

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**GREATER NEW ORLEANS FAIR HOUSING
ACTION CENTER, ET. AL.**

CIVIL ACTION

VERSUS

NO: 06-7185

ST. BERNARD PARISH, ET AL.

SECTION: "C" (1)

ORDER AND REASONS

This matter comes before the Court on Defendants' Motion for Stay of Enforcement of Judgment Pending Appeals without Obligation of Posting Supersedeas Appeal Bond. Rec. Doc. 1018. Having considered the memorandum of counsel, the record, and the applicable law, the Court GRANTS the motion for the following reasons.

On February 2, 2011, this Court granted defendants' motion for a motion to stay. Rec. Doc. 440. Defendants requested a stay under rule 62(f). The Court noted that defendants had supplied assurances that their insurance policy covered the present judgment and that the unrestricted revenue available to the Parish exceeded the costs of the judgment. *Id.*

Here, defendants again request a stay under rule 62(f). The rule declares "the judgment debtor is entitled to the same stay of execution the state court would give." FED.R.CIV.P. 62(f). Under Louisiana Revised Statutes, Title 13, Section 4581, a parish "shall not be required to furnish any appeal bond or any other bond whatsoever in any judicial proceedings instituted by or brought against them, that arise from activities within the scope and course of their duties and employment." La. Rev. Stat. Ann. §13:4581. Furthermore, in accordance with the Court's February 2, 2011 order, defendants have filed into the record a copy of the audit report for the fiscal year ending June 30, 2011. Rec. Doc. 1013. The report states that the parish has "*unrestricted net assets* [of] \$11,233,857 [which] may be used to meet government's obligations to citizens and creditors." Rec. Doc. 1014,

Audit Report, Management's Discussion and Analysis, p. 11. Defendants have also provided assurances that their insurance policy covers the present judgment. Rec. Doc. 1022, Exh. 2, Declaration of Lauren Hernandez Cann.

Accordingly,

IT IS ORDERED that defendants' motion is GRANTED. Rec. Doc. 1018.

IT IS FURTHER ORDERED that defendant St. Bernard Parish continue to file into the record a copy of its audit report annually during the period of appeal. Rec. Doc. 440.

New Orleans, Louisiana, this 5th day of December, 2012.


HELEN G. BERRIGAN
UNITED STATES DISTRICT JUDGE