

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**ESTATE OF JAMES FRANKLIN PERRY, et al.,**

Plaintiffs,

-vs-

**Case No. 12-C-664**

**CHERYL WENZEL, et al.,**

Defendants.

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**DECISION AND ORDER**

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On May 6, 2016, the Court issued a Decision and Order granting summary judgment in favor of both groups of defendants, the City Defendants and the County Defendants. The Court also granted a motion for sanctions filed by the County Defendants. The plaintiffs quickly appealed. Post-appeal, the County Defendants filed a motion for attorney fees and costs pursuant to the Court's sanctions Order. Also post-appeal, the City Defendants moved for sanctions and for attorneys' fees pursuant to a prior order (the City Defendants withdrew the latter motion). Now before the Court is the plaintiffs' motion to stay further proceedings and the execution of judgment pending appeal.

The standard for granting a stay pending appeal "mirrors that for granting a preliminary injunction." *In re A&F Enters., Inc. II*, 742 F.3d

763, 766 (7th Cir. 2014). Courts consider the moving party's likelihood of success on the merits, the irreparable harm that will result to each side if the stay is either granted or denied in error, and whether the public interest favors one side or the other. *Id.* For the reasons already stated, ECF No. 143, the Court considers it unlikely that the plaintiffs will succeed on appeal.

Moreover, the Seventh Circuit expects district courts to resolve fee petitions quickly so a subsequent appeal can be consolidated with the initial appeal. *See Terket v. Lund*, 623 F.2d 29, 34 (7th Cir. 1980). The Court will proceed accordingly.

**IT IS HEREBY ORDERED THAT** plaintiffs' motion to stay [ECF No. 172] is **DENIED**. The City Defendants' motion for an award of attorneys' fees [ECF No. 158] is **DENIED** as moot.

Dated at Milwaukee, Wisconsin, this 16th day of June, 2016.

**SO ORDERED:**

  
HON. RUDOLPH T. RANDA  
U.S. District Judge