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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EVANSTON INSURANCE COMPANY,)	Case No. 2:13-cv-01268-GMN-CWH
)	
Plaintiff,)	
)	
v.)	
)	
WESTERN COMMUNITY INSURANCE)	ORDER
COMPANY,)	
)	
Defendant.)	
)	

Presently before the Court is Defendant’s motion to deposit security with the Court (ECF No. 104), filed on July 6, 2016. Plaintiff filed a response (ECF No. 106) on July 14, 2016, and Defendant filed a reply (ECF No. 107) on July 22, 2016.

Defendant requests leave to submit a check to the Court as security in lieu of purchasing a supersedeas bond. Defendant proposes to submit security in the amount of \$241,627.11, which is equal to the amount ordered by the Court in its writ of execution (ECF No. 96). Under 31 U.S.C. § 9303, a person required to give a surety bond may instead give a personal or corporate surety bond, a certified check, a bank draft, a post office money order, or cash.

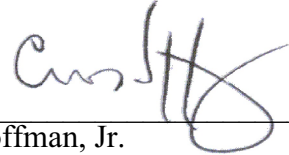
Plaintiff does not oppose Defendant’s request to submit security to the Court, and both parties agree that Defendant should have five business days after the Court rules on this motion in which to deposit security with the Court, or alternately, post a supersedeas bond.

Defendant also requests a stay of execution of the judgment, to allow it time to submit security to the Court. However, Fed. R. Civ. P. 62(b) only authorizes the Court to stay the execution of a judgment pending resolution of certain types of motions, not including a motion for leave to deposit security with the Court.

IT IS THEREFORE ORDERED that Defendant’s motion to deposit security with the Court (ECF No. 104) is GRANTED in part and DENIED in part. Within five business days of this order,

1 Defendant must submit to this Court a certified check, or other eligible obligation as defined by 31
2 U.S.C. § 9303, in the amount of \$241,627.11 as security for its appeal. The Court does not stay
3 execution of the judgment in this case.

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5 DATED: July 27, 2016.

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9 C.W. Hoffman, Jr.
10 United States Magistrate Judge
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