

Commonwealth Of Kentucky

Court of Appeals

NO. 2002-CA-001371-MR

THOMAS W. RODGERS

APPELLANT

v. APPEAL FROM BULLITT CIRCUIT COURT
HONORABLE THOMAS WALLER, JUDGE
ACTION NO. 00-CI-00345

VICKEY L. RODGERS

APPELLEE

OPINION

DISMISSING APPEAL

** ** *

BEFORE: DYCHE, JOHNSON, AND SCHRODER, JUDGES.

DYCHE, JUDGE. Thomas W. Rodgers has filed a notice of appeal from an order of the Bullitt Circuit Court which confirmed the report of the domestic relations commissioner on one issue, and one issue only: the division of his pension with his wife, appellee Vickey L. Rodgers.

On February 20, 2002, the commissioner filed his report recommending that Vickey receive "her marital interest in

[Thomas's] pension from May 6, 1972." Thomas excepted to that recommendation, and on May 15, 2002, the trial court conducted a hearing on the exceptions. In a May 16, 2002, order, the trial court overruled the exceptions, and confirmed the commissioner's report. Thomas filed a notice of appeal from that order.

This court is vested with jurisdiction over appeals from final orders and judgments. KRS 22A.020(1). "A final or appealable judgment is a final order adjudicating all the rights of all the parties in an action or proceeding, or a judgment made final under Rule 54.02." CR 54.01. The order from which this appeal is taken does not adjudicate all the rights of the parties, only one narrow issue. It was not "made final" under CR 54.02. No appeal was taken from the order and decree which did, in fact, adjudicate all the issues between these parties. We therefore have no jurisdiction to decide this appeal, which is hereby dismissed.

SCHRODER, JUDGE, CONCURS.

JOHNSON, JUDGE, CONCURS IN RESULT ONLY.

BRIEF FOR APPELLANT:

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BRIEF FOR APPELLEE:

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