

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

ADAM PIAQUADIO

PLAINTIFF

v.

Case No. 10-2066

AMERICAN LEGAL FUNDING, LLC
and ALFUND AZ1, LLC

DEFENDANTS

ORDER

On this 1st day of May 2012, there comes on for consideration, Defendants' Motion Pursuant to Fed.R.Civ.P. 62, to Stay Execution Pending Appeal and Approve Supersedeas Bond (doc. 34). Also before the Court is Plaintiff's Response (doc. 39). For the reasons stated herein, the Court finds Defendants' Motion (doc. 34) is DENIED.

After a hearing on June 30, 2011, the Court entered a default judgment against Defendants in the amount of \$452,940.00 and interest at the rate of 0.17% per annum until paid. On March 27, 2012, the Court denied Defendants' motion to set aside the judgment. On April 19, 2012, Defendants filed their Notice of Appeal (doc. 35).

Defendants request this Court to stay enforcement of the money judgment pending the outcome of their appeal. Defendants further request that this Court approve a supersedeas bond in the amount of \$5000.00 rather than the full amount of the judgment as Defendants' assets are insufficient to allow them to post a bond in the full

amount. Plaintiff objects to the amount of the requested supersedeas bond.

Generally, the amount of a supersedeas bond should include both the principal amount of the judgment and provide for costs. *Am. Mfrs. Mut. Co. v. Am. Broadcasting-Paramount Theatres, Inc.*, 87 S. Ct. 1, 1 (1966). The default judgment entered against Defendants was in the amount of \$452,940.00, and a \$5000.00 bond is insufficient to protect Plaintiff's interest in that judgment. Accordingly, Defendants' Motion (doc. 34) is DENIED.

IT IS SO ORDERED.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge