

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

TYREE R. WEBB,

Plaintiff,

v.

TECO BARGE LINE, INC.,

Defendant.

No. 07-514-DRH

ORDER

HERNDON, Chief Judge:

Before the Court is defendant's motion for a stay of the judgment pending appeal. (Doc. 142). In defendant's motion, defendant seeks an order approving a letter of undertaking from defendant's insurer for the amount of the judgment in lieu of a supersedeas bond. Alternatively, defendant requests an order approving a supersedeas bond in the amount of the judgment. Plaintiff objects to defendant's motion (Doc. 148), contending that because defendant has not complied with Federal Rule of Civil Procedure 62(d), defendant's motion should be denied.

Federal Rule of Civil Procedure Rule 62(d) provides that "[i]f an appeal is taken, the appellant may obtain a stay by supersedeas bond" unless one of two exceptions applies. FED. R. CIV. P. 62(d). "The bond may be given upon or after filing the notice of appeal or after obtaining the order allowing the appeal." *Id.* "The stay takes effect when the court approves the bond." *Id.*

Here, no exception applies to defendant's right to obtain a supersedeas bond.

Accordingly, the Court grants defendant's motion for a stay of the judgment pending appeal (Doc. 142). Defendant is ordered to file a supersedeas bond with the Court as soon as practicable in the amount of \$4,293,271.56. Upon approval of the bond, the Court will stay the judgment.

The Court will defer ruling on plaintiff's Bill of Costs (doc. 139), to which there has been an objection (doc. 141), until the appeals are final.

IT IS SO ORDERED.

Signed this 23rd day of April, 2012.

David R. Herndon



Digitally signed by
David R. Herndon
Date: 2012.04.23
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**Chief Judge
United States District Court**