

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

MICHAEL R. HOLMES

CIVIL ACTION

VERSUS

No. 19-12749

CORBETT REDDOCH ET AL.

SECTION I

ORDER & REASONS

Before the Court is a motion¹ to stay the execution of the money judgment dated June 12, 2023 pending appeal and without the requirement of posting a bond pursuant to Federal Rule of Civil Procedure 62(d). The motion was filed by defendants Corbett Reddoch (“Reddoch”) and Gerald A. Turlich, Jr. (“Sheriff Turlich”) (collectively, “defendants”). The plaintiff, Michael R. Holmes (“Holmes”), opposes² the motion.

On September 13, 2023, the Court issued an order and reasons deferring ruling on the motion, ordering defendants to submit supplemental evidence of their ability to respond to the judgment, and setting a briefing schedule for Holmes’ response and any reply by defendants.³ Defendants submitted a supplemental memorandum and an updated affidavit.⁴ Holmes submitted a supplemental memorandum arguing that the updated affidavit was still inadequate.⁵

¹ R. Doc. No. 234.

² R. Doc. No. 235.

³ R. Doc. No. 236.

⁴ R. Doc. No. 237.

⁵ R. Doc. No. 238.

After reviewing the updated affidavit and the parties' memoranda, the Court conducted a telephone status conference with counsel for both parties participating, and ordered defendants to submit a third supplemental affidavit of Tracy LeDoux.⁶ Defendants have now submitted that affidavit.⁷

Because the Court already set forth the relevant background and standard of law in its previous order,⁸ it will not repeat them here. The updated affidavit states that Ms. LeDoux is the "claims adjuster for the Plaquemines Parish Sheriff's Office through Sheriff Turlich," and that she is "aware of the money judgment in this matter entered on June 12, 2023 against Sheriff Gerald A. Turlich, Jr., and Plaquemines Parish Sheriff's Office Deputy Corbett in the total amount of \$122,700.00."⁹ The affidavit acknowledges the interest accruing in this case, and also states that defendants have an insurance policy issued by the Princeton Excess and Surplus Lines Insurance Company, Policy Number N1-A3-RL-0000063-10.¹⁰ Ms. LeDoux "attest[s] that the amount available in [that policy] exceeds \$400,000."¹¹

⁶ R. Doc. No. 239.

⁷ R. Doc. No. 240.

⁸ R. Doc. No. 236, at 1–3.

⁹ R. Doc. No. 240, ¶¶ 1–2.

¹⁰ *Id.* ¶¶ 3–5

¹¹ *Id.* ¶ 6. In a previous affidavit, Ms. LeDoux attested that the entire judgment, including "interest and costs," was "fully insured." R. Doc. No. 237-1, ¶ 4. As plaintiff points out, "[i]n this case, attorney's fees are allowed 'as part of the costs[.]'" R. Doc. No. 238, at 2 (quoting 42 U.S.C. § 1988(b)). Given Ms. LeDoux's present attestation that the amount available to satisfy the judgment exceeds \$400,000, the Court is satisfied that defendants will be able to satisfy all costs, including attorney's fees, based on the standards discussed below.

The Court finds that this affidavit, which states that defendants' insurance coverage exceeds \$400,000—more than triple the amount of the judgment—addresses the concerns it expressed in its September 13, 2023 order. Through this affidavit, the Court finds that defendants have objectively demonstrated their present financial ability to facilely respond to the money judgment. *See Fucich Contracting, Inc. v. Shread-Kuyrkendall & Assocs., Inc.*, No. 12-2885, 2023 WL 4201756, at *3 (E.D. La. June 27, 2023) (Ashe, J.) (citing *Poplar Grove Planting & Refin. Co. v. Bache Halsey Stuart, Inc.*, 600 F.2d 1189, 1191 (5th Cir. 1979)). The Court is confident in the availability of funds to pay the judgment and finds that the defendant's ability to pay the judgment is so plain that the cost of a bond would be a waste of taxpayer money. *See Dillon v. Chicago*, 866 F.2d 902, 904–05 (7th Cir. 1988). Accordingly,

IT IS ORDERED that defendants' motion to stay execution of the judgment without the requirement of posting a supersedeas bond is **GRANTED**.

New Orleans, Louisiana, October 13, 2023.



LANCE M. AFRICK
UNITED STATES DISTRICT JUDGE