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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8 Mitchell Siegel, et al.,

9 Plaintiffs,

10 vs.

11 Dignity Health,

12 Defendant.
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) No. CV-14-02561-PHX-SPL

) **AMENDED ORDER¹**

15 Before the Court is Defendant Dignity Health’s Notice of Motion and Motion for
16 Appeal Bond. (Doc. 233) Defendant has appealed its case to the Ninth Circuit and asks the
17 Court to approve the appeal bond to be posted in the amount of \$179,000. The Motion is
18 fully briefed and ready for review. (Docs. 234, 235)

19 **I. BACKGROUND**

20 Plaintiffs Mitchell Siegel and his wife Dawn Siegel prevailed at the jury trial, but
21 the jury declined to award damages, instead writing only “Legal Fees” in the damages
22 section of the verdict form. (Doc. 227 at 2) The Court vacated the award and granted
23 Plaintiffs permission to file a motion for fees. (Doc. 277 at 2) The Court later granted as
24 modified Plaintiffs Motion for Attorneys’ Fees against Defendant in the amount of
25 \$175,933.42. (Doc. 227 at 8) Plaintiffs did not seek costs. Plaintiffs appealed on another
26 issue. Defendant cross-appealed, disputing the validity of the award for various reasons.
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28 ¹ This Order amends line 9 on page 3 of the October 27, 2020 Order. (Doc. 236)

1 *Siegel et al. v. Dignity Health*, No. 20-16333 (9th Cir. filed July 8, 2020). Defendant seeks
2 to post a bond in the amount of judgment against it to stay execution of the judgment
3 pending the appeal. (Doc. 233 at 1)

4 **II. LEGAL STANDARD**

5 The general rule is that a party may seek to enforce a judgment 30 days after it has
6 been entered. *See* Fed. R. Civ. P. 62(a). However, Rule 62(b) provides: “At any time after
7 judgment is entered, a party may obtain a stay by providing a bond or other security. The
8 stay takes effect when the court approves the bond or other security and remains in effect
9 for the time specified in the bond or other security.” Fed. R. Civ. P. 62(b). “District courts
10 have inherent discretionary authority in setting supersedeas bonds; review is for abuse of
11 discretion.” *Rachel v. Banana Republic, Inc.*, 831 F.2d 1503, 1505 n.1 (9th Cir. 1987).

12 **III. DISCUSSION**

13 Defendant moves to set the bond at \$179,000, taking into account two years’ worth
14 of interest on the award of fees and rounding up an additional \$885 for the purposes of
15 providing for appellate costs.² (Docs. 233-3 at 2–3, 235 at 1–2) Plaintiffs ask the Court to
16 set the bond instead somewhere between \$220,000 and \$264,000. (Doc. 234) Plaintiffs
17 allege that Defendant did not account for appellate costs, interest on the costs, and “an
18 amount to compensate the Siegels for the delay in being able to collect their attorneys’ fees
19 from the Defendant.” (Doc. 234 at 2) Plaintiffs suggest it would be proper to multiply the
20 fee award by 1.25 or 1.5 to arrive at a suitable bond amount. (Doc. 234 at 3) Plaintiffs have
21 not established that such an increase is necessary, failing to explain why they should be
22 compensated for a delay, especially when their original motion for fees shows their
23 attorneys were hired on a contingency basis. (Doc. 220 at 4) Furthermore, appellate costs
24 are accounted for in Defendant’s calculation. Defendant also points out interest on costs is
25 awarded on the costs from the underlying judgment, not on the costs from the appeal. 28

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28 ² Defendant showed calculations of interest based on a .62% rate per week over two
years, resulting in \$2,181.57 in interest. $\$2,181.57 + \$175,933.42$ (fee award) =
 $\$178,114.99$. $\$178,114.99 + \$885.01 = \$179,000.00$

1 U.S.C. § 1961(a). (Doc. 235 at 2) Here, there were no costs requested or awarded in the
2 underlying judgment.


3 **IV. CONCLUSION**

4 The Court finds that Defendant properly calculated interest on the attorneys' fees
5 and properly added additional money to provide for appellate costs. The Court finds
6 Plaintiffs failed to show why they are entitled to an increase.

7 Therefore,

8 **IT IS ORDERED** that Defendant's Motion for Appeal Bond (Doc. 233) is **granted**.
9 Defendant shall place a surety bond in the amount of \$179,000.00 with the Clerk of Court
10 according to the procedures required with the Clerk by November 6, 2020. Upon receipt of
11 the bond by the Clerk of Court, the judgment against Defendant shall be stayed pursuant
12 to Rule 62(b).

13 Dated this 4th day of November, 2020.

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15 Honorable Steven P. Logan
16 United States District Judge

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