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14 Attorneys for Defendants
 15 Lincoln General Insurance Company
 16 Pro IS, Inc.
 17 Walshire Assurance Company
 18 Kingsway Financial Services, Inc.
 19 Kingsway America, Inc.

20 **UNITED STATES DISTRICT COURT**
 21 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

22 LILLIAN GRADILLAS;CHRIS)	Case No. 3:12-cv-03697-CRB
23 GRADILLAS, individually and as assignees,)	
24 ASSIGNEES OF KENNETH NWADIKE, Jr.)	JOINT STIPULATION FOR APPROVAL
25 D/B/A AMERICA BUS LINE,)	OF SUPERSEDEAS BOND AND FOR
26)	STAY OF EXECUTION OF THE
27 Plaintiffs,)	JUDGMENT UNDER FED. R. CIV. P. 62
28)	
29 v.)	
30)	
31 LINCOLN GENERAL)	
32 INSURANCECOMPANY; PRO)	
33 INSURANCE SOLUTION LIMITED; PRO)	
34 IS, INC.; WALSHIRE ASSURANCE)	
35 COMPANY; KINGSWAY FINANCIAL)	Hearing Date: [none]
36 SERVICES, INC.; TAWA, PLC;)	Judge: Hon. Charles R. Breyer
37 LGIC HOLDINGS, KINGSWA AMERICA,)	Courtroom: 6, 17 th Floor
38 INC.)	Time: [none]
39 Defendants.)	

1 Defendant Lincoln General Insurance Company ("Lincoln General") and Plaintiffs Lillian
2 and Chris Gradillas ("Plaintiffs"), respectfully stipulate and agree to the following:

3 1. Under Rule 62(d) of the Federal Rules of Civil Procedure, execution of the Rule
4 54(b) judgment entered by this Court on March 22, 2013 (Dkt. 107) should be stayed pending
5 appeal upon the execution of a wire transfer of \$3,125,000.00 by Lincoln General under the
6 instructions specified by the Clerk of the Court to serve as the posting of a supersedeas bond.

7 2. The Parties seek Court approval of the bond.

8 3. The amount of the supersedeas bond, \$3,125,000.00, is one-hundred twenty-five
9 percent (125%) of this Court's award of the stipulated judgment (\$2.5 million) entered in the
10 underlying matter and constitutes a reasonable and adequate amount for purposes of a
11 supersedeas bond. *See, e.g., Ryan v. Editions Limited West, Inc.*, Case No. 06-CV-04812-PSG,
12 2013 U.S. Dist. LEXIS 15025 (N.D. Cal. Feb. 1, 2013); *Am. Color Graphics, Inc. v. Travelers*
13 *Prop. Cas. Ins. Co.*, No. C 04-3518 SBA, 2007 U.S. Dist. LEXIS 40600 (N.D. Cal. May 22,
14 2007); *see also* Rule 151(d) of the Local Rules of the U.S. District Court for the Eastern District
15 of California.
16

17 4. The amount of the supersedeas bond is adequate to protect against Plaintiffs'
18 interests should Plaintiffs prevail on appeal, which would potentially include their recovery of
19 recoverable costs and post-judgment interest in addition to the judgment amount.
20

21 5. Within five (5) business days of the Court's execution of the proposed order and
22 upon the instructions provided by the Clerk of the Court, Lincoln General will wire transfer the
23 amount of \$3,125,000.00 to be held as required for a supersedeas bond.
24

25 WHEREFORE, the Parties respectfully request that this Court grant the Proposed Order.

26 Dated: April 1, 2013

27
28 By: /s/ Henry Su
Attorneys for Defendant

1 Lincoln General Insurance Company
2 Pro IS, Inc.
3 Walshire Assurance Company
4 Kingsway Financial Services, Inc.
5 Kingsway America, Inc.

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By: /s/ David Poore
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CERTIFICATE OF SERVICE

I am over 18 years of age and not a party to the within action. I am employed in the County of San Francisco; my business address is **Yaron & Associates, 601 California Street, Suite 2100, San Francisco, California 94108.**

On April 1, 2013, I served the within:

JOINT STIPULATION FOR APPROVAL OF SUPERSEDEAS BOND AND FOR STAY OF EXECUTION OF THE JUDGMENT UNDER FED. R. CIV. P. 62

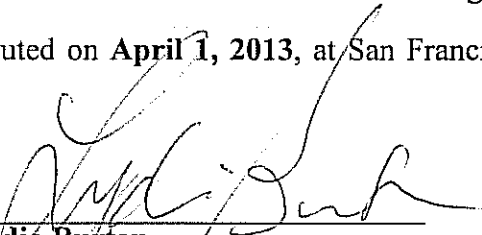
PROPOSED ORDER

on all parties in this action, as addressed below, by causing a true copy thereof to be distributed as follows:

TO ALL PARTIES ON THE ECF SERVICE LIST

✘ VIA ELECTRONIC SERVICE: I served a true copy, with all exhibits, electronically on designated recipients through PACER. Upon completion of electronic transmission of said document(s), a receipt is issued to serving party acknowledging receipt by PACER's system. Once PACER has served all designated recipients, proof of electronic service is returned to the filing party which will be maintained with the original document(s) in our office. This service complies with CCP §101.6.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on **April 1, 2013**, at San Francisco, California.


Lydia Burton
lburton@yaronlaw.com

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~~PROPOSED~~ ORDER

This matter is before the Court on Defendant Lincoln General Insurance Company's and Plaintiffs Lillian and Chris Gradillas' Joint Stipulation For Approval of the Supersedeas Bond and for Stay of Execution of the Judgment. Upon consideration of all matters properly before the Court and pursuant to Stipulation, the Court approves the bond and the execution of the judgment in this matter will be stayed pending appeal upon the posting of a supersedeas bond by Lincoln General in the amount of \$3,125,000.00.

PURSUANT TO STIPULATION, IT IS SO ORDERED,

Date: April 5, 2013

By: _____

Hon. Charles R. Breyer

