Wheatt et al v. City of East Cleveland et al Doc. 395

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

DERRICK WHEATT, *et al.*,	:	CASE NOS. 1:17-CV-377 & 1:17-CV-611 (consolidated)
Plaintiffs,	:	
vs.	:	OPINION & ORDER [Resolving Docs. 364, 385, 387]
CITY OF EAST CLEVELAND, *et al.*,	:	
Defendants.	:	

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On August 29, 2019, the Court held Plaintiffs' motion for judgment on their indemnification claim in abeyance pending the Ohio Supreme Court's resolution of *Ayers v. City of Cleveland.*[1] The Court instructed that Plaintiffs could renew their argument once *Ayers* is decided. Accordingly, there has been no final judgment in this case.

Because there has been no final judgment, the Court hereby denies three of Defendants' motions as premature. *See* Doc. 364 (motion to stay execution of judgment); Doc. 385 (motion to stay debt collection proceedings); Doc. 387 (motion to waive bond). Defendants may renew these motions once the court renders final judgment in this case.

IT IS SO ORDERED

Dated: August 29, 2019

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

[1] No. 2018-0852. Oral Argument in *Ayers* was held on January 12, 2019; the Ohio Supreme Court has yet to decide the case. *See* docket, available at: http://www.supremecourt.ohio.gov/Clerk/ecms/#/caseinfo/2018/0852.

Dockets.Justia.com