

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

THE ST. JOE COMPANY,

Plaintiff,

v.

TRANSOCEAN OFFSHORE DEEPWATER
DRILLING INC., TRANSOCEAN HOLDINGS
LLC, TRANSOCEAN DEEPWATER INC., and
TRITON ASSET LEASING GMBH,

Defendant.

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C.A. No. 1:10-cv-968-LPS

MEMORANDUM OPINION

Following the Court’s order issued on March 15, 2011 remanding this action to the Superior Court of the State of Delaware (D.I. 35), Defendants moved for a stay pending appeal, or, alternatively, a temporary stay to allow them to file a motion for stay with the Court of Appeals. (D.I. 37) Defendants have already filed a Notice of Appeal. (D.I. 36) The Court directed Plaintiff to respond to the motion to stay, which it did (D.I. 40), and thereafter Defendants filed a reply (D.I. 41).

When deciding whether to grant a stay pending appeal, courts typically look to the following factors: (1) whether the movant has shown a likelihood of success on the merits of the appeal; (2) whether the movant has shown a likelihood of irreparable injury absent a stay; (3) whether a stay would substantially harm other parties to the litigation; and (4) the public interest. *See Hilton v. Braunskill*, 481 U.S. 770, 776 (1987); *Republic of Philippines v. Westinghouse Elec. Corp.*, 949 F.2d 653, 658 (3d Cir. 1991). The Court considered essentially the same factors in rendering its decision on Defendants’ motion to stay pending a ruling by the Judicial Panel on Multidistrict Litigation (D.I. 3), which is part of the March 15 ruling. (*See* D.I. 34) These

factors weighed against a stay then, and the recent filings do not persuade the Court otherwise. The Court will, therefore, deny the motion for a stay pending appeal.

That said, the Court advises the parties that the Clerk has yet to mail a certified copy of the order of remand to the clerk of the Delaware Superior Court. *See* 28 U.S.C. § 1447(c). The Court will grant a temporary stay and direct the Clerk to refrain from making the requisite mailing until March 28, 2011. Defendants shall submit a form of Order for the Court to enter, which shall be agreed to by Plaintiff as to form. This submission is due by 10:00 a.m. on March 21, 2011.

March 18, 2011
Wilmington, DE


UNITED STATES DISTRICT JUDGE