

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FREDDIE M. DAVIS,

No. C 09-2629 SI

Plaintiff,

**ORDER GRANTING DEFENDANT’S
MOTION FOR EXTENSION OF STAY
ON EXECUTION OF JUDGMENT
THROUGH DISPOSITION OF APPEAL
WITHOUT BOND**

v.

PRISON HEALTH SERVICES, *et al.*,

Defendants.

Defendant’s motion for extension of the stay on execution of the judgment is scheduled for a hearing on June 22, 2012. Pursuant to Civil Local Rule 7-1(b), the Court finds that this matter is appropriate for resolution without oral argument and VACATES the hearing.

Under Federal Rule of Civil Procedure 62(d), a court may, in its discretion, stay execution of a money judgment through the disposition of an appeal. Plaintiff contends that defendants should supply a bond for full amount of the judgment because Alameda County has not shown that it is fully solvent and able to immediately satisfy the full judgment amount. However, defendants have submitted the Declaration of Janette Brook, a Senior Risk and Insurance Analyst for the County of Alameda. Ms. Brook states, *inter alia*, that “the County has the resources and insurance to satisfy the judgment if defendant Ayala owes any judgment at the end of the case.” Brook Decl. ¶ 9.


The Court has discretion to stay execution of judgment pending appeal without requiring a bond. *See Federal Prescription Serv. v. American Pharmaceutical Ass’n*, 636 F.2d 755, 759-61 (D.C. Cir. 1980). Based upon the declaration of Ms. Brook, the Court is satisfied that the County has the resources to pay the judgment. The Court finds that a waiver of the bond requirement is appropriate because the County has shown its ability to pay the judgment, and the cost of the bond would be borne by the

1 taxpayers. Accordingly, the Court GRANTS defendants' motion to stay enforcement of the judgment
2 pending resolution of the appeal. Docket No. 313.

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IT IS SO ORDERED.

Dated: June 18, 2012



SUSAN ILLSTON
United States District Judge