

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
SANDUSKY COUNTY

Zeno F. Wasserman, et al.

Court of Appeals No. S-11-020

Appellees

Trial Court No. 09 CV 671

v.

Haldon N. Copsey, et al.

DECISION AND JUDGMENT

Appellants

Decided: June 8, 2011

* * * * *

John P. Kolesar, for appellants.

* * * * *

PER CURIAM.

{¶ 1} This matter is before the court on an unopposed motion for stay of execution, filed on May 5, 2011, by appellants, Sandra L. Copsey and Haldon N. Copsey. In the motion, appellants request that this court stay an order, including a permanent injunction, that was issued on April 27, 2011, by the Sandusky County Court of Common Pleas.

{¶ 2} Appellants assert that if appellees are permitted to use certain land that was awarded to appellees as a result of the trial court's decision, such use will result in

damage to various ornamental trees which have been on the property for more than ten years and cannot easily be replaced. Appellants further assert that damage to the trees will result in excessive financial damage to the property should the property ultimately be returned to appellants.

{¶ 3} App.R. 7(A) provides that an appellant may move for a stay of the judgment or order of a trial court pending appeal. In addition, App.R. 7(B) provides that relief granted under App.R. 7(A) may be conditioned upon the filing of a bond in the trial court.

{¶ 4} After due consideration, we order that appellants' motion for stay of execution is hereby granted on the condition that appellants post a bond with the trial court in the amount of \$100.

MOTION GRANTED.

Peter M. Handwork, J.

JUDGE

Arlene Singer, J.

JUDGE

Stephen A. Yarbrough, J.
CONCUR.

JUDGE

<p>This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at: http://www.sconet.state.oh.us/rod/newpdf/?source=6.</p>
