

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

AMERICAN CIVIL LIBERTIES UNION OF FLORIDA INC,

Plaintiff,

v.

CASE NO. 1:07-cv-00018-MP-GRJ

DIXIE COUNTY FLORIDA,

Defendant.

_____ /

ORDER

This matter is before the Court on Doc. 164, Motion to Stay the Court's Order Requiring Monument Removal by Dixie County Florida. On July 15, 2011, the Court entered summary judgment in favor of the plaintiff, American Civil Liberties Union of Florida, Inc. ("ACLU"). The ACLU's action sought declaratory and injunctive relief regarding the display of the Ten Commandments on the steps of the Dixie County Courthouse. As such, the Court's order granting summary judgment requires the defendant to remove the display within thirty days of the order becoming final. On July 26, 2011, defendant appealed the Court's order to the U.S. Court of Appeals for the Eleventh Circuit. Dixie County now moves the Court for an order suspending the injunction while their appeal is pending.

Unless the Court orders otherwise, a final judgment in an action for an injunction is not automatically stayed after being entered, even if an appeal is taken. *See* Fed. R. Civ. P. 62(a)(1). While an appeal is pending from a final judgment that grants an injunction, the court may suspend the injunction on terms for bond or other terms that secure the opposing party's rights. *See* Fed. R. Civ. P. 62(c). A party must ordinarily move first in the district court for an

order suspending an injunction while an appeal is pending. *See* Fed. R. App. P. 8(a)(1).

The relaxed standard for staying injunctions pending appeal is particularly appropriate where, as here, doing so would preserve the status quo. “An order maintaining the status quo is appropriate when a serious legal question is presented, when little if any harm will befall other interested persons or the public and when denial of the order would inflict irreparable injury on the movant.” *Ruiz v. Estelle*, 650 F.2d 555, 565 (5th Cir. 1981), *cert. denied*, 460 U.S. 1042 (1983).¹ Accordingly, it is hereby

ORDERED AND ADJUDGED:

1. Defendant’s Motion to Stay the Court’s Order, Doc. 164, is GRANTED.
2. The Court’s order requiring defendant to remove the display of the Ten Commandments from the steps of the Dixie County Courthouse is SUSPENDED pending appeal.
3. Defendant’s Consent Motion to Extend Time to Comply with the Court’s Order, Doc. 162, is DENIED as moot.

DONE AND ORDERED this 15th day of August, 2011

s/Maurice M. Paul

Maurice M. Paul, Senior District Judge

¹Decisions of the Fifth Circuit Court of Appeals handed down prior to October 1, 1981 are binding precedent in the Eleventh Circuit. *See Bonner v. City of Prichard, Ala.*, 661 F.2d 1206, 1209 (11th Cir. 1981).