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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

CARGILL INCORPORATED and
CAN TECHNOLOGIES,

CASE NO. CV-F-07-349- LJO-SMS

Plaintiffs,

**ORDER APPROVING AMOUNT OF
SUPERSEDEAS BOND AND DIRECTION
TO CLERK TO FILE BOND**

vs.

MATTHEW BUDINE, PROGRESSIVE
DAIRY SOLUTIONS, LUCIANA
JONKMAN and BRIAN SUNDBERG,

Defendants.

MATTHEW BUDINE, PROGRESSIVE
DAIRY SOLUTIONS, LUCIANA
JONKMAN and BRIAN SUNDBERG,

Counter-claimants,

vs.

CARGILL INCORPORATED and
CAN TECHNOLOGIES,

Counterclaim Defendants.

On December 29, 2008, Plaintiffs Cargill Inc. and CAN Technologies (collectively “Cargill”) filed an *ex parte* application to approve a supersedeas bond as security against execution on the amended judgment. The application was brought pursuant to Federal Rule of Civil Procedure 62(d), Federal Rule of Appellate Procedure 8(a)(1)(B) and Local Rule 65.1-151. The application attached the fully executed

1 bond. The bond is issued by Safeco Insurance Company of America (“Safeco”) in the amount of
2 \$102,060.80 to secure the \$81,648.64 in costs as awarded in the amended judgment in this matter. The
3 bond amount is 125% of the judgment.

4 Defendants Matthew Budine, Luciana Jonkman, Brian Sundberg and Progressive Dairy
5 Solutions, Inc. informed the Court that they do not oppose the supersedeas bond or motion to stay the
6 execution.

7 Accordingly, upon the review of the bond issued by Safeco, and it appearing to comply with the
8 provisions of Local Rule 65.1-151 and 31 U.S.C. §§ 9304-06, this Court:

- 9 1. APPROVES the supersedeas bond in the sum of \$102,060.80 issued by Safeco Insurance
10 Company of America, as surety;
- 11 2. STAYS EXECUTION of the judgment, in accordance, with Fed. R. Civ. P. 62(d); and
- 12 3. DIRECTS the clerk of court to file the bond in the Court file.

13 IT IS SO ORDERED.

14 **Dated: January 5, 2009**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

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