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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PAI CORPORATION,
Plaintiff(s),

No. C-06-05349 JCS

v.

**ORDER GRANTING TEMPORARY
STAY OF ENFORCEMENT OF
JUDGMENT [Docket No. 253]**

INTEGRATED SCIENCE SOLUTIONS,
INC., ET AL.,
Defendant(s).

Defendants in the above-captioned matter have filed a motion to stay enforcement of judgment pending determination of their motion for new trial and renewed motion for judgment as a matter of law. The Court finds the motion suitable for resolution without oral argument pursuant to L.R. 7-1(b).

The Court has reviewed the Defendants’ submissions, the applicable legal standard under Federal Rule of Civil Procedure 62(b), and has considered the factors appropriate for determining whether to grant a stay without requiring the posting of a secured bond.¹ The decision whether to issue a stay without the posting of security is an issue left to the sound discretion of the trial court. *Aldasoro v. Kennerson*, 915 F.Supp. 188 (S.D. Cal. 1995). Although granting a stay without requiring a bond is disfavored, it may be appropriate in certain circumstances. *Id.* See also, *In re Appollo Group Inc. Securities Litigation*, 2008 WL 410625 (D. Ariz. 2008) (“... a district court may grant an unsecured stay in ‘unusual circumstances’ where the granting of such stay will not ‘unduly endanger the judgment creditor’s interest in ultimate recovery.’”) (citations omitted).

¹It appears that no court in the Ninth Circuit has expressly decided what factors should be used in order to determine whether security is required under Rule 62(b). The Court has therefore considered the same factors used in the analysis under Rule 62(d) (stay pending appeal). See e.g., *United States v. Moyer*, WL 3478063 (N.D. Cal. 2008).

United States District Court
For the Northern District of California

1 Based upon a consideration of the appropriate factors under Rule 62, the Court finds that a
2 temporary stay is justified in this case. The Court orders enforcement of the judgment stayed for ten
3 (10) calendar days in order to allow Defendants to provide further evidence regarding their financial
4 situation, and ability to post a bond. Within five (5) calendar days, or on or before Monday, March
5 2, 2009, Defendants shall file additional declarations specifying their efforts to obtain a bond in this
6 matter. During the term of the temporary stay, Defendants are ordered not to transfer any assets
7 other than in the ordinary course of business. After receipt of the additional evidence from
8 Defendants, the Court will decide whether to extend the period of the stay and whether to require the
9 posting of a secured bond.

10 IT IS SO ORDERED.

12 Dated: February 25, 2009



JOSEPH C. SPERO
United States Magistrate Judge