

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

CARL S. FULMORE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:11-cv-00389-TWP-TAB
	)	
M & M TRANSPORT SERVICES, INC.,	)	
	)	
Defendant.	)	

**ORDER**

Defendant, M&M Transport Services, Inc., filed two separate Motions to Approve *Supersedeas* Bond (Dkts. 139 and 145) pursuant to Federal Rule of Civil Procedure 62(b). Attached to each motion was a copy of the respective *supersedeas* bond. The Court granted these motions on August 29, 2013 (Dkt. 151). In its Entry, the Court instructed that "...M&M Transport must file its anticipated motions and the *supersedeas* bonds by or on September 3, 2013" (Dkt.151 at 3). The Court notes that M&M Transport had previously filed a copy of each *supersedeas* bond; however, the Court's intent is that the original copy of each bond should be maintained with the Clerk of this court.

Fed. R. Civ. P. 62(b) and (d) provide for the posting of a *supersedeas* bond when a party seeks to stay execution of a judgment pending a motion for a new trial (62(b)) or appeal (62(d)). Two points are worth noting. Rule 62(d) is triggered after a party files its notice of appeal, an event that has not occurred here, and Rule 62(d) is governed by the Federal Rules of Appellate Procedure. Federal Rule of Appellate Procedure 8(b) provides, in part:

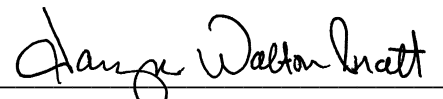
If a party gives security in the form of a bond or stipulation or other undertaking with one or more sureties, *each surety submits to the jurisdiction of the district court* and irrevocably appoints the district clerk as the surety's agent on whom any papers affecting the surety's liability on the bond or undertaking may be served.

Fed. R. App. P. 8(b) (emphasis added). Here, the Court uses the standard under Rule 62(d) in finding that the *supersedeas* bonds should be filed with the court because it is substantially identical to the standard under Rule 62(b) and because M&M Transport has indicated that it is likely to appeal the underlying verdict.

Accordingly, the Court in its discretion **ORDERS** M&M Transport to file with the Court the original bonds secured within **seven (7) days of the date of this Order**. Original bonds filed with the Court will be maintained in a locked safe within the Financial Department of the United States District Court Clerk's Office.

**SO ORDERED.**

Date: 09/12/2013



Hon. Tanya Walton Pratt, Judge  
United States District Court  
Southern District of Indiana

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United States District Court Clerk's Office