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LESLIE A. MILLIKEN
CLERK OF COURTS
HARRISON COUNTY, OHIO

IN THE COURT OF COMMON PLEAS
HARRISON COUNTY, OHIO
GENERAL DIVISION

SUNOCO PIPELINE L.P.
Plaintiffs,

Case No. CVH 2015-0058

vs.

CAROL A. TETER, Trustee of the Carol A.
Teter Revocable Living Trust, et al.
Defendants,

JUDGMENT ENTRY

This matter is before the Court pursuant to Defendant's motion to stay pending appeal. The Court has considered oral argument and the briefs of the parties.

Defendant, after failing on the merits at hearing, has appealed this Court's decision and now seeks a stay of execution of judgment. Ohio Revised Code Section 163.19 provides for a stay of execution pending appeal at the discretion of the Court. In order to prevail on a motion to stay execution of judgment falling under the discretion of the Court, the moving party must demonstrate:

1. A substantial likelihood that it will prevail on the merits of its appeal.
2. It will suffer irreparable harm if the stay is not granted;
3. There is a lack of substantial harm to the opposing party should a stay be granted, and
4. The public interest will be served by granting the stay.

International Diamond Exch. Jewelers v. U.S. Diamond and Gold Jewelers, Inc. 70 Ohio app. 3d 667, 672, *City of Ravenna v. State Employment Relations Board* 1986 WL 295941 (May 7, 1986).

The Court finds the proper standard of review is a discretionary review by the Court making an equitable balancing test of the four enumerated factors.

1. Substantial likelihood of success.

The Court finds Defendant does not have a substantial likelihood of success on appeal. The Court has ruled against Defendant's arguments at hearing and is not swayed that Defendant has a winning argument on appeal.

2. Irreparable harm to Defendant.

The Court finds irreparable harm is not imminent to Defendant. Harm is temporary in nature and will not irreparably curtail Defendant's enjoyment of their property. Furthermore, Plaintiff has testified that it is capable of removing said pipeline if Defendants prevail on appeal.

3. Substantial harm to Plaintiff if stay is granted.

Considering the timeline and commitment to contracted users and builders, the Court finds that Plaintiff would suffer substantial harm if Defendants were granted a stay.

4. Public interest served by granting stay.

The Court finds no evidence of a public interest served by granting the stay. After an equitable balance of the four factors, the Court finds no just reason for stay of execution of judgment and denies the same.

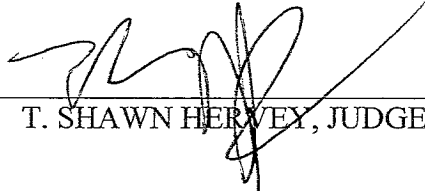
SO ORDERED.



T. SHAWN HERVEY, JUDGE

NOTICE: FINAL APPEALABLE ORDER

This is a final appealable order. For each party who is not in default, serve notice to the attorney for each party and to each party who represents himself or herself by regular mail service with certificate of mailing making notation of same upon case docket.



T. SHAWN HERVEY, JUDGE

Stamped copies:

Attorneys Gregory Brunton, Daniel Hyzak, Bruce Moore
Attorney Nicholas Andersen/Jessica Samuel
Attorney Andrew King