

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

**IPSCO TUBULARS, INC.
d/b/a TMK IPSCO**

PLAINTIFF

v.

CASE NO. 3:10CV00021 BSM

**AJAX TOCCO MAGNETHERMIC
CORPORATION**

DEFENDANT

ORDER

Defendant Ajax TOCCO Magnethermic Corporation's ("Ajax") motion to stay [Doc. No. 172] is denied. Ajax moves to stay the September 25, 2013, order and judgment in favor of plaintiff IPSCO Tubulars, Inc. Ajax requests a waiver of the bond requirement, stating that a bond is unnecessary because it has the financial ability to pay the judgment.

Under Fed. R. Civ. P. 62(d), an appellant is entitled to stay a judgment pending appeal if the appellant gives a supersedeas bond. A full supersedeas bond is generally required because the stay deprives the appellee of the immediate benefits of his judgment. *One Bank & Trust, N.A. v. Galea*, 2013 WL 679901, at *1 (E.D. Ark. Feb. 25, 2013). If unusual circumstances exist, a court may exercise its discretion to allow an unsecured or partially secured stay of judgment. *Palm Props, LLC v. Metro. Nat'l. Bank*, 2010 WL 2976157 (E.D. Ark. July 22, 2010) (holding that an interpleader case presents an "unusual circumstance" that renders a bond unnecessary because the funds are already within the court's possession).

Although Ajax asserts that a bond requirement would unnecessarily cost it additional money, it has not sufficiently shown that obtaining a bond would be impossible or

impractical. Further, although Ajax offers evidence of its financial ability to pay the judgment, it is unclear whether its assets are liquid or susceptible to execution. Simply put, in light of the purposes of the supersedeas bond, which is to protect both parties on appeal, there are no unusual circumstances here that would warrant departing from the general rule. As a result, Ajax's motion to stay [Doc. No. 172] is denied.

IT IS SO ORDERED this 31st day of October 2013.


Brian S. Miller
UNITED STATES DISTRICT JUDGE