



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

**TOM ORLANDO, Clerk
JOURNAL ENTRY
John R. Miraldi, Judge**

Date 7/24/19

Case No. 17CV193761

GIBSON BROS INC
Plaintiff

JACQUELINE BOLLAS CALDWELL
Plaintiff's Attorney (-)

VS

OBERLIN COLLEGE
Defendant

JOSH M MANDEL
Defendant's Attorney (-)

RULING ON DEFENDANTS' MOTION TO STAY EXECUTION OF THE JUDGMENT

This matter comes before the Court upon the filing of Defendants Oberlin College and Meredith Raimondo's ("Defendants") Motion to Stay Execution of Judgment Pursuant to Civ. R. 62(A), and Plaintiffs' Allyn W. Gibson, David R. Gibson, and Gibson Bros., Inc.'s ("Plaintiffs") response in opposition.

Defendants' motion requests that the Court stay execution of the judgment pending resolution of their anticipated Civ. R. 50, 59, and 60 post-trial motions without requiring Defendants to post a bond. Plaintiffs oppose this request, and have asked the Court to require a bond in the amount of \$36,367,711.56, representing the total amounts of the judgments plus interest.

Defendants' motion is governed by Ohio Civ. R. 62(A) which states:

[I]n 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.

Clearly, Ohio Civ. R. 62(A) gives the Court great discretion in determining what conditions, if any, are proper to grant a stay of execution of the judgment and to afford



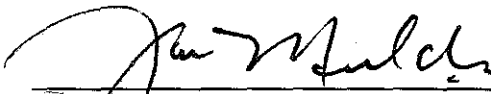


security to the Plaintiffs. After considering the Parties respective briefs, the attached exhibits, and applicable precedent the Court hereby orders that the judgment is stayed, as of the date of this entry, subject to the following conditions:

- 1) Within seven (7) days, Defendants shall post a bond in the amount of \$36,367,711.56. Failure to timely post the bond shall result in the stay being terminated. Timely posting of the bond shall stay the judgment until August 19, 2019;
- 2) If Defendants timely file their post-trial motions on or before August 19, 2019, the stay shall be extended until September 9, 2019. Plaintiffs shall have fourteen (14) days to respond to any post-trial motions and no reply briefs shall be accepted. The Court will rule on Defendants' motions by September 9, 2019. *See Local Rule 9(II).*

IT IS SO ORDERED.

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John R. Miraldi, Judge

cc: All Parties

