

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MM STEEL, LP, <i>et al</i> ,	§	
	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO. 4:12-CV-1227
	§	
RELIANCE STEEL & ALUMINUM CO., <i>et</i>	§	
<i>al</i> ,	§	
	§	
Defendants.	§	

ORDER

This matter comes before the Court on the defendant, Nucor’s motion for stay of execution of judgment without bond pending appeal. Having considered the motion, MM Steel’s response, any reply in support of the motion, the record in this case, and the applicable law, the Court ORDERS that:

____ Nucor is entitled to a stay of execution on the judgment pending appeal without posting a supersedeas bond but that Nucor must provide an alternative guaranty of judgment responsibility as required by *Poplar Grove Planting & Refining Co. v. Bache Halsey Stuart, Inc.*, 600 F.2d 1189 (5th Cir. 1979).

The Court holds that to be entitled to a stay of execution on the judgment pending appeal, Nucor must provide the following guaranty of judgment responsibility:

- (1) within 14 days of the Court’s order, provide to the Court and MM Steel a statement identifying unencumbered Nucor bank accounts held in the United States that have at least \$160 million in cash or cash equivalents;

(2) maintain a balance of at least \$160 million in those accounts during the appellate proceedings in this case until a further order of this Court releasing Nucor from this requirement;

(3) provide a statement to MM Steel's counsel every 60 days reflecting the current balance in the accounts;

(4) promptly provide to MM Steel copies of any 10-Q's, 10-K's, or 8-K's it files with the United States Securities and Exchange Commission.

Any information required to be provided by Nucor to MM Steel or the Court under paragraphs 1, 2, or 3 will be deemed "Attorneys' Eyes Only" under this Court's Protective Order.

Upon compliance with paragraph 1, MM Steel will not be allowed to execute against Nucor during Nucor's appeal, the judgment entered on April 29, 2014, as well as any amended judgment or order regarding attorneys' fees or costs that may be entered. Otherwise;

____ Nucor is entitled to a stay of execution on the judgment pending appeal only if it posts a full supersedeas bond for the full amount of the judgment, plus attorneys' fees, costs, and two years of post-judgment interest.

SIGNED on this 9th day of June, 2014.



Kenneth M. Hoyt
United States District Judge