

ORIGINAL

IN THE SUPREME COURT OF OHIO

Motorists Life Ins. Co. : Case No. 14-2205

Appellee, : On Appeal from the Allen

: County Court of Appeals

: Third Appellate District

- vs -

: Court of Appeals

Patricia Sherbourne, et al. : Case No. 01-14-17

:

Appellee

APPELLEE PATRICIA SHERBOURNE'S RESPONSE TO MOTION TO STAY PENDING APPEAL

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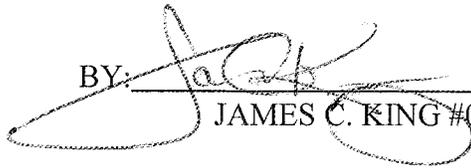
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Defendant/Appellant, Charles E. Murray, has moved this Court for an immediate stay of the Third District Court of Appeals judgment entered in Case No. 01-14-17. As the basis for said Motion, Appellant states that if the funds are released, it could be spent and not available upon this Court's disposition.

Appellant Murray suggests that a bond is not necessary as the money is on deposit with the Allen County Clerk of Courts. However, Appellee Patricia Sherbourne is losing the use of this money for the time the matter is pending on appeal and should be compensated for the loss of potential interest/investment income from these funds. At three percent interest, the funds on deposit would earn \$413 per month. Accordingly, any stay which may be granted should be conditioned on the Appellant posting a bond in an amount sufficient to cover the loss of interest/investment income from said funds.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Response has been sent to Bruce A. Curry,

Attorney for Plaintiff/Appellee, at 30 Northwood Blvd., Suite 300, Columbus, OH 43235; to David E. Bowers and Andrea M. Brown, Attorneys for Defendant/Appellant Charles Murray, at 212 N. Elizabeth St., Suite 410, Lima, OH 45801; and to Jerry M. Johnson, Attorney for Defendant/Appellee T. R. Chiles & Sons-Laman, at 400 W. North St., Lima, OH 45801 on the 30th day of December, 2014 by ordinary United States Mail.

BY:  _____
James C. King