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11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**
 13 **SAN FRANCISCO DIVISION**

14 JENSEN ENTERPRISES, INC.,)
 15)
 16 Plaintiff,)

Case No. C 06-0247 SI (JCS)

PROPOSED ORDER (RE: SUPERSEDEAS
 BOND AND STAY OF ENFORCEMENT)

17 Vs.)
 18)

The Hon. Susan Illston

19 OLDCASTLE PRECAST, INC.;)
 PACIFIC BELL TELEPHONE)
 20 COMPANY; AT&T SERVICES, INC.;)
 and NEVADA BELL TELEPHONE)
 21 COMPANY,)

Complaint Filed: January 12, 2006
 Judgement Entered: March 2, 2009
 Rule 59 (e) Motion Denied: April 20, 2009

22)
 23 Defendants.)

1 WHEREAS, the parties to this case are as follows: Plaintiff is Jensen Enterprises, Inc.
2 (“Jensen”), and Defendants are Oldcastle Precast, Inc. (“Oldcastle”) as well as Pacific Bell Telephone
3 Company, Nevada Bell Telephone Company, and AT&T Services, Inc. (collectively, “AT&T”); and

4 WHEREAS, this Court entered judgment against Jensen on March 2, 2009 and denied
5 Jensen’s motion to alter this judgment on April 20, 2009. Jensen gave notice that it would appeal
6 from this judgment on April 28, 2009, and this appeal remains pending in the Court of Appeal for the
7 9th Circuit; and

8 WHEREAS, on June 16, 2009, this Court taxed costs of suit in favor of Oldcastle and AT&T,
9 awarding \$58,788.41 in costs to Oldcastle (Docket No. 523) and \$48,976.94 to AT&T (Docket No.
10 524). The sum of these two awards is \$107,765.35; and

11 WHEREAS, Defendants have requested that Jensen provide a supersedeas bond to secure
12 these awarded costs during the pendency of its appeal, and Jensen has agreed to do so, and the parties
13 have agreed that the proper amount of this bond is 125% of the sum of the two awards, which is
14 \$134,706.69; and

15 WHEREAS, the parties have stipulated to the following terms and conditions concerning the
16 posting Jensen’s supersedeas bond and a stay of enforcement proceedings against Jensen; and

17 WHEREAS, this Court finds that these stipulated terms and conditions are reasonable and
18 proper.

19 WHEREFORE, this Court now issues the following ORDER:

20 1. Jensen shall forthwith post a supersedeas bond in the manner required by Local Rule
21 65.1-1 (b) and otherwise in accordance with Fed. R. Civ. P. 62 and Fed. R. App. P. 7 and 8(b).

22 2. The amount of this supersedeas bond shall be \$134,706.69.

23 3. So long as this bond remains posted in this Court, neither Oldcastle nor AT&T may
24 take any measure to enforce their respective awards of costs against Jensen, but instead the
25 enforcement of these two awards (Docket Nos. 523 and 524) shall be stayed in accordance with Fed.
26 R. Civ. P. 62 (d).

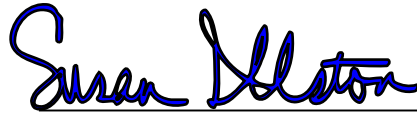
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1 **IT IS SO ORDERED.**

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3 DATED: 8/21/09



The Hon. Susan Illston,
United States District Judge

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6 **APPROVED AS TO FORM:**

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8 DATED: August 14, 2009

Respectfully submitted,

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FOLGER, LEVIN & KAHN, LLP

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By:

Janine Scancarelli,
Attorneys for Defendant
OLDCASTLE PRECAST, INC.

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13

14 DATED: August 14, 2009

Respectfully submitted,

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AT&T SERVICES, INC. LEGAL DEPARTMENT

16

17

By:

Raymond P. Bolaños,
Attorneys for Defendants
PACIFIC BELL TELEPHONE COMPANY,
NEVADA BELL TELEPHONE COMPANY,
AND SBC SERVICES, INC.

18

19

20

21 DATED: August 14, 2009

Respectfully submitted,

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MALDONADO & MARKHAM, LLP

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/s/

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By:

William A. Markham,
Attorneys for Plaintiff,
JENSEN ENTERPRISES, INC.

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IT IS SO ORDERED.

DATED: _____

The Hon. Susan Illston,
United States District Judge

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Respectfully submitted,

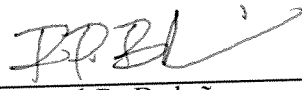
FOLGER, LEVIN & KAHN, LLP

By: _____
Janine Scancarelli,
Attorneys for Defendant
OLDCASTLE PRECAST, INC.

DATED: August 14, 2009
20

Respectfully submitted,

AT&T SERVICES, INC. LEGAL DEPARTMENT

By: 

Raymond P. Bolaños,
Attorneys for Defendants
PACIFIC BELL TELEPHONE COMPANY,
NEVADA BELL TELEPHONE COMPANY,
AND SBC SERVICES, INC.

DATED: August 14, 2009

Respectfully submitted,

MALDONADO & MARKHAM, LLP

By: _____
/s/

William A. Markham,
Attorneys for Plaintiff,
JENSEN ENTERPRISES, INC.

1 IT IS SO ORDERED.

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3 DATED: _____

The Hon. Susan Illston,
United States District Judge

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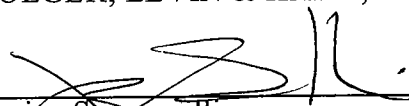
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OLDCASTLE PRECAST, INC.

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/s/

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By: _____

William A. Markham,
Attorneys for Plaintiff,
JENSEN ENTERPRISES, INC.

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