

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

REGIONS BANK

CIVIL ACTION

VERSUS

NO. 10-3388

KYLE D. TAUCH

SECTION "L" (5)

ORDER

On May 24, 2011, Judgment was entered in favor of Plaintiff Regions Bank and against Defendant Kyle D. Tauch in the amount of \$2,205,109.93 (Rec. Doc. 31). On August 11, 2011, the Court denied Defendant's motion to amend the Judgment and granted Plaintiff's motions to amend the Judgment (Rec. Doc. 47), and entered an Amended Judgment in the original amount with the addition of attorneys' fees and interest (Rec. Doc. 48). Defendant filed a notice of appeal on September 9, 2011 (Rec Doc. 51).

Defendant has now filed a Motion to Stay Execution of Judgment Without Supersedeas Bond and, in the Alternative, to Reduce Amount of Supersedeas Bond (Rec. Doc. 52). Pursuant to Local Rule 62.2, "[a] supersedeas bond staying execution of a money judgment must be in the amount of the judgment plus 20% of that amount to cover interest, costs and any damages award, unless the court directs otherwise." The Court may "depart from the usual requirement of a full security supersedeas bond to suspend the operation of an unconditional money judgment, [but] it should place the burden on the moving party to objectively demonstrate the reasons for such a departure." *Poplar Grove Planting & Refining Co. v. Bache Halsey Stuart, Inc.*, 600 F.2d 1189, 1191 (5th Cir. 1979). The judgment debtor should "objectively demonstrate[] a present financial

ability to facilely respond to a money judgment and present[] to the court a financially secure plan for maintaining that same degree of solvency during the period of an appeal.” *Id.*

IT IS ORDERED that on or before Monday, October 24, 2011, Defendant may file appropriate materials objectively demonstrating financial ability to pay the judgment and a financially secure plan for maintaining that same degree of solvency during the period of the appeal.

New Orleans, Louisiana, this 17th day of October, 2011.


UNITED STATES DISTRICT JUDGE