

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

STEVENS ENGINEERS &)	CASE NO. 1:15 CV 1965
CONSTRUCTORS, INC.,)	
)	
Plaintiff,)	
)	
v.)	JUDGE DONALD C. NUGENT
)	
IRONWORKERS LOCAL 17,)	
PENSION FUND, et al.,)	<u>MEMORANDUM OPINION</u>
)	<u>AND ORDER</u>
Defendants.)	
)	

This matter is before the Court on Defendants' Motion to Stay Execution of Judgment and for Approval of Alternative Supersedeas Bond. (ECF #33). Plaintiff filed an Opposition to the motion, and Defendants filed a Reply in Support of their motion. (ECF #34, 35).

Under Fed. R. Civ. P. 62(d), in most circumstances, when an appeal is taken from an underlying order, the appellant may obtain a stay by posting a supersedeas bond. The stay automatically takes effect when the court approves the bond. In this case, Defendants seek to obtain a stay of execution pending appeal, without posting a supersedeas bond. They claim that they have a segregated account shielding the amount they have been ordered to refund to the Plaintiff, and claim that they have more than sufficient assets to pay the judgment if it is upheld

on appeal. The Defendants' ability to pay the judgment, however, does not justify disregarding the requirements of Fed. R. Civ. P. 62(d). *See Verhoff v. Time Warner Cable, Inc.*, No. 3:05 CV 7277, 2007 U.S. Dist. LEXIS 93312 at *4 (N.D. Ohio Dec. 10, 2007); *United States ex. rel. Gonter v. Gen. Dynamics*, 2006 U.S. Dist. LEXIS 92512 at *3 (N.D. Ohio Dec. 21, 2006).

Defendants have not provided this Court with sufficient justification to override the requirement of posting a supersedeas bond in order to obtain a stay of execution. There are no extraordinary circumstances that would support a waiver of this requirement. Therefore, Defendants' motion is DENIED. The alternative request for a thirty day stay of judgment is granted. Defendants have thirty days in which to post a supersedeas bond in order to obtain a stay of execution of judgment pending appeal.

IT IS SO ORDERED.


Donald C. Nugent
United States District Judge

Date: January 3, 2017