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July 1, 2014

VIA U.S. MAIL

Sara Grewing
City Attorney
400 City Hall and Courthouse
15 Kellogg Blvd., West
St. Paul, MN 55102

Re: In reference to Robert D. Seltz, Selable Purchasing, LLC, Zyxs, LLC, v. City of St. Paul
Court of Appeals No. A14-0916

Dear Ms. Grewing:

I have enclosed an Application for Stay Pending Appellate Review. I am not sure if I should send this to you or to the City Clerk. However, I did not want to send it to the City Clerk since the City Attorney represents the Respondent. Please let me know if the attached application should be forwarded to the City Clerk.

Very truly yours,
WESTRICK & MCDOWALL-NIX, PLLP



John G. Westrick

JGW/taz
Enclosure

Cc: Bob Seltz

RECEIVED
JUL 03 2014
CITY ATTORNEY

**STATE OF MINNESOTA
IN COURT OF APPEAL**

In re the Matter of:

Robert D. Seltz, Selable Purchasing, LLC,
Zyxs, LLC,

Relators

v.

City of Saint Paul,

Respondent.

**APPLICATION FOR STAY
PENDING APPELLATE REVIEW**

COURT OF APPEALS
NUMBER: A14-0916

CITY OF ST. PAUL
NUMBER: RLH VO 14-5

DATE OF DECISION:
APRIL 2, 2014

CITY OF ST. PAUL

DEPARTMENT OF SAFETY AND INSPECTIONS
Fire Inspection Division
Ricardo X. Cervantes, Director
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Revocation of Fire Certificate of Occupancy and Order to Vacate

The above-named Relators hereby request a stay of the revocation as to Relators' units and without rental to the public, pending resolution in the appellate courts. The basis for this stay is as follows:

1. Relator Seltz's unit (104 East) has its own entrance, is owner-occupied and thus no certificate of occupancy is required pursuant to City Ordinance Sec. 40.02.
2. Unit 104 East's inspection did not show any major health or safety issues which are uncompleted and which would place Relator Seltz in any danger.
3. Allowing a stay would allow Relator to serve as a caretaker of the property. A caretaker seems likely necessary since homeless people have already broken into unit 104 West (a

foreclosed property advertised for sale) by prying the interior door open.

4. The stay's limited application to Relator Seltz would not seriously impair any life, health or safety issues. Nor would a stay as to any of Relator Zyxs's units that have separate entrances (including 101 East and 102 East).
5. Upon information and belief, city inspectors have already approved work to be done in the near future.

Wherefore:

Relators request a stay of the order as to there pending a final resolution of the writ of certiorari.

Dated:

1 July 2014



John G. Westrick
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ATTORNEY FOR RELATORS

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