

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

MARTHA FOX,

Plaintiff,

v.

PITTSBURGH STATE UNIVERSITY,

Defendant.

Case No. 14-CV-2606-JAR

MEMORANDUM AND ORDER

On October 18, 2016, judgment was entered against Defendant Pittsburgh State University following a jury trial and verdict in the amount of \$230,000.¹ On November 1, 2016, Defendant filed a Motion for Stay of Execution Pending Resolution of Post-Trial Motions and Appeals and For Waiver of Supersedeas Bond.² Plaintiff did not oppose a stay of execution of the judgment under Fed. R. Civ. P. 62(b) pending the resolution of post-trial motions and appeals, but requested that Defendant be required to post a supersedeas bond pursuant to Fed. R. Civ. P. 62(d).³ On April 20, 2017, the Court granted Defendant's motion for a stay of execution of the judgment and for waiver of supersedeas bond until the resolution of post-trial motions, but denied without prejudice Defendant's motion for a stay of execution during appeal.⁴ On June 26, 2017, the Court amended the judgment in this case to include attorneys' fees and expenses in the

¹ Doc. 197.

² Doc. 205.

³ Doc. 213.

⁴ Doc. 249.

amount of \$272,614.⁵ Defendant filed a notice of appeal to the Tenth Circuit Court of Appeals on July 25, 2017.⁶

This matter is now before the Court on Defendant's July 25, 2017 Motion for Stay of Proceedings to Stay Execution of the Judgment Pending Appeal and For Waiver of Supersedeas Bond (Doc. 255). In her response filed on August 8, 2017, Plaintiff states that she "does not oppose Defendant's motion for a stay of execution of the judgment until resolution of the appeal or its motion for waiver of the supersedeas bond while an appeal of the judgment is taken."⁷

Plaintiff does not oppose Defendant's motion, and the Court has already determined in its April 20, 2017 Memorandum and Order that the existence of the Kansas Tort Claims Fund pursuant to K.S.A. § 75-6117 and the State of Kansas's procedure for satisfying judgments warrant not requiring a supersedeas bond in this case.⁸ Defendant has also submitted the affidavit of Jeffrey A. Chanay, Chief Deputy of the Kansas Attorney General's Office, attesting that the State of Kansas has sufficient funds to satisfy the judgments in this case within 30 days after the conclusion of the appellate process if the judgments are affirmed on appeal.⁹

IT IS THEREFORE ORDERED BY THE COURT that Defendant's Motion for Stay of Proceedings to Stay Execution of the Judgment Pending Appeal and For Waiver of Supersedeas Bond (Doc. 255) is **granted**. A stay of execution is granted pending appeal, and no supersedeas bond is required during appeal.

IT IS SO ORDERED.

Dated: September 13, 2017

⁵ Doc. 252.

⁶ Doc. 253.

⁷ Doc. 259 at 1.

⁸ Doc. 249 at 3-7.

⁹ Doc. 256-1.

S/ Julie A. Robinson
JULIE A. ROBINSON
UNITED STATES DISTRICT JUDGE