

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action 09-cv-02757-WYD-KMT

COLORADO CROSS-DISABILITY COALITION, ET AL.

Plaintiffs,

v.

ABERCROMBIE & FITCH CO., ET AL.,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
MAR 11 2014
JEFFREY P. COLWELL
CLERK

STIPULATION AND AGREED ORDER STAYING EXECUTION PENDING
DISPOSITION OF DEFENDANTS' APPEAL

Defendants Abercrombie & Fitch Co., Abercrombie & Fitch Stores, Inc., and J.M. Hollister LLC ("Abercrombie"), and Plaintiffs Colorado Cross-Disability Coalition, Anita Hansen, and Julie Farrar, individually and as class representatives ("CCDC"), by and through undersigned counsel, hereby stipulate and agree to the following in relation to this Court's February 26, 2014, Order granting in part and denying in part CCDC's motion for attorney fees and costs. (D.E. 245) (the "Order"):

1. On February 26, 2014, this Court entered its Order granting in part and denying in part CCDC's motion for attorney fees and costs.

2. Subsequent to this Court's Order, Abercrombie and CCDC reached an agreement regarding the need for a supersedeas bond to stay execution on the Court's forthcoming entry of judgment on the order.

3. The parties stipulate that, pursuant to Fed. R. Civ. P. 62(d) and the court's broad authority to fashion a bond (*see Myers v. Mid-West Nat'l Life Ins. Co.*, No. 04-CV-00396-


CMA-KLM, 2009 U.S. Dist. LEXIS 12095, at *5 (D. Colo. Feb. 6, 2009)), Abercrombie's ability to pay the attorney fees award is "obvious enough that the cost of a bond would be a waste of money." A bond would serve no purpose, and would not increase CCDC's security that Abercrombie will pay the attorney fees award.

4. Abercrombie agrees to pay simple interest at an annual rate of 1% on the attorney fees and costs award of \$405,195.08, from the date of the Order until such fees and costs are paid in full.

5. The parties stipulate that execution on the forthcoming judgment ordering payment of the attorneys' fees and costs awarded in the Order shall be stayed until the conclusion of Abercrombie's appeal.

IT IS SO ORDERED.

Dated: March 11, 2014


WILEY Y. DANIEL, SENIOR JUDGE
United States District Court
District of Colorado

Approved:

/s/ Amy Robertson

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Dated: March 5, 2014