

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

LELA WALTER,)
)
 Plaintiff,)
)
vs.)
)
CLARION MORTGAGE CAPITAL,)
INC., et al.,)
)
 Defendants.)

Case No. 08-0536-CV-W-GAF

ORDER

Presently before the Court is Defendant Clarion Mortgage Capital, Inc.’s (“Clarion”) Motion for Approval of Supersedeas Bond and Stay of Execution filed pursuant to Fed. R. App. P. 8(a) and Fed. R. Civ. P. 62(d). (Doc. # 168). On January 12, 2010, this Court entered a final judgment (the “Judgment”) in this case (Doc. ## 136, 142), whereby Plaintiff Lela Walter (“Plaintiff”) was awarded \$4,600.00 in actual damages and \$95,400.00 in punitive damages against Clarion. On March 23, 2010, the Court entered an Order and Judgment for Attorneys Fees, whereby Plaintiff was awarded \$196,100.00 in attorney’s fees. (Doc. # 165). On April 22, 2010, the Court entered an Order granting Plaintiff’s request for costs in the amount of \$995.15. (Doc. # 164). On April 22, 2010, Clarion filed its Notice of Appeal with the Court. (Doc. # 167). Plaintiff does not oppose the filing of supersedeas bond, but requests the Court to order Clarion to file said bond within ten (10) days of the issuance of this Order. (Doc. # 170).

Fed. R. App. P. 8(a) allows a party seeking an appeal to move the district court rendering judgment to issue an order staying the judgment pending appeal and approving a supersedeas bond. Fed. R. Civ. P. 62(d) states that when an appeal is taken, “the appellant may obtain a stay by

supersedeas bond,” and the stay will become effective upon approval of the bond.

Pursuant to Fed. R. App. P. 8(a) and Fed. R. Civ. P. 62(d), it is

ORDERED that Clarion’s Motion is **GRANTED**.

IT IS FURTHER ORDERED that Clarion shall have up to and including fifteen (15) days from the date of this Order to file the supersedeas bond with the Court in the amount of \$313,395.55. Execution of the Judgment, including awards for Attorney’s fees and costs, is hereby stayed during this fifteen (15) day period.

ADDITIONALLY, IT IS ORDERED that upon Clarion’s filing of the aforementioned supersedeas bond, said bond shall be deemed approved by the Court and a stay of execution of the Judgment, Order and Judgment for Attorneys Fees, and Order regarding costs shall issue pending resolution of Clarion’s appeal.

IT IS SO ORDERED.

s/ Gary A. Fenner

Gary A. Fenner, Judge
United States District Court

DATED: **April 27, 2010**