UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

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LINCOLN ELECTRIC COMPANY, : CASE NO. 1:08-CV-2853

Plaintiff,

vs. : ORDER & OPINION

[Resolving Doc. No. <u>73</u>.]

MPM TECHNOLOGIES, INC.,

:

Defendant.

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Following a jury verdict on September15, 2009, the Court entered judgment in favor of Plaintiff Lincoln Electric Company ("Lincoln Electric") and awarded damages against Defendant MPM Technologies, Inc. ("MPM") in the amount of \$284,600. [Doc. 64.] On September 24, 2009, Defendant MPM moved the Court for a new trial and to stay execution of the judgment. [Doc. 67, 68.] On October 6, 2009, the Court conditionally granted MPM's motion to stay execution of the judgment, subject to Defendant's posting of a supersedeas bond in the amount of \$349,230. [Doc. 72.] Plaintiff Lincoln Electric now moves the Court to require immediate posting of the bond, or in the alternative, to lift the stay and order the execution of the Certificate of Judgment. [Doc. 73.] Lincoln Electric argues that to date, MPM has not posted bond, and as a result, Lincoln Electric's ability to collect the judgment may be negatively impacted. [Id. at 2.]

In accordance with the Court's October 6 order, the stay was made conditional upon the Defendant's posting of a supersedeas bond. As MPM never posted the bond, the stay of execution never came into effect. Accordingly, the Plaintiff's motion to lift the stay is **DENIED AS MOOT**, as no stay of execution of judgment currently exists in this case.

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Gwin, J.	

IT IS SO ORDERED.

Dated: October 23, 2009 <u>s/ James S. Gwin</u>
JAMES S. GWIN

UNITED STATES DISTRICT JUDGE