

United States District Court  
Southern District of Texas  
Houston Division

MM Steel, LP,  
  
Plaintiff,

v.

Reliance Steel & Aluminum Co.,  
Chapel Steel Corp., American Alloy  
Steel, Inc., Arthur J. Moore,  
JSW Steel (USA) Inc., & Nucor Corp.,  
  
Defendants.

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Case No. 4:12-CV-01227

Bond # \_\_\_\_\_

**SUPERSEDEAS BOND FOR DEFENDANT JSW STEEL (USA) INC.**

**Recitals**

1. A judgment was entered in the above-captioned case on May 27, 2014 in the United States District Court for the Southern District of Texas, Houston Division against Defendants/Appellants, JSW Steel (USA) Inc. ("JSW") and Nucor Corp. ("Nucor") and in favor of Plaintiff/Appellee MM Steel, L.P.

2. JSW has filed a timely notice of appeal of this judgment to the United States Court of Appeals for the Fifth Circuit and desires to suspend enforcement of the judgment pending determination of the appeal.

3. By order entered October 28, 2014 in the above titled and numbered cause, the Court set the amount of the supersedeas bond required by Defendant JSW Steel (USA) Inc. to stay execution of the judgment in this matter pending appeal at \$80 million.

4. JSW has filed its appeal to the United States Court of Appeals for the Fifth Circuit, and, pursuant to Fed. R. Civ. P. 62(d) and the Court’s October 28, 2014 order (Dkt. No. 715), is posting this bond to suspend execution on the judgment.

**Promise to Pay**

As a result of the facts just recited:

North American Specialty Insurance Company and Westport Insurance Corporation, which both have an office and usual place of business at 475 N. Martingale Road, Suite 850, Schaumburg, Illinois 60173, and JSW, each undertakes and promises to pay to MM Steel, L.P. all damages, costs, and interest that may be awarded to it and against JSW following the appeal of this matter up to the maximum aggregate sum of \$80 million, if:

- a. the judgment so appealed is affirmed;
- b. the appeal is dismissed; or
- c. JSW fails to pay promptly all sums awarded against it in or following the appeal in this action, including any costs that the court of appeals may award if the judgment is modified.

If JSW fulfills the obligations on appeal set forth above, then this obligation will become void. Otherwise, the obligation will remain in full force and effect; provided however, the maximum liability of the Surety North American Specialty Insurance Company shall not exceed the penal sum of thirty million dollars (\$30,000,000.00), and the maximum liability of the Surety Westport Insurance Corporation shall not exceed the penal sum of fifty million dollars (\$50,000,000.00).

Dated December \_\_, 2014

WITNESS OUR HANDS this \_\_\_\_\_ day of December, 2014.

\_\_\_\_\_  
JSW Steel (USA) Inc.

By: \_\_\_\_\_

North American Specialty Insurance Company,  
Surety

By: \_\_\_\_\_  
Attorney-in-fact for Surety

Westport Insurance Corporation, Surety

By: \_\_\_\_\_  
Attorney-in-fact for Surety

**APPROVAL OF SURETY BY DISTRICT JUDGE**

The Court, having examined the above bond and the surety, finds both sufficient and therefore approves this bond on the \_\_\_\_\_ day of December, 2014.

\_\_\_\_\_  
Kenneth M. Hoyt  
United States District Judge

Dated: December \_\_, 2014

Respectfully submitted,

/s/ Hunter M. Barrow

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**Attorneys for Defendant JSW Steel (USA) Inc.**

**CERTIFICATE OF FILING AND SERVICE**

I hereby certify that on December \_\_, 2014, the foregoing document was transmitted to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing for this filing to all registered counsel of record.

/s/ Hunter M. Barrow  
Hunter M. Barrow

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