

IN THE COMMON PLEAS COURT OF DARKE COUNTY, OHIO

JAMES BREWER : **CASE NO. 13-CV-00663**
Plaintiff, : **Jonathan P. Hein, Judge**
vs. :
DICK LAVY FARMS LLC et. al. :
Defendants. : **JUDGMENT ENTRY – Motion
for Stay of Execution of Judgment**

This matter comes before the Court upon Motion of Defendant Dick Lavy Farms, LLC as filed May 19, 2015 for a stay of execution of the judgment previously granted herein in order for the Defendant to pursue an appeal of the judgment. The Plaintiff did not file any response within the 10 days set forth by Local Rule 5(F). The Plaintiff is represented by Jose M. Lopez, Esq. Defendant Dick Lavy Farms, LLC is represented by Edward J. Dowd, Esq.

The Defendant refers the Court to Civil Rule 62(B) which provides as follows:

RULE 62. Stay of Proceedings to Enforce a Judgment

(B) Stay upon appeal.

When an appeal is taken the appellant may obtain a stay of execution of a judgment or any proceedings to enforce a judgment by giving an adequate supersedeas bond. The bond may be given at or after the time of filing the notice of appeal. The stay is effective when the

supersedeas bond is approved by the court.

In this case, the Defendant has requested that no supersedeas bond be required. According to Civil Rule 62(B), in the absence of such bond being posted with the Clerk of Courts, the Court could not stay execution of the judgment.

The Court finds that the request for a stay is reasonable and should be granted. The privilege of filing a bond can yet be accomplished.

IT IS, THEREFORE ORDERED AND DECREED that the Defendant's motion for a stay of execution is granted. A supersedeas bond is approved in the amount of \$5000 which Defendant may deposit with the Clerk of Courts within 21 days hereafter. When such bond is posted by Defendant, further collection proceedings shall be stayed pending the outcome of the appeal. [This stay does not affect the judgment interest which accrues according to law.]

Jonathan P. Hein, Judge

cc: Jose M. Lopez, Attorney for Plaintiff (via email)
Edward J. Dowd, Attorney for Defendant (via email)

jph\research\civil 62.appeal bond