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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FUNAI ELECTRIC COMPANY, LTD.,

Case No. C-04-01830 JCS

Plaintiff(s),

v.

**ORDER RE DEFENDANTS' MOTION
FOR CLARIFICATION [Docket No. 911]**

DAEWOO ELECTRONICS CORP., ET AL.,

Defendant(s).
_____ /

In its April 9, 2009 Order, the Court denied Defendants' motion to stay execution of judgment, holding in part that a stay of execution would be entered if "Defendants posted a supersedeas bond in the amount of \$9,020,872.50, that is, 125% of the judgment amount." Defendants now request that the Court clarify its Order by apportioning the bond amount between the two Defendants, DEC and DEAM. In particular, Defendants request that DEAM be required to post a bond in the amount of \$2,873,237.50, that is, 125% of DEAM's share of the total liability. Defendants further request that DEC be required to post a bond in the amount of \$6,147,635.00, that is, 125% of the remainder of the judgment.

Defendants are correct that DEAM should be required to post a bond that guarantees only its share of the judgment. On the other hand, the Court declines to reduce the bond amount for DEC. To the extent that DEAM might be found, on appeal, to have no liability, the reduced bond amount as to DEC does not provide adequate protection to Plaintiff that the judgment against DEC will be satisfied. Therefore, the bond amount required for the Court to stay execution of the judgment as to DEAM shall be \$2,873,237.50. The bond amount required for the Court to stay execution of the judgment as to DEC shall remain \$9,020,872.50. Further, as stated in the Court's April 9, 2009 Order, the Court will increase the amount of the bond required to cover any additional amount

1 awarded by the Court in attorneys' fees and costs. These amounts may be deposited into an escrow
2 account if the parties can reach agreement as to the terms of the escrow. Upon notification by the
3 parties that either of these requirements has been satisfied as to DEC and/or DEAM, the Court will
4 enter an appropriate order staying execution of the judgment in this action pending appeal as to one
5 or both Defendants.

6 IT IS SO ORDERED.

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8 Dated: April 20, 2009

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12 JOSEPH C. SPERO
13 United States Magistrate Judge
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