

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Case No. 09-cv-01426-REB-CBS

PAMA VENTURES, LLC, a Washington limited liability company,

Plaintiff,

v.

BRIAN WELLENS,

Defendant.

ORDER GRANTING PLAINTIFF'S MOTION FOR CERTIFICATION OF JUDGMENT

Blackburn, J.

This matter is before me on the plaintiff's **Motion for Order To Require Issuance of Clerk's Certification of a Judgment To Be Registered in Another District Expedited Consideration Requested** [#93]¹ filed August 18, 2010. I grant the motion.

Judgment [#90] was entered in this case on July 26, 2010. The defendant filed an appeal, but the defendant has not sought or obtained a stay of the judgment under FED. R. CIV. P. 62(d) and has not posted a supersedeas bond. In response to an **Order** [#97] issued by the United States Court of Appeals for the Tenth Circuit, I have issued an order certifying the **Judgment** [#90] as final as to the plaintiff's first claim for relief, including the damages and interest as specified in the court's **Judgment** [#90].

In its present motion [#93], the plaintiff indicates that it seeks to execute on this

¹ "[#93]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

court's judgment by domesticating the judgment in the courts of the State of Colorado. For that purpose, the plaintiff seeks a certified copy of this court's judgment. Under 28 U.S.C. § 1963, a judgment of this court may be "registered by filing a certified copy of the judgment . . . when the judgment has become final by appeal or expiration of the time for appeal or when ordered by the court that entered the judgment for good cause shown." In this case, I have directed the entry of final judgment against the defendant; the defendant has filed an appeal, but the defendant has not sought or obtained a stay of the court's judgment. If the plaintiff is not able to obtain a certified copy of the judgment from this court, then the plaintiff may be effectively precluded from enforcing the judgment, because of the pending appeal, even though the plaintiff's interests remain unprotected because the defendant has not filed a supersedeas bond. These circumstances constitute good cause for issuance of a certified copy of the **Judgment** [#90] even though the defendant has filed an appeal of the judgment.

On August 31, 2010, the clerk issued a **Certification of Judgment for Registration in Another District** [#96]. That certification states, erroneously, that "no notice of appeal from the judgment has been filed . . ." Because of that error, I direct that this certification [#96] be vacated and withdrawn, and that a new certification be issued based on this order.

THEREFORE, IT IS ORDERED as follows:

1. That **Certification of Judgment for Registration in Another District** [#96] filed August 31, 2010, is **VACATED** and **WITHDRAWN**;
2. That the plaintiff's **Motion for Order To Require Issuance of Clerk's Certification of a Judgment To Be Registered in Another District Expedited Consideration Requested** [#93] filed August 18, 2010, is **GRANTED**;

3. That under 28 U.S.C. § 1963, the Clerk of the Court **SHALL ISSUE** a certified copy of this court's **Judgment** [#90] filed July 26, 2010;

4. That the certification shall state

a) that no motion of any kind listed in Rule 4(a) of the Federal Rules of Appellate Procedure has been filed;

b) that an appeal has been filed by the defendant;

c) that the defendant has not sought or obtained a stay of the effect of the court's **Judgment** [#90] filed July 26, 2010, under FED. R. CIV. P. 62(d) and has not posted a supersedeas bond; and

d) that under 28 U.S.C. § 1963, the court has directed the issuance of a certified copy of the court's **Judgment** [#90] filed July 26, 2010.

Dated September 3, 2010, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge