

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

Village of Ottawa Hills

Court of Appeals No. L-10-1353

Appellee

Trial Court No. CVF-02-20855

v.

Nasrin Afjeh

DECISION AND JUDGMENT

Appellant

Decided: September 27, 2011

* * * * *

Sarah A. McHugh, for appellee.

D. Joe Griffith, for appellant.

* * * * *

PER CURIAM.

{¶1} This matter is before the court on the motion of defendant-appellant, Nasrin Afjeh, to stay the trial court proceedings in Toledo Municipal Court case No. CVF-02-20855, pending the outcome of the appeal that is presently before us. Appellee, the village of Ottawa Hills has filed a memorandum in opposition.

{¶2} In the appeal now before us, appellant challenges the trial court's order finding her in contempt of court for failing to maintain her property in a nuisance-free

condition. That finding was based on evidence that on June 16, June 29 and August 4, 2010, the property presented a nuisance condition relative to appellant's alleged construction of a sunken garden and a geo-thermal heating system. As such, appellant was found to be in contempt of a 2004 order of the trial court requiring her to maintain her property in a nuisance-free condition. That 2004 order was affirmed by this court in a decision dated May 26, 2006. See *Village of Ottawa Hills v. Afjeh*, 6th Dist. No. L-04-1297, 2006-Ohio-2618.

{¶3} On May 23, 2011, appellee filed a second motion to show cause against appellant for new and separate alleged violations of the 2004 order. That motion alleges that appellant is in violation of the prior court order by maintaining vehicles with flat tires on her driveway and permitting additional weed growth on her property. That is the trial court proceeding that appellant seeks to stay pending the outcome of her present appeal.

{¶4} Pursuant to App.R. 7(A), this court has the authority to issue a stay, during the pendency of an appeal, of a judgment or order of the trial court, or of an order suspending, modifying, restoring or granting an injunction. The Ohio Rules of Appellate Procedure to not provide for stays of proceedings under the circumstances presented in the present motion.

{¶5} Accordingly, appellant's motion to stay the trial court proceedings is denied.

MOTION DENIED.

Peter M. Handwork, J.

JUDGE

Mark L. Pietrykowski, J.

JUDGE

Thomas J. Osowik, P.J.
CONCUR.

JUDGE

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>.