

CLEVELAND MUNICIPAL COURT
HOUSING DIVISION
CUYAHOGA COUNTY, OHIO
JUDGE CHERYL M. WILTSHIRE

Name: _____
Address: _____
City, St, zip: _____
Telephone: _____

Plaintiff(s)

CASE NO. _____

- VS -

MOTION FOR STAY

Name: _____
Address: _____
City, St, zip: _____
Telephone: _____

Defendant(s)

1. I am (*Check one*) ☐ Plaintiff (or) ☐ Defendant in the case.
2. I am asking this court to issue a stay in this case because: _____

3. I am asking the Court to issue a stay in this case, because I filed the following motion: _____

4. The Motion that I filed in this case was filed on (Date) _____, and is attached.

X _____
(Signature)

SERVICE CLAUSE

I (check one) ☐ sent a copy of this motion by regular mail (or) ☐ other _____
(specify) to ☐ plaintiff(s)/counsel if plaintiff has counsel (or) ☐ defendant(s)/counsel if defendant
has counsel at the address of record on ____/____/____.

(Signature)

WAIT! READ THIS BEFORE YOU FILL OUT THIS MOTION!

FILING THIS MOTION WILL NOT STOP A MOVE OUT. THE MOVE OUT WILL GO FORWARD UNLESS THE COURT ISSUES AN ORDER SAYING IT WILL NOT!

- **What is a 'Motion for Stay'?**

A 'Motion for Stay' is filed when the Court has issued a decision, an event is going to take place based upon that decision, and one of the parties wants to prevent or postpone that event from happening. Some examples of an event a party wants to prevent or postpone would be a court-supervised move out, or garnishment of wages to satisfy a money judgment.

A party may file a motion for stay asking the Court to postpone an event until the Court makes a decision on another motion filed by the party, such as a motion for relief from judgment.

- **Do I need an attorney to file this motion?**

Because this motion impacts your legal rights, you should speak to a licensed attorney before filing this Motion. These instructions are provided only to offer general information about this type of Motion.

- **What does a Court consider when ruling on a Motion for Stay?**

The Court considers a number of factors when ruling on a Motion for Stay:

1. **What is the event the party wants to stop?** State specifically for the Court the event you would like to prevent from happening.
2. **What is the reason for the request?**
3. **For how long is the stay requested?**
4. **What harm may come to the other party?**
5. **How reasonable is the request?**

- **What is 'service' and what do I have to do to properly serve this motion?**

Service is when you officially give a copy of the motion you are going to file, with all the attachments, to the other side. It is required for **every item that you file** with the Court.

1. **BEFORE YOU FILE, mail or hand-deliver** a copy of the motion and attachments to the other side's attorney (or directly to them if they don't have an attorney); **AND**
2. **Fill out and sign** the section of the motion that shows the Court how and to whom you delivered the copy.

- **What does it cost to file this Motion?**

The party filing the motion usually has to pay a fee to the Clerk of Courts. Contact the Clerk's Office at 216-664-4870, or <http://clevelandmunicipalcourt.org/home.html> (click on the words 'Clerk of Courts' at the bottom, then the 'fees' tab at the top of the page) for a list of fees.

If you cannot afford the filing fee, you can file a 'poverty affidavit' which, if approved, will let you pay all or some of the filing fee at a later date

Contact the Cleveland Legal Aid Society for a Poverty Affidavit form (216-687-1900).

This instruction sheet is not legal advice. Housing Court Specialists are not attorneys and cannot give you legal advice. Because this Motion (or form) will have an impact on your rights, you should contact a licensed attorney to help you.