

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

VONCELLE ANTHONY and
VONCELLE ANTHONY for and on
behalf of KAMARI LEWIS,

Plaintiffs,

v.

RICHARD ABBOTT and MAZDA
CORPORATION,

Defendants.

CASE NO. 1999-78

ORDER

Before the Court is Bruce P. Bennett, Esq.'s Motion to stay (ECF 356) the Court's July 9, 2012 Opinion and Order (ECF 352) pending appeal. In deciding whether to stay proceedings pending an appeal, the Court must consider four factors: "(1) whether the stay applicant made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will suffer irreparable injury absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies."¹

First, although Attorney Bennett disagrees with the result embodied in the Opinion and Order, he does not make a "strong showing" that he is likely to succeed on the merits of his objections, or that the decision was clearly erroneous or contrary to law. Moreover, although the instant Opinion and Order dealt with the calculation of the attorneys' fees for which he would be responsible pursuant to an order of sanctions entered in 2007, Attorney Bennett seems principally

¹ See, e.g., *Southern New England Telephone Company v. Global NAPs, Inc.*, 2007 U.S. Dist. LEXIS 79729, *3-4 (D.V.I. Oct. 26, 2007)(citations omitted).

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to be objecting to and appealing the contents of the 2007 order itself, the time for appeal of which may have lapsed long ago.

Second, he makes no argument regarding, let alone a showing of, irreparable harm absent a stay.

Third, the Court considers whether other parties may be harmed by a stay. The Court perceives no substantial harm would devolve to other parties if a stay were granted; however, given the long pendency of this particular issue, the Court deems that moving forward, as opposed to once again stopping proceedings, is in all parties' interest. Finally, the public interest plainly also lies in favor of resolving this case once and for all.

Accordingly, Attorney Bennett has not made the requisite showing necessary to merit a stay of the Opinion and Order. As a result, it is hereby ORDERED that the motion to stay is DENIED.

S_____
RUTH MILLER
United States Magistrate Judge