

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION**

**WAL-MART STORES, INC.**

**PLAINTIFF/  
COUNTER-DEFENDANT**

**V.**

**CASE NO. 5:14-CV-5262**

**CUKER INTERACTIVE, LLC**

**DEFENDANT/  
COUNTER-CLAIMANT**

**ORDER STAYING EXECUTION ON MONEY JUDGMENT**

Currently before the Court is Wal-Mart Stores, Inc.'s ("Walmart") Motion for Stay of Execution on Money Judgment (Doc. 485). On July 28, 2017, the Court entered Judgment in favor of Cuker Interactive, LLC ("Cuker") against Walmart in the amount of \$10,197,065.00. See Doc. 484. Under Fed. R. Civ. P. 62(a), execution on that Judgment is automatically stayed "until 14 days have passed after its entry." Today is the fourteenth day since Judgment was entered. Walmart has asked the Court to extend the stay of execution through the resolution of post-judgment motions that Walmart intends to file under Rules 50, 52(b), 59, and/or 60, and pending appeal. Rule 62(b) authorizes this Court to stay execution of a judgment pending disposition of the aforementioned post-judgment motions "[o]n appropriate terms for the opposing party's security," and Rule 62(d) authorizes a stay pending appeal by supersedeas bond.

Walmart has presented the Court with the form of a supersedeas bond in the amount of \$12,000,000.00, see Doc. 485-1, but in the interest of judicial economy Walmart asks that the Court "waive the bond until the remaining post-trial motions are decided and a final judgment amount is set," see Doc. 485, ¶ 4. The Court finds that

Walmart plainly has the ability to pay the judgment, such that a supersedeas bond is not necessary to protect Cuker's interest during post-judgment motion practice. See *Fox v. Pittsburg State Univ.*, 319 F.R.D. 342, 343 (D. Kan. 2017). The Court further finds that the matter of whether to enter a stay pending appeal is not yet ripe for consideration.

**IT IS THEREFORE ORDERED** that Walmart's Motion for Stay of Execution on Money Judgment (Doc. 485) is **GRANTED IN PART AND DENIED IN PART** as follows: execution and other proceedings to enforce the money judgment are **STAYED** pending disposition of Walmart's post-judgment motions, and security for that stay is waived. Walmart's request for a stay of execution pending appeal is denied without prejudice, and may be renewed when and if an appeal is taken.

**IT IS SO ORDERED** on this 11th day of August, 2017.

/s/ Timothy L. Brooks  
TIMOTHY L. BROOKS  
UNITED STATES DISTRICT JUDGE