead, LLC v. Park National Corporation, The Park National Bank, NA

TOPICS

- final judgment rule
- appellate jurisdiction
- appellate procedure
- summary judgment
- civil procedure

PRACTICE AREAS

appellate procedure

civil procedure

contracts

consumer protection

QUESTIONS PRESENTED

1. Whether the trial court's June 17, 2025 judgment entry was a final appealable order when it failed to dispose of the breach-of-contract claim.
2. Whether the absence of express Civ.R. 54(B) language stating that there was no just reason for delay deprived the appellate court of jurisdiction.

HOLDINGS

1. A trial-court judgment that adjudicates fewer than all claims in a multi-claim action is not final and appealable unless it includes an express determination that there is no just reason for delay under Civ.R. 54(B).
2. An Ohio appellate court must dismiss an appeal when the order appealed from is not final and appealable, even if the parties do not raise the jurisdictional defect.

KEY QUOTATIONS

“Thus, according to Civ.R. 54(B), a judgment that does not dispose of all claims in an action where more than one claim for relief is presented is not final unless it includes express language stating “there is no just reason for delay.”” (¶ 14)

“Therefore, it is not a final appealable order. As such, this Court lacks jurisdiction in this matter, and must therefore dismiss the appeal.” (¶ 16)

FACTUAL BACKGROUND

Pizzaburg Mount Gilead, LLC maintained a business bank account with Park, and Jason and Meghan Bentz were authorized users. Jason Bentz used the business debit card to rent a vehicle from Zezgo, was involved in a collision, and was later charged \$10,000 by Zezgo. After Park provisionally reversed the charge, it determined the charge was authorized under the rental agreement and reversed the credit. The resulting complaint asserted EFTA and breach-of-contract claims against Park, but the trial court's summary-judgment entry addressed only the EFTA claim.

PROCEDURAL HISTORY

Appellants filed claims against Park and Zezgo Orlando, LLC, alleging an Electronic Funds Transfer Act violation, breach of contract, and intentional misconduct and theft by deception. The trial court entered default judgment against Zezgo on liability only, later granted Park's motion for summary judgment, and did not address the breach-of-contract claim or the damages proceeding against Zezgo. Because the judgment lacked an express Civ.R. 54(B) determination that there was no just reason for delay, the Court of Appeals dismissed the appeal for lack of a final appealable order.

DISPOSITION

dismissed

CASES CITED

- General Acc. Ins. Co. v. Ins. Co. of N. Am., 44 Ohio St. 3d 17, 20 (1989)
- Passwaters v. Novaria, 2025-Ohio-1533, ¶ 12 (5th Dist.)
- Chef Italiano Corp. v. Kent State Univ., 44 Ohio St. 3d 86, 88 (1989)

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