

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.	§	

AGREED ORDER STAYING EXECUTION AGAINST NUCOR PENDING APPEAL

This matter comes before the Court on the defendant, Nucor and the plaintiffs', MM Steel's joint motion for order conditionally staying execution against Nucor pending Appeal. The Court, having reviewed the motion and arguments of counsel, ORDERS the following. As to Nucor only, this Order supersedes the Court's Order dated June 9, 2014 (Dkt. No. 643) and the Court's Order dated June 19, 2014 (Dkt. No. 656).

Nucor is entitled to a stay of execution on the judgment pending appeal without posting a supersedeas bond but 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 this Order, provide MM Steel's counsel a signed declaration from a corporate representative of Nucor stating that Nucor holds more than \$160 million in cash or cash equivalents in unencumbered bank accounts at United States financial institutions;
- (2) provide MM Steel's counsel a written communication from Nucor's outside counsel, every 90 days while the appeal is pending, confirming that Nucor

continues to hold more than \$160 million in cash or cash equivalents in unencumbered bank accounts at United States financial institutions;

- (3) promptly provide to MM Steel's counsel copies of any 10-Q's, 10-K's, or 8-K's Nucor files with the United States Securities and Exchange Commission while the appeal is pending.

Any information required to be provided by Nucor to MM Steel's counsel under paragraphs 1 or 2 will be deemed "Attorney's 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 (Dkt. No. 541), the amended judgment signed on May 27, 2014 (Dkt. No. 632), the order regarding costs entered on June 9, 2014 (Dkt. No. 641), the order regarding attorneys' fees entered on June 12, 2014 (Dkt. No. 649), or any further amendments to those judgments or orders.

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, attorneys' fees, costs, and two years of post-judgment interest.

This order does not affect, amend, or supersede this Court's order of June 19, 2014 (Dkt. No. 656) with respect to Reliance Steel & Aluminum Company or Chapel Steel Corporation.

SIGNED on this 2nd day of July, 2014.



Kenneth M. Hoyt
United States District Judge