

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

AMEGY BANK NATIONAL
ASSOCIATION,

Plaintiff,

v.

Case No: 2:12-cv-243-FtM-38CM

DB PRIVATE WEALTH
MORTGAGE, LTD. and DEUTSCHE
BANK ALEX.BROWN,

Defendants.

ORDER¹

This matter comes before the Court on Defendants' Unopposed Motion for Approval of Supersedeas Bond for Purposes of Stay of Execution Pending Appeal and Supporting Memorandum of Law ([Doc. #204](#)) filed on May 23, 2014.

After a four-day jury trial, a jury returned a verdict against Defendant Deutsche Bank Alex.Brown and judgment was entered accordingly. Thereafter, Deutsche Bank Alex.Brown obtained a supersedeas bond. ([Doc. #204-1](#)). Now, both Defendants seek to stay the enforcement of the final judgment until the final determination of an appeal in this matter. This motion is brought pursuant to [Rule 62 of the Federal Rules of Civil Procedure](#). This rule reads in relevant part,

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If an appeal is taken, the appellate may obtain a stay by supersedeas bond, except in an action described in [Rule 62\(a\)\(1\) or \(2\)](#). The bond may be given upon or after filing the notice of appeal or after obtaining the order allowing the appeal. The stay takes effect when the court approves the bond.

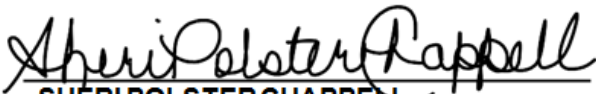
[Rule 62\(d\)](#). The purpose of this rule is to ensure “that the prevailing party will recover in full, if the decision should be affirmed, while protecting the other side against the risk that payment cannot be recouped if the decisions should be reversed.” [Hartford Acc. And Indem. Co. v. Crum & Forster Specialty Ins. Co.](#), No. 10-24590-CIV, 2012 WL 3291986, at *3 (S.D. Fla. Aug. 13, 2012) (quoting [Cohen v. Metro Life Ins. Co.](#), 334 Fed. App’x 375, 378 (2d Cir. 2009)). Upon consideration, the Court finds the motion is due to be granted.

Accordingly, it is now

ORDERED:

Defendants' Unopposed Motion for Approval of Supersedeas Bond for Purposes of Stay of Execution Pending Appeal and Supporting Memorandum of Law ([Doc. #204](#)) is **GRANTED**. The Supersedeas Bond ([Doc. #204-1](#)) is approved.

DONE and **ORDERED** in Fort Myers, Florida this 2nd day of June, 2014.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record