

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JEANNINE L. SOMBERG, and
JEANNINE L. SOMBERG o/b/o
DYLAN S. SOMBERG, and DYLAN
SOMBERG, individually,

Plaintiffs,

v.

Case No. 13-11810

UTICA COMMUNITY SCHOOLS,

Defendant.

UTICA COMMUNITY SCHOOLS,

Plaintiff,

v.

Case No. 13-14022

RICHARD J. ALEF,

Defendant.

OPINION AND ORDER GRANTING IN PART MOTION TO STAY

On September 8, 2017, the court entered an Order awarding attorney fees to Richard Alef, counsel for Jeannine and Dylan Somberg (“Sombergs”), and against Utica Community Schools (“Utica”) in the amount of \$208,807.50 in attorney fees and \$1,847.15 in costs. Now before the court is a motion to stay the collection of attorney fees pending an appeal of that order. Mr. Alef has filed a response in opposition to the motion, and the court discussed their positions during an on-the-record status conference on September 29, 2017. For the reasons discussed during the status

conference, the court finds that a stay is warranted so long as Utica posts an appropriate supersedeas bond. The court finds that the posting of a bond will allay the concerns raised by Mr. Alef about Utica's inability, or alleged unwillingness, to pay the award. The court also finds that a bond in the amount of \$250,000 is sufficient, at this point, to cover the current award of fees and an adequate amount of additional fees which may be incurred during the appeal. Both parties recognize that additional fees may be awarded, but in the event those fees surpass the bond amount, the court is persuaded that Utica will be able to satisfy any additional award. Accordingly,

IT IS ORDERED that Utica's Motion to Stay Opinion and Order Awarding Fees and Expenses is GRANTED IN PART. The collection of any fees or expenses is STAYED pending appeal.

IT IS FURTHER ORDERED that the supersedeas bond which Utica has obtained from the Great American Insurance Company in the amount of \$250,000 is APPROVED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: September 29, 2017

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 29, 2017, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(810) 292-6522