

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION**

JOETTA HEARING,

Plaintiff,

vs.

MINNESOTA LIFE INS. CO.,

Defendant,

vs.

NIKOLE C. HOLLOWAY,

Third-Party Defendant.

No. C13-4101-LTS

**ORDER**

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This case is before me on a motion (Doc. No. 40) by third-party defendant Nickole Holloway (Holloway) to stay enforcement, pending appeal, of the order (Doc. No. 38) granting summary judgment in favor of plaintiff Joetta Hearing (Hearing). Hearing has filed a resistance (Doc. No. 48) and Holloway has filed a reply (Doc. No. 49).

Having fully considered and weighed the relevant factors,<sup>1</sup> I find that a stay is appropriate pursuant to Federal Rule of Civil Procedure 62(d). This is an interpleader action and the disputed insurance proceeds have been deposited with the Clerk. Doc. No. 43. Because the court already has the funds in its possession, all parties are protected from the risk that those funds will be disturbed or dissipated before this case is fully and finally resolved. Under these circumstances, requiring Holloway to post a bond to obtain a stay is entirely unnecessary. Federal courts have recognized that stays pending appeal

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<sup>1</sup> In determining whether to grant a stay, the court must consider “(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.” *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987).

without the requirement of additional security are appropriate in interpleader actions. *See, e.g., Life Ins. Co. of N. Am. v. Camm*, No. 4:02-cv-0106-DFH-WGH, 2007 WL 2492384, at \*1 (S.D. Ind. Aug. 29, 2007) (granting stay notwithstanding uncertainty as to merits of appeal); *Prudential Ins. Co. of America v. Kamrath*, No. 4:03-CV-1736 CEJ, 2006 WL 3498397, at \*2 (E.D. Mo. Dec. 4, 2006) (granting stay pending appeal despite weak showing of likelihood of success on merits).

As such, the motion (Doc. No. 40) of third-party defendant Nickole Holloway for a stay of judgment pending appeal is **granted**. Disbursement of the interpleaded funds is hereby **stayed** until the appeal in the instant matter has been resolved. Holloway need not post a bond or other security in support of this stay.

**IT IS SO ORDERED.**

**DATED** this 22nd day of August, 2014.



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LEONARD T. STRAND  
UNITED STATES MAGISTRATE JUDGE