

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KAREN SHEEDY : CIVIL ACTION  
 :  
v. :  
 :  
CITY OF PHILADELPHIA, POLICE :  
COMMISSIONERS JOHN TIMONEY and :  
SYLVESTER JOHNSON, POLICE :  
OFFICER WILLIAM HOLMES, and :  
RICHARD P. GILLY : NO. 03-06394-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

April 1, 2005

Defendant has appealed from a \$300,000 judgment, representing the jury verdict as reduced by this Court, and has now filed a motion for a stay of execution on that judgment pending appeal. Plaintiff objects to the stay.

Defendant has offered to post a bond in the sum of \$3,075, and asserts that he is financially unable to bond the entire judgment. No specific financial information has been provided.

I am required to consider defendant's likelihood of success in the appeal, whether granting or withholding the stay would cause irreparable harm to either party, other parties, or the public interest. See First Amendment Coalition v. Judicial Inquiry and Review Board, 584 F. Supp. 635 (E.D. Pa. 1984). I am not persuaded that appellant is likely to prevail on appeal, but that is a matter to be resolved by the Court of Appeals.

Granting the stay without the posting of adequate security would expose the judgment-holder to the risk of interim disposition of defendant's assets, and would, in effect, increase the amount of the un-secured judgment by the approximately \$18,000 - \$20,000 in interest which would accrue during the pendency of the appeal. Without more specific and convincing evidence of appellant's alleged impecuniousness, I am reluctant to grant the stay without adequate security. The defendant-appellant will therefore be afforded an opportunity to present evidence on these issues at a hearing.

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ORDER

AND NOW, this 1st day of April 2005, IT IS HEREBY  
ORDERED:

That a hearing on defendant's motion for a stay of  
execution of the judgment is scheduled for Thursday, April 7,  
2005 at 10:00 a.m., Courtroom 15-A, U.S. Courthouse, 601 Market  
Street, Philadelphia, PA 19106.

BY THE COURT:

/s/ John P. Fullam  
John P. Fullam, Sr. J.