

06-61116
Kelly

STATE OF OHIO:
SS:
STARK COUNTY:

IN THE COURT OF COMMON PLEAS
STARK COUNTY, OHIO

MAINSOURCE BANK

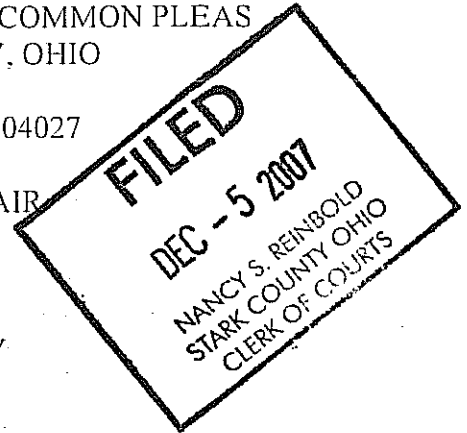
Plaintiff(s)

-VS-

JAY R. WINAFELD, ET AL

Defendant(s)

) CASE NO. 2006-CV-04027
)
) JUDGE LEE SINCLAIR
)
)
) JUDGMENT ENTRY
)
)



This matter comes before the Court for a further hearing based on a remand by the Fifth District Court of Appeals. The Court again re-affirms its finding that the plaintiff was not a real party in interest and had no legal right to file the within litigation. This constitutes a violation of Rule 11 and/or O.R.C. §2323.51 and thus constitutes frivolous conduct. The Court, therefore, finds that fees are appropriate. The Court has reviewed the issue of fees presented at the evidentiary hearing. The Court awards fees in the amount of Three Thousand Thirty-seven and 50/100 Dollars (\$3,037.50) for fees incurred by Mr. Winafeld prior to the appeal in this matter. The Court further awards fees in the amount of One Thousand Five Hundred Seventy-five Dollars (\$1,575.00) for the appeal of the within matter which was successful. The Court herein grants judgment for both amounts plus costs against the plaintiff. This shall constitute a final, appealable Order.

JUDGE LEE SINCLAIR

COPY TO: CHRISTIAN NIKLAS, ESQ./JOHN POLINKO, ESQ.
CRAIG CONLEY, ESQ. (CONLEY)
KATIE CHAWLA, ESQ. (STARK COUNTY PROSECUTOR'S OFFICE)

TO THE CLERK: Serve upon all parties not in default for failure to appear, notice of this judgment and its date of entry upon the journal pursuant to Civ. R. 58(B).