

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

WHITESELL CORPORATION,

Plaintiff,

Case No. 1:05-CV-679

v.

HON. ROBERT HOLMES BELL

WHIRLPOOL CORPORATION,  
WHIRLPOOL MEXICO S.A. de C.V.,  
and JOSEPH SHARKEY,

Defendants,

and

WHIRLPOOL CORPORATION,

Counter-Plaintiff,

v.

WHITESELL CORPORATION,

Counter-Defendant.

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**MEMORANDUM OPINION AND ORDER**

This matter is before the Court on Defendant Whirlpool Corporation’s motion to stay proceedings to enforce the judgment entered in this case on February 18, 2010, pending Defendant’s filing of a post-trial motion for judgment as a matter of law under Rule 50(b) of the Federal Rules of Civil Procedure, the disposition of said motion, and the running of Defendant’s time to file a notice of appeal after the disposition of said motion. (Dkt. No.

744.) Defendant further requests that the Court not require a bond or other form of security to secure this stay. The Court believes that the requested stay is appropriate in this matter, and pursuant to Rule 62(b) of the Federal Rules of Civil procedure will grant the stay as requested. However, the Court is not convinced that it should depart from the “presumption in favor of requiring a bond,” as the circumstances of this case do not warrant such a departure. *Lewis v. United Joint Venture*, No. 1:07-CV-639, 2009 U.S. Dist. LEXIS 48616, at \*2 (W.D. Mich. June 10, 2009). Accordingly,

**IT IS HEREBY ORDERED** that Defendant’s motion to stay proceedings (Dkt. No. 744) is granted in part and denied in part. To the extent the motion requests the Court to stay proceedings to enforce the judgment entered in this case on February 18, 2010, pending Defendant’s filing of a post-trial motion for judgment as a matter of law under Rule 50(b) of the Federal Rules of Civil Procedure, the disposition of said motion, and the running of Defendant’s time to file a notice of appeal after the disposition of said motion, the motion is **GRANTED**. To the extent the motion requests the Court to not require any security as a condition of the stay, the motion is **DENIED**.

**IT IS FURTHER ORDERED** that pursuant to Rule 62(b) Defendant shall post a bond in the amount of the judgment to secure the stay granted herein.

Dated: March 3, 2010

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
UNITED STATES DISTRICT JUDGE