

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

LIZZIE A. MEREDITH,

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Plaintiff,

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vs.

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No. 3:08CV00046 SWW

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BALDWIN PIANO, INC.,

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Defendant.

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Order

Before the Court is plaintiff’s motion for order staying writ of garnishment and post judgment proceedings on appeal. Defendant filed no response to the motion.

The Court entered judgment on November 24, 2009, in favor of defendant on plaintiff’s claim of employment discrimination. Plaintiff filed a notice of appeal. On January 26, 2010, the Court granted defendant’s bill of costs in the amount of \$912.70. Plaintiff filed a notice of appeal as to the bill of costs. On March 10, 2010, the Court issued a writ of garnishment. Plaintiff, who is unemployed, moves to stay the writ on the basis that she will suffer irreparable injury if the writ is not stayed.

The Court does not have authority to grant a stay of judgment pending appeal where garnishment proceedings have already been commenced before the request for a stay is made. *Johns v. Rozet*, 826 F.Supp. 565, 568 (D.D.C.,1993). Further, pursuant to Fed.R.Civ.P. 62(d), if an appeal is pending, a party may obtain a stay if a supersedeas bond is posted. The stay is contingent upon the

posting of a court-approved supersedeas bond. Plaintiff makes no offer to post a supersedeas bond which usually is set in an amount that will satisfy the judgment in full.

The Court therefore denies the motion to stay [doc. no. 83].

DATED this 8th day of April, 2010.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE