IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

BVS, INC., **Plaintiff/Counterclaim Defendant,** **vs.** **CREDIT UNION EXECUTIVES SOCIETY, INC.,** **Defendant/Counterclaim Plaintiff.**	**No. C15-0068** **RULING ON MOTION FOR STAY**

This matter comes before the Court on the Motion for Stay of Execution Under RULE 62 (docket number 74) filed by Plaintiff BVS, Inc. on December 15, 2016, and the Resistance (docket number 79) filed by Defendant Credit Union Executives Society, Inc. ("CUES") on December 26.

BVS asks the Court to stay execution of the judgment in this case "during the pendency of the RULE 59 motion and any subsequent appeal." CUES resists the motion, noting that BVS has failed to provide any details regarding the nature or amount of the bond it would post.

RULE 62(b)(3) authorizes the Court to stay the execution of a judgment — or any proceedings to enforce it — pending the disposition of a motion for new trial. Contemporaneously with the filing of this Order, the Court has filed an Order denying BVS' motion for new trial. Accordingly, RULE 62(b)(3) affords BVS no relief.

RULE 62(d) provides, however, that if an appeal is taken, the appellant may obtain a stay by supersedeas bond, except in certain circumstances not applicable here. RULE 62(d) provides that "[t]he bond may be given upon or after filing the notice of appeal." "The stay takes effect when the court approves the bond." Accordingly, if BVS

files a notice of appeal, it may also file a motion asking the Court to approve a supersedeas bond. The bond should be attached to the application so that it may be reviewed by CUES and an appropriate objection filed, if necessary.

ORDER

IT IS THEREFORE ORDERED that the Motion for Stay of Execution (docket number 74) filed by BVS is **DENIED without prejudice** to BVS filing an application pursuant to RULE 62(d) for approval of the supersedeas bond on appeal.

DATED this 27th day of December, 2013.

JON STUART SCOLES
CHIEF MAGISTRATE JUDGE
NORTHERN DISTRICT OF IOWA