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IN THE FRANKLIN COUNTY MUNICIPAL COURT
CIVIL DIVISION
FRANKLIN COUNTY, OHIO

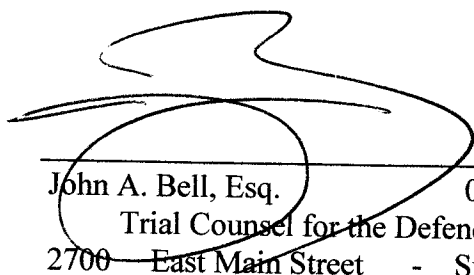
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FRANKLIN COUNTY
MUNICIPAL COURT
LORI M. TYACK

Veronica Wagner Covatch, *et al.*, :
Plaintiffs : CASE NO.: 2014-CVF-024571
-vs.- : Judge: Brandt
Central Ohio Sheltie Rescue, Inc., *et al.*, :
Defendants :

**SUPPLEMENTAL MEMORANDUM AND REQUEST FOR RULING ON
DEFENDANTS' MOTION TO STAY FURTHER PROCEEDINGS PENDING APPEAL**

Now come the Defendants in the above-captioned action, Central Ohio Sheltie Rescue, Inc., hereinafter referred to individually as, "Defendant COSR," and Penny Sanderbeck, hereinafter referred to individually as, "Defendant Sanderbeck," collectively hereinafter referred to as, "these Answering Defendants," and by and through their undersigned attorney, they respectfully submit the following Memorandum and REQUEST that the Court now rule on the Motion for Stay, filed August 6, 2015.

Respectfully submitted,



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MEMORANDUM IN SUPPORT

The Plaintiffs in this action, by Memorandum filed August 15, 2015, have indicated that “the Plaintiffs have no objection to a stay of these proceedings pending decision on defendants’ appeal now pending.”


As set forth in the Memorandum in Support that was attached to the Motion for Stay, filed August 6, 2015, this Honorable Court now lacks jurisdiction to proceed except in aid of the appeal.

When the Defendants in this action perfected their appeal of the July 23, 2015, “Final Order of Possession,” this Honorable Court was divested of jurisdiction except to act in aid of the appeal.

“Once the court of appeals assumes jurisdiction after the filing of the notice of appeal, the trial court loses jurisdiction to take any further action which would conflict or materially affect that part or portion of the proceeding which is pending on appeal.” *Smith v. Bond*, 2015 Ohio 2585 (Belmont County App., 2015) at p. 6, ¶ 10, citing, *Vavrina v. Greczanik*, 40 Ohio App.2d 129, 318 N.E.2d 408 (8th Dist.1974).

Therefore, this Honorable Court should stay all further proceedings in the Municipal Court, including but not limited to the trial which is scheduled for August 27, 2015, pending resolution of the appeal in the Tenth District Court of Appeals.

Respectfully submitted,



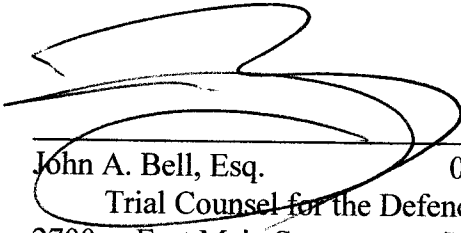
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CERTIFICATE OF SERVICE

I hereby certify that on this twenty-first (21st) day of August 2015, I have served a true copy of the foregoing SUPPLEMENTAL MEMORANDUM AND REQUEST FOR RULING ON DEFENDANTS' MOTION TO STAY FURTHER PROCEEDINGS PENDING APPEAL upon all parties or counsel entitled to such service, by hand delivery, or by placing it in regular U.S. Mail, first class postage fully prepaid, addressed to:

Mr. James H. Banks, Esq., and
Ms. Nina M. Najjar, Esq.,
P. O. Box 40
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