

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

THE FEDERAL DEPOSIT INSURANCE
CORPORATION, as Receiver for
First Priority Bank, Bradenton,
Florida,

Plaintiff,

v.

Case No. 8:11-cv-2831-T-33MAP

ICARD, MERRILL, CULLIS, TIMM,
FUREN & GINSBURG, P.A. and
ROBERT MESSICK,

Defendants.

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ORDER

This matter is before the Court pursuant to Defendants' Unopposed Motion to Approve Supersedeas Bond and Stay Enforcement of Final Judgment Pending Appeal (Doc. # 126), filed on October 1, 2013. The Court grants the Motion.

Discussion

On August 19, 2013, this Court entered its Judgment against Defendants pursuant to the jury's verdict. (Doc. # 116). The amount of the Judgment is \$1,149,051.09. Defendants filed a Notice of Appeal (Doc. # 122) on September 17, 2013. At this juncture, Defendants seek an Order staying enforcement of the Judgment pending appeal pursuant to Federal Rule of Civil Procedure 62(d). That Rule states in pertinent

part: "If an appeal is taken, the appellant may obtain a stay by supersedeas bond 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."

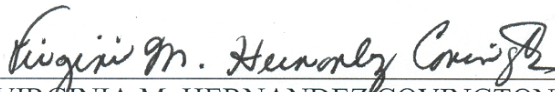
Here, the amount of the bond, \$1,263,956.20, exceeds the amount of the Judgment. Plaintiff does not oppose the amount of the bond and likewise does not oppose the requested stay. The Court accordingly approves the bond and stays the Judgment pending resolution of the appeal.

Accordingly, it is hereby

ORDERED, ADJUDGED, and DECREED:

- (1) Defendants' Unopposed Motion to Approve Supersedeas Bond and Stay Enforcement of Final Judgment Pending Appeal (Doc. # 126) is **GRANTED**.
- (2) The supersedeas bond is approved.
- (3) The Judgment is stayed pending resolution of the appeal.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 5th day of October, 2013.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies: All Counsel of Record