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5 UNITED STATES DISTRICT COURT
6 FOR THE EASTERN DISTRICT OF CALIFORNIA
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8 ISAAC MILLER,

9 Plaintiff,

10 v.

11 HANFORD POLICE OFFICER STEVE
12 SCMITZ, et al.,

13 Defendants.
14

Case No. 1:12-cv-0137 LJO SAB

ORDER RE: DEFENDANTS' MOTION TO
APPROVE SECURITY AND TO STAY
EXECUTION OF JUDGMENT

(Doc. 145)

15 On January 9, 2014, Defendants Officer Steve Schmitz and the City of Hanford (collectively
16 "Defendants") moved to stay execution of the Court's December 2, 2013 judgment and deposited a
17 check in the amount of \$581,250 as security. Plaintiff Isaac Miller ("Plaintiff") objects, arguing that
18 the security is insufficient. Plaintiff asserts that while \$581,250 covers the net damages award in this
19 case (\$465,000), it is insufficient to cover all the anticipated additional costs associated with Plaintiff's
20 motion for attorney's fees and Bill of Costs.

21 The Court construes Defendants' motion as applying only to the damages that were awarded in
22 the December 2, 2013 judgment (i.e., \$465,000). As such, the amount of the security is sufficient, as it
23 amounts to 125% of the award. See Local Rule 151(d). If, in the future, Defendants also wish to stay
24 execution of any other cost in this case (e.g., prejudgment interest,¹ attorney's fees, and/or the Bill of
25 Costs), Defendants will be required to post additional security in accordance with Local Rule 151 and
26 Federal Rule of Civil Procedure 62(d).

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28 ¹ If the Court denies Defendants' motion for a new trial (a matter that is currently being briefed by the parties), the Court will issue an amended judgment reflecting the award of prejudgment interest.

