

**IN THE UNITED STATES DISTRICT COURT
FOR THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

FRANK C. POLLARA GROUP, LLC,)
et al.,)
) No. 9-60
Plaintiffs,)

v.

OCEAN VIEW INVESTMENT HOLDING,
et al.,

Defendants.

MEMORANDUM ORDER

Before the Court is Defendants' Motion to Stay Execution of Judgment Pending Post-Trial Motions.

The court has discretion to stay an execution of a judgment on appropriate terms for the opposing party's security. Fed. R. Civ. P. 62(b). Thus, the posting of a supersedeas bond may be required of one who petitions to set aside a judgment, and from which the other party may be made whole if the petition is unsuccessful. Marrero v. United Indus. Service Transp., Prof. & Gov't Workers of N.A., 2012 U.S. Dist. LEXIS 96702, at *3 (D.V.I. July 12, 2012). A property bond may be permitted. Id. Plaintiffs object on various grounds, including that Ocean View might default on the mortgage of over \$100,000 placed on a part of the property at issue, which is held by a corporate entity made up of Ocean View Investors. Accordingly, Plaintiffs seek various documents that prove ownership, payment of property taxes, and the like, as proof that the property constitutes adequate security.

Plaintiffs' tally of the judgment, including with potential additions related to their Motions for fees and costs, totals \$1,044,517.13. The judgment has not yet been amended to include such additions, however, and presently totals \$461,626.00. The tax assessment information that Defendants have submitted shows the total assessed value of a portion of that property, 57 Southgate, as \$982,400.00. Another portion is assessed at \$51,400.00, bringing the total assessed value of portions of the property to \$1,033,800.00. Defendants have also submitted an affidavit setting forth counsel's opinion that Ocean View has marketable title to the Estate Southgate Property at issue.

Under all applicable standards, the posting of the proposed property bond adequately secures Plaintiffs' interests in the judgment entered in this case. This constitutes appropriate terms for Plaintiffs' security. Defendants' Motion to Stay pending resolution of post-trial Motions is GRANTED. Defendants shall post title to the property described as East Southgate as security.

AND NOW, this 13th day of September, IT IS SO ORDERED.

BY THE COURT:

/s/Donetta W. Ambrose

Donetta W. Ambrose

Senior Judge, U.S. District Court