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Counterclaim Defendant VierraMoore, Inc.

7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 VIERRAMOORE, INC.; a California corporation

11 Plaintiff;

12 v.

13 CONTINENTAL CASUALTY COMPANY; an
Illinois corporation and DOES 1 through 10,
14 inclusive;

15 Defendants.

Case No. 2:12-CV-01926-MCE-EFB

**ORDER APPROVING STAY ON CASH
DEPOSIT IN LIEU OF SUPERSEDEAS
BOND**

Judge: Hon. Morrison C. England

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17 Whereas, this Court entered an Order and a resulting Judgment in the above-captioned case on
18 April 12, 2013 and April 15, 2013 respectively, against Plaintiff/Counterclaim Defendant VierraMoore,
19 Inc.; and

20 Whereas, VierraMoore, Inc. and Continental Casualty Company have filed a Stipulation for Order
21 Approving Stay on Cash Deposit in Lieu of Supersedeas Bond ("Stipulation") in response to the Order
22 and Judgment; and

23 After reviewing the Stipulation (ECF No. 34) and finding it to be in compliance with all
24 applicable statutes, orders and rules;

25 The Court HEREBY ORDERS,

26 1. A cash deposit with the Clerk of Court in the sum of \$96,875 is approved in lieu of and
27 instead of the supersedeas bond mentioned in Rule 62(d) of the Federal Rules of Civil Procedure.

28 2. On deposit of this sum, any proceedings and/or writs to enforce the judgment entered on

1 this action on April 15, 2013 are stayed pending the determination of Plaintiff/Counterclaim Defendant
2 VierraMoore, Inc.'s appeal from this judgment.


3 3. During the appeal, the Clerk of this Court will redeposit the sum received from
4 Plaintiff/Counterclaim Defendant VierraMoore, Inc. in an interest bearing account, and the interest
5 generated by deposit will serve as additional security for Defendant/Counterclaimant Continental
6 Casualty Company opposing the appeal.

7 4. Defendant/Counterclaimant Continental Casualty Company may, following the appeal,
8 collect any monies owed under the terms of the judgment, or the judgment as modified on appeal, from
9 the amount deposited by Plaintiff/Counterclaim Defendant VierraMoore, Inc. if Plaintiff/Counterclaim
10 Defendant does not otherwise pay the judgment promptly. Collection may be by the means of a motion,
11 with notice served on the Clerk of this Court and service to Plaintiff/Counterclaim Defendant
12 VierraMoore, Inc.

13 5. If following the appeal, the judgment is reversed or the appeal is otherwise resolved such
14 that Plaintiff/Counterclaim Defendant VierraMoore is entitled to return of the sums deposited herein in
15 whole or in part, or if Plaintiff/Counterclaim Defendant VierraMoore, Inc. fully satisfies and obtains a
16 satisfaction of the judgment from Defendant/Counterclaimant, the sums deposited with any interest
17 earned may be returned to Plaintiff/Counterclaim Defendant VierraMoore in whole or in part by means
18 of a motion, with notice served on the Clerk of this Court and service to Defendant/Counterclaimant
19 Continental Casualty Company.

20 IT IS SO ORDERED.

21 Dated: September 26, 2013

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25 MORRISON C. ENGLAND, JR., CHIEF JUDGE
26 UNITED STATES DISTRICT COURT
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