

STATE OF VERMONT

SUPERIOR COURT
Windsor Unit

CIVIL DIVISION
Docket No. 698-11-13 Wrcv

CHRISTOS PANAGIOTIDIS &
HRISANTHI PANAGIOTIDIS,
Plaintiffs

v.

ALEXANDROS GALANIS,
Defendant

OPINION AND ORDER RE: PLAINTIFFS' MOTION FOR WRIT OF POSSESSION AND
DEFENDANT'S MOTION TO CONTINUE STAY

The Defendant, Alexandros Galanis, moves for a stay of a writ of possession in his landlord-tenant dispute with the Plaintiffs, Christos and Hrisanthi Panagiotidis. The Plaintiffs move separately for a renewed writ of possession. The Defendant's motion is granted and the Plaintiffs' motion is denied.

Discussion

Under Rule 62(a)(3) of the Vermont Rules of Civil Procedure, upon motion the court may stay a writ of possession for real property "for a period of 20 days or until the time for appeal from the judgment . . . has expired." V.R.C.P. 62(a)(3)(B). The Rule serves to give parties the opportunity to appeal in the appropriate case. In this case, the Supreme Court has refused to hear the matter until judgment is final—that is, until the damages portion of the case has been resolved. Therefore, the case is not yet appealable. *Panagiotidis v. Galanis*, No. 2014-259 (Vt. Oct. 1, 2014) (unpublished mem.).

The court concludes that it would be appropriate to stay the issuance of a writ of possession until the Defendant has had the opportunity to appeal, for the same reasons as stated in the court's August 21, 2014 order granting the Defendant's first motion. The court also finds that it would be inequitable to render this case a *fait accompli* simply because, as a procedural matter, it was bifurcated. Therefore, the Defendant's motion for a stay is granted until 20 days after final judgment on all matters.

Pursuant to Rule 62(a)(3)(C), the Defendant is ordered to continue paying rents into the court according to the previous order.

Because the Defendant's motion for a stay is granted, the Plaintiffs' motion is denied as moot. The court will address the Plaintiffs' writ of possession if and when the stay is lifted.

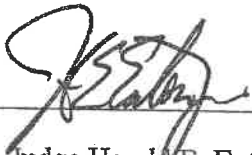
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Order

The Defendant's motion for a stay is GRANTED. Issuance of a writ of possession is stayed until 20 days after judgment on all issues is final and the case is appealable. The Plaintiffs' motion for issuance of a writ of possession is DENIED.

Dated this 17 day of October, 2014.



Judge Harold E. Eaton
Windsor Superior Court

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