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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

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11 MICHAEL DAVIS,

No. CIV. S-12-3107 LKK/AC

12 Plaintiff,

13 v.

ORDER14 HOLLINS LAW, A PROFESSIONAL
15 CORPORATION,

16 Defendant.

17 The court previously entered judgment herein, in favor of
18 plaintiff Michael Davis, in the amount of \$250.00 in statutory
19 damages, \$35,813.30 in attorney's fees, and \$1,923.15 in costs,
20 for a total of \$37,986.45. (ECF Nos. 102, 106.) Defendant Hollins
21 Law has since appealed the judgment (as well as the court's
22 previous denial of its motion for summary judgment) to the U.S.
23 Court of Appeals for the Ninth Circuit. (ECF Nos. 107 - 109.)

24 Defendant now applies for a stay in the execution of the
25 judgment. Specifically, it seeks an order (i) approving deposit
26 of 125% of the amount of the judgment, or \$47,483.07, with the
27 Clerk of the Court for the U.S. District Court for the Eastern
28 District of California, and (ii) directing the Clerk of the Court

1 to release to plaintiff's counsel sufficient funds to satisfy any
2 portion of the judgment that is affirmed on appeal. (ECF
3 No. 112.)

4 "If an appeal is taken, the appellant may obtain a stay by
5 supersedeas bond The stay takes effect when the court
6 approves the bond." Fed. R. Civ. P. 62(d). "The purpose of a
7 supersedeas bond is to preserve the status quo while protecting
8 the non-appealing party's rights pending appeal." Poplar Grove
9 Planting & Refining Co. v. Bache Halsey Stuart, Inc., 600 F.2d
10 1189, 1190-91 (5th Cir. 1979). Local Rule 151(d) provides that "a
11 supersedeas bond shall be 125 percent of the amount of the
12 judgment unless the Court otherwise orders." Finally, post-
13 judgment interest may be available to the plaintiff after appeal
14 under Federal Rule of Appellate Procedure 37.

15 The court notes that, rather than posting a bond, defendant
16 seeks to make a cash deposit with the Clerk of the Court. This is
17 permissible under Local Rule 150(a), which provides that "Leave
18 of court is hereby granted . . . in all instances in which money
19 is deposited in lieu of filing a bond"

20 Having reviewed defendant's application, and in light of the
21 foregoing, the court hereby orders as follows:

22 [1] Upon the Clerk of the Court's receipt of defendant's
23 cash deposit of \$47,483.07, execution of the judgment herein
24 is STAYED, pending resolution of the appeal.

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26 [2] Upon resolution of the appeal, the Clerk of the Court is
27 DIRECTED to release sufficient funds from the cash deposit
28 to plaintiff to satisfy the judgment herein, including any

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post-judgment interest allowable by law, and to return the remaining balance, if any, to defendant.

IT IS SO ORDERED.

DATED: August 27, 2014.



LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT