

**IN THE COURT OF COMMON PLEAS
LORAIN COUNTY, OHIO**

GIBSON BROS., INC., et al.,)	CASE NO. 17CV193761
)	
Plaintiffs,)	
)	JUDGE JOHN R. MIRALDI
v.)	
)	
OBERLIN COLLEGE, et al.,)	DEFENDANTS' MOTION TO STAY
)	EXECUTION OF JUDGMENT,
Defendants.)	<u>PURSUANT TO CIV.R. 62(A)</u>

Pursuant to Rule 62 of the Ohio Rules of Civil Procedure, Defendants Oberlin College (“Oberlin College” or the “College) and Dr. Meredith Raimondo (“Dean Raimondo,” and collectively with the College, “Defendants”) move the Court to stay execution of its June 27, 2019 Judgment Entry (the “Judgment”), in which the Court capped Plaintiffs’ total damages under Ohio Revised Code Chapter 2315 at \$25,049,000.

Civ.R. 62(A) states that a party may move to stay execution of a judgment at any time after a judgment is entered. More specifically, under Civ.R. 62(A), a party may move to stay execution of a judgment before moving for relief under Civ.R. 50, 59, or 60 (and during the pendency of any such motion(s)), and before filing a notice of appeal:

In its discretion and on such conditions for the security of the adverse party as are proper, the court may, upon motion made any time after judgment, stay the execution of that judgment or stay any proceedings to enforce the judgment until the time for moving for a new trial under Civ.R. 59, moving for relief from a

judgment or order under Civ.R. 60, moving for judgment notwithstanding the verdict under Civ.R. 50, or filing a notice of appeal, and during the pendency of any motion under Civ.R. 50, Civ.R. 59, or Civ.R. 60.

The 2017 Staff Notes to Civ.R. 62(A) state the intent underlying the Rule:

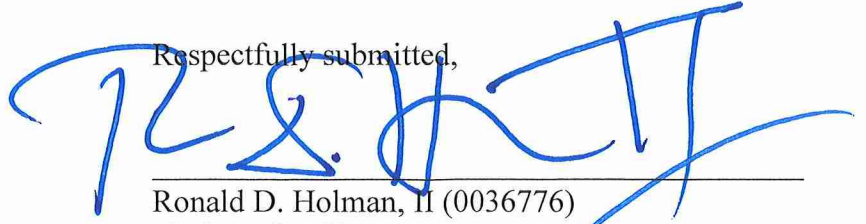
The rule is amended to allow a party to move to stay execution of judgment, or any proceedings to enforce the judgment, at any time after entry of judgment, including before any relief under Civ.R. 50, 59, 60 is sought or an appeal is filed, as well as during the pendency of any motion seeking relief under Civ.R. 50, 59, or 60.

Here, the Court should stay execution of the Judgment. Defendants intend to file motions under Civ.R. 50, 59, and/or 60. And per the express provisions of Civ.R. 62(A), a stay of execution may be issued at any time after a judgment is issued and before the time for filing motions pursuant to Civ.R. 50, 59, and 60 and while such motions are pending.

Defendants further respectfully request that they not be required to post a bond in the amount of the Judgment at this time. In the event that Defendants' post-trial motions are not successful and require Defendants to appeal, Defendants will then file a supersedeas bond as required by Civ.R. 62(B) at the time Defendants file their notice of appeal. This supersedeas bond, if necessary, will be in the amount of the Judgment, plus any additional amount that may potentially be awarded by the Court in attorneys' fees.

Accordingly, and as permitted and contemplated under Civ.R. 62(A) and the 2017 Staff Notes thereunder, Defendants request that the Court order a stay of execution of its Judgment until Defendants are fully heard on any motions filed under Civ.R. 50, 59, and/or 60 and/or until Defendants file a notice of appeal.

Respectfully submitted,



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CERTIFICATE OF SERVICE

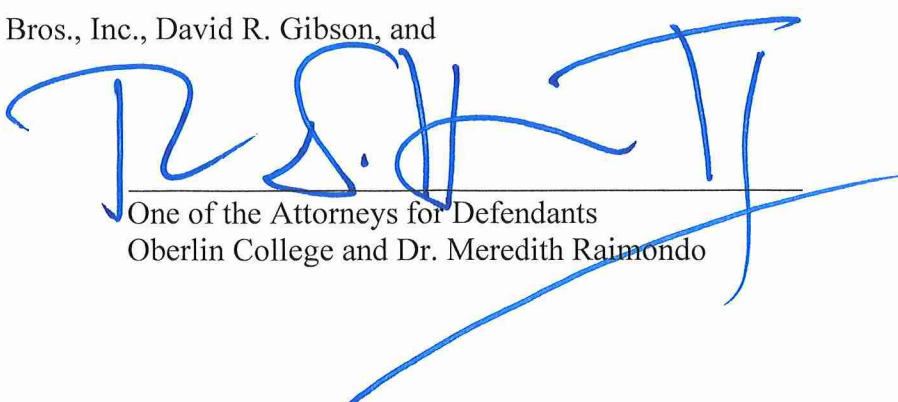
I certify that a copy of the foregoing was served this 15th day of July 2019, via e-mail, pursuant to Civ.R. 5(B)(2)(f) of the Ohio Rules of Civil Procedure, upon the following:

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