UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TENNESSEE
SOUTHERN DIVISION

In re:

No. 93-14682
Chapter 7

WILLIAM EARL BRADFORD
LENORE C. BRADFORD,

Debtors;

WILLIAM EARL BRADFORD,

Plaintiff,

Adversary Proceeding
No. 94-1098

v.

J.C. BRADFORD & CO.,

Defendant

MEMORANDUM AND ORDER ON
MOTION FOR STAY PENDING APPEAL

The Plaintiff, William Earl Bradford, has filed a Motion for Stay of Order Pending Appeal. The motion was not accompanied by a brief setting forth the facts and law supporting the motion as required by Rule 9 of the Local Rules of this Court. Nevertheless, the Defendant, J.C. Bradford & Co., has filed a response to the motion. Accordingly, the Court will address the only issue raised by the Plaintiff in his motion.

The criteria to consider on a motion pursuant to Bankruptcy Rules 7062 and 8005 are the same criteria that a district court would consider in an appropriate motion brought pursuant to Fed. R. Civ. P. 62 and Fed R. App. P. 8. *Michigan Coalition of Radioactive Material Users, Inc. v. Griepentrog*, 945 F.2d 150 (6th Cir. 1991). The factors

to be considered regarding the issuance of a stay pending appeal are "(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies." *Hilton v. Braunskill*, 481 U.S. 770, 776, 107 S.Ct. 2113, 2119, 95 L.Ed.2d 724 (1987).

The only reason advanced by the Plaintiff for issuance of a stay pending appeal is the possibility of a duplication of effort and expense. Money, time and energy necessarily expended in the absence of a stay are generally not considered irreparable injury. *Michigan Coalition of Radioactive Material Users, Inc., supra.* The court has considered the arguments made by the Defendant in opposition to the motion for stay pending appeal and has determined the arguments are meritorious. Accordingly, the court concludes that the Plaintiff has failed to meet the criteria for a stay pending appeal. Therefore,

It is ORDERED that the Motion for Stay of Order Pending Appeal is denied.

ENTER:

BY THE COURT

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R. THOMAS STINNETT

[entered 4/14/1995] U.S. BANKRUPTCY JUDGE