



1 Now, some nine months after the court entered its “pay-over order,” Defendant seeks to stay the  
2 requirement that he pay a percentage of any residual fee income; alternatively, it appears he asks the  
3 court to have the attorney fee income payments paid into the court's registry. (ECF No. 254.) Defendant  
4 cites no authority for his request, other than to state that if Defendant prevails on any appeal on the  
5 "pay-over" order that he (Defendant) might not get reimbursed. (*Id.*, at 3.)

6 A similar issue was presented to the U.S. District Court for the Central District of California.  
7 *Inhale, Inc., v. Starbuzz Tobacco, Inc.*, No. 2:11-cv-3838 (1/30/13) 2013 WL 361109. In that case, Inhale  
8 filed a motion for stay of execution of judgment pending appeal. The District Court stated Inhale would  
9 be entitled to a stay of execution under Fed. R. Civ. P. 62(a). The amount of the bond is discretionary  
10 with the district court. *Rachel v. Banana Republic, Inc.*, 831 F.2d 1503, 1505 n.1 (9th Cir, 1987).

11 Similarly, in the present case, District Judge Larry R. Hicks entered an order on November 1,  
12 2013, which provided that the court would grant defendant Dickerson’s motion for stay of judgment  
13 pending appeal (ECF No. 190) on the condition that he post a full supersedeas bond in the amount of  
14 \$451,048.22 with a qualified third-party financial institution within 20 days of the order. (ECF No. 196.)  
15 Defendant did not do so and has made no subsequent offer to post a supersedeas bond. Had Defendant  
16 done so, the court might consider Defendant’s motion in a different light. As the Court ruled in *Inhale*,  
17 and in view of Judge Hicks’ prior order on a related issue, if this court were to grant Defendant’s motion,  
18 in view of Defendant’s self admitted “lack of funds,” this court would also require a supersedeas bond  
19 to protect Plaintiff’s ability to collect at a future time. This court makes this determination on the  
20 conclusion Defendant will not be successful at the appellate level on either the judgment or the “pay-  
21 over order.”

22 As noted above, the "pay-over" which this court entered has been reviewed and sustained by  
23 District Judge Larry Hicks. From the myriad of motions Plaintiff has filed, it appears he has been  
24 thwarted thus far in his attempts to have Defendant satisfy any meaningful portion of the judgment.  
25 Thus, this court is not inclined to relieve Defendant from his obligation to make even nominal payments  
26 to Plaintiff.

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Defendant's motion to stay execution pending appeal (ECF No. 254) is **DENIED**.

**IT IS SO ORDERED.**

DATED: November 3, 2015

*William G. Cobb*  
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WILLIAM G. COBB  
UNITED STATES MAGISTRATE JUDGE