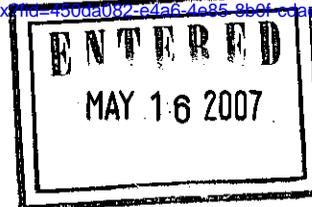


IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO



BODY POWER, INC., :  
Plaintiff-Appellee, :  
vs. :  
JOSEPH B. MANSOUR :  
and :  
INF ENTERPRISES, INC., :  
Defendants-Appellants. :

APPEAL NO. C-060847 ✓  
TRIAL NO. A-9308903

*JUDGMENT ENTRY.*



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

Defendants-appellants, Joseph B. Mansour and INF Enterprises, Inc. (collectively, “Mansour”), appeal the judgment of the Hamilton County Court of Common Pleas denying their motion to enforce a judgment entered in 1996 against Body Power, Inc.

In October 1993, Body Power sued Mansour, seeking damages and the appointment of a receiver for business assets that Mansour had allegedly concealed or misappropriated. That same month, the trial court appointed a receiver for the assets.

After much procedural meandering, the trial court ultimately entered summary judgment in favor of Mansour in September 1996.

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

Mansour filed a motion for the court to enforce the summary judgment and to return the business assets to his control. In 1999, the court overruled the motion, stating that the cause had been dismissed as a result of the summary judgment in Mansour's favor and that there was "no case pending and no judgment which can be enforced."

The trial court did not issue a final appealable order with respect to the denial of Mansour's motion to enforce the judgment until September 8, 2006. Mansour filed the instant appeal on October 6, 2006.

In a single assignment of error, Mansour now argues that the trial court erred in overruling the motion to enforce the 1996 summary judgment.

As a threshold matter, Body Power argues that this appeal was not filed in a timely manner. That assertion is incorrect. Mansour filed the notice of appeal within 30 days of the final order entered under Civ.R. 58, and the appeal was therefore timely.<sup>2</sup>

As for Mansour's assignment of error, we hold that the trial court erred in denying the motion to enforce the judgment. We find no merit in the trial court's conclusion that there was no judgment to be enforced because there was no case pending. Regardless of the termination of Body Power's lawsuit, the trial court had the statutory authority—as well as the inherent authority—to enforce its judgment.<sup>3</sup>

Moreover, because this was a case involving the appointment of a receiver and a dispute over the ownership of business assets, the mere termination of the lawsuit in favor of Mansour did not necessarily effectuate the proper allocation of those assets. If Mansour was entitled to the possession of certain assets as a result of the termination of Body

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<sup>2</sup> See App.R. 4(A).

<sup>3</sup> See R.C. 2705.02 and *Beltz v. Beltz*, 5th Dist. Nos. 2005CA00193 and 2005CA00194, 2006-Ohio-1144.

Power's lawsuit, he was also entitled to enforcement of the summary judgment. Accordingly, we sustain the assignment of error.

We reverse the judgment of the trial court and remand the cause for enforcement of the summary judgment to the extent necessary to properly allocate the business assets, if any remain.

Because we have sustained the assignment of error, we overrule Body Power's request for sanctions against Mansour.

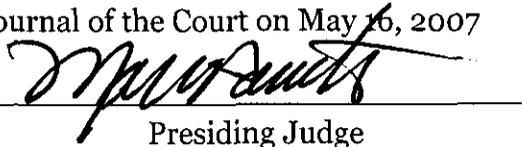
Further, a certified copy of this Judgment Entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**PAINTER, P.J., HILDEBRANDT and SUNDERMANN, JJ.**

*To the Clerk:*

Enter upon the Journal of the Court on May 16, 2007

per order of the Court



Presiding Judge