

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MONT CLAIRE AT PELICAN
MARSH CONDOMINIUM
ASSOCIATION, INC.,

Plaintiff,

v.

Case No.: 2:19-cv-601-SPC-KCD

EMPIRE INDEMNITY
INSURANCE COMPANY,

Defendant.

_____ /

ORDER

In this insurance action, the Court confirmed an appraisal award and entered judgment against Defendant Empire Indemnity Insurance Company. (Docs. 132, 151.) Empire has appealed to the Eleventh Circuit, and now before the Court is Empire's Unopposed Motion to Approve Subsequent Civil Supersedeas Bond, Cancel Previous Bond, and Stay Execution of the Amended Judgment Pending Appeal. (Doc. 158.)

The parties have reached an agreement for a stay pending resolution of the appeal, secured by a bond in the amount of \$7,901,181.06, which represents 110% of the final judgment. Because the proposed amount of the bond covers damages awarded by the judgment, prejudgment interest, costs, and any award of damages for delay, the Court will grant the motion based on the

parties' stipulation. Since the substitute Civil Supersedeas Bond (Doc. 158-1) will replace a bond previously issued, Empire also asks this Court to cancel the previous bond as null and void. (Doc. 158 at 4.) With no objection, the Court will do so.

Accordingly, it is **ORDERED**:

1. Defendant's Unopposed Motion to Approve Subsequent Civil Supersedeas Bond, Cancel Previous Bond, and Stay Execution of the Amended Judgment Pending Appeal (Doc. 158) is **GRANTED**. The Civil Supersedeas Bond (Doc. 158-1) is **approved**. The prior bond is **cancelled**.
2. Execution of the amended judgment is **stayed** pending the resolution of all proceedings on appeal from the amended judgment.

ENTERED in Fort Myers, Florida on March 19, 2024.



Kyle C. Dudek
United States Magistrate Judge

Copies: All Parties of Record