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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**  
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8 KIRK AND AMY HENRY,

9 Plaintiffs,

10 vs.

11 FREDRICK RIZZOLO, aka  
12 RICK RIZZOLO, *et al.*,

13 Defendants.

Case No. 2:08-cv-00635-PMP-GWF

**ORDER**

Motion for Reconsideration  
(#359)

14 This matter is before the Court on Defendant Fredrick Rizzolo's Motion to Reconsider  
15 Order (#352) Denying Defendant's Motion (#334) for Stay on Enforcement and Execution Pending  
16 Appeal from Judgment (#286, #287) re: Posting of Bond Pending Appeal (Dkt. #359), filed April  
17 15, 2010; Plaintiffs' Opposition to Defendant Rick Rizzolo's Motion to Reconsider Order (#352)  
18 Denying Motion to Stay Payment of Fees and Costs Awarded under FRCP 37(a) Pending Appeal  
19 (Dkt. #360), filed April 15, 2010; and Defendant Rick Rizzolo's Reply to Plaintiffs' Opposition  
20 (#360) to Defendant's Request (#359) to Reconsider Order (#352) Denying Defendant's Motion  
21 (#334) for Stay of Enforcement and Execution Pending Appeal from Judgment (#286, 287) re:  
22 Posting of Bond Pending Appeal (Dkt. #364), filed April 26, 2010.

23 Defendant Fredrick Rizzolo requests that this Court reconsider its April 12, 2010 order  
24 denying Defendant's motion for stay of payment of attorney's fees pending appeal (Dkt. #352), and  
25 moves for this Court to grant a stay pending appeal upon Mr. Rizzolo's posting of a bond. (Dkt.  
26 #359). Under Fed.R.Civ.P. 62(c), an appellant "may obtain a stay by supersedeas bond . . . after the  
27 filing of the notice of appeal." The stay "takes effect when the court approves the bond". *Id.*  
28 Based on Defendant Rizzolo's request that the Court permit the posting of a supersedeas bond, the

1 Court will reconsider it's prior order and grant a stay upon Defendant's posting of a supersedeas  
2 bond in the amount of \$5,000.00 with the Court. Accordingly,

3 **IT IS HEREBY ORDERED** that Defendant Fredrick Rizzolo's Motion to Reconsider  
4 Order (#352) Denying Defendant's Motion (#334) for Stay on Enforcement and Execution Pending  
5 Appeal from Judgment (#286, #287) re: Posting of Bond Pending Appeal (Dkt. #359) is **granted** as  
6 follows:

- 7 1. The enforcement of the Court's order awarding attorney's fees to Plaintiffs in the  
8 amount of \$5,000.00 (Dkt. #s 286, 287) shall be stayed pending appeal upon  
9 Defendant Fredrick Rizzolo's posting of a supersedeas bond in the **amount of**  
10 **\$5,000.00** with the Court;
- 11 2. Defendant Fredrick Rizzolo will post the supersedeas bond on or before **May 26,**  
12 **2010** and file proof of the posting with the Court;
- 13 3. The stay pending appeal shall dissolve upon Defendant Fredrick Rizzolo's appeal  
14 being dismissed or denied or upon the Court's order awarding sanctions being  
15 overruled.

16 **IT IS FURTHER ORDERED** that the Court's April 12, 2010 order (Dkt. #352) is  
17 **vacated.**

18 DATED this 12th day of May, 2010.

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21 GEORGE FOLEY, JR.  
22 United States Magistrate Judge  
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