UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

VICTORIA ZWERIN, on behalf of herself and those similarly situated,

Plaintiff,

v.

533 SHORT NORTH LLC, et al.,

Defendants.

Case No. 2:10-cv-488
JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Terence P. Kemp

OPINION AND ORDER

This matter is before the Court on Plaintiffs' Third Motion to Compel Defendants to Comply with the Court's Orders, to Enforce Settlement Agreement and for Sanctions ("Motion to Compel") (Doc. No. 107) and Plaintiffs' Motion to Strike Notice of Appeal ("Motion to Strike") (Doc. No. 109). For the reasons that follow, the Court **GRANTS** in part Plaintiffs' Motion to Compel and **DENIES** Plaintiffs' Motion to Strike.

The plaintiffs move to have this Court strike the defendants' Notice of Appeal, which is hereby **DENIED**, as such a motion can only be determined by the Court of Appeals. However, "even after an appeal is taken, a district court retains the power to enforce but not expand on its orders so long as the judgment has not been stayed or superseded." *Jaynes v. Austin*, 20 Fed. Appx. 421, 425 (6th Cir. 2001) (citing *NLRB v. Cincinnati Bronze, Inc.*, 829 F.2d 585, 588 (6th Cir. 1987)). There has been no stay entered in this action nor have the defendants posted a supersedeas bond. *See* Fed. R. Civ. P. 62(d) ("When an appeal is taken the appellant by giving a supersedeas bond may obtain a stay . . . . The bond may be given at or after the time of filing the

notice of appeal or of procuring the order allowing the appeal, as the case may be. The stay is effective when the supersedeas bond is approved by the court.") Therefore, for the same reasons this Court has previously granted the plaintiffs' request to order the defendants to comply with the Court-approved Confidential Settlement Agreement (Doc. Nos. 100, 106), the Court again **GRANTS** the plaintiffs' request.

The defendants are **ORDERED** to comply with the Court-approved Confidential Settlement Agreement within ten (10) days of the date of this Opinion and Order. If the defendants fail to comply with this Court's order or to appropriately post a supersedeas bond, the Court shall conduct a contempt hearing, which is hereby scheduled for Tuesday, January 15, 2013 at 10:30 a.m. That hearing will be cancelled upon notice from the defendants that they have complied with this Opinion and Order.

IT IS SO ORDERED.

1-2-2013
DATE

EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE