

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI, EASTERN DIVISION

Dennis Ball-Bey v. Kyle Chandler

Ball-Bey · No. 4:18-CV-1364-SPM · Decided March 31, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri denies Defendant Kyle Chandler’s motion to stay enforcement of an \$8.25 million amended judgment without posting a supersedeas bond. Applying the Dillon factors, the Court concludes that the collection process is uncertain, the timing of payment after appeal is unclear, and the Defendant has not shown that funds will remain available to satisfy the judgment. The Court also declines to accept the Defendant’s alternative proposal without further evidence of secured funds.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Eastern Division
WRITING FOR THE COURT	Shirley Padmore Mensah
JURISDICTION	United States District Court for the Eastern District of Missouri, Eastern Division
DECIDED	March 31, 2026
DOCKET	4:18-CV-1364-SPM
DISPOSITION	other
PROCEDURAL POSTURE	After a jury verdict and post-trial proceedings resulted in an amended \$8.25 million judgment for Plaintiff, Defendant filed a notice of appeal and moved under Federal Rule of Civil Procedure 62(b) to stay enforcement of the judgment without posting a supersedeas bond.
STANDARD OF REVIEW	Abuse-of-discretion principles govern the district court's determination whether to waive or reduce the bond required for a stay under Federal Rule of Civil Procedure 62(b); the Court applied the party-seeking-waiver burden and the Dillon factors.
PRECEDENTIAL VALUE	unpublished
PARTIES	Kyle Chandler v. Dennis Ball-Bey

TOPICS

civil procedure

appellate procedure

remedies

PRACTICE AREAS

civil procedure

appellate procedure

municipal law

remedies

QUESTIONS PRESENTED

1. Whether Defendant was entitled under Federal Rule of Civil Procedure 62(b) to a stay of proceedings to enforce the judgment without posting a supersedeas bond.
2. Whether the evidence satisfied the Dillon factors for waiving or reducing the ordinary full supersedeas bond requirement.
3. Whether the City's proposed creation of a separate account within its judgment fund supplied an adequate basis to waive the bond requirement.

HOLDINGS

1. Under Federal Rule of Civil Procedure 62(b), a stay of execution or proceedings to enforce a judgment ordinarily requires a bond or other security, and a full supersedeas bond is the norm.
2. Defendant failed to meet his burden of showing that the Rule 62(b) bond requirement should be waived or reduced.
3. The proposed separate City account did not justify waiver because it did not yet exist and Defendant failed to establish that the funds would be restricted to payment of the judgment, identify the amount to be deposited, or demonstrate that the amount would secure Plaintiff against loss during the appeal.

KEY QUOTATIONS

“The general rule is for the district court to set a supersedeas bond in the full amount of the judgment plus interests, costs, and damages for delay.” (Legal Standards)

“The party seeking the stay must objectively demonstrate that it has the present financial ability to facilely respond to a money judgment and present to the court a financially secure plan to maintain that ability during the pendency of the appeal.” (Discussion § III.C)

“In sum, the Court finds that each of the relevant Dillon factors weighs against waiving bond, and Defendant has not met his burden of showing that the Court should depart from the usual bond requirement.” (Discussion § III.F)

FACTUAL BACKGROUND

A jury verdict and post-trial proceedings led to an amended \$8.25 million judgment against Kyle Chandler in favor of Dennis Ball-Bey, along with attorney's fees and costs. Chandler appealed and sought to stay enforcement without posting a bond. Chandler and the City of St. Louis asserted that the City had sufficient funds, including possible allocations from departmental underspending, Rams settlement proceeds, and reserves, but the Court found no established, restricted fund or sufficiently definite procedure ensuring payment during the appeal.

PROCEDURAL HISTORY

The Court entered an amended judgment in Plaintiff's favor after a jury verdict and resolution of post-trial motions, and separately awarded attorney's fees and costs. Defendant appealed and moved to stay enforcement while waiving the ordinary bond requirement. Following a March 4, 2026 hearing and supplemental briefing and evidence, the Court denied the motion without prejudice.

DISPOSITION

other

REMAND INSTRUCTIONS

The motion was denied without prejudice to refiling if Defendant creates an account that prevents use of the funds for purposes other than paying the judgment during the appeal and supplies evidence of the amount and legal authority establishing that the security is sufficient.

CASES CITED

- Jo Ann Howard & Assocs., P.C. v. Cassity, No. 4:09CV01252 ERW, 2015 WL 4478151, at *1 (E.D. Mo. July 21, 2015)
- New Access Commc'ns LLC v. Qwest Corp., 378 F. Supp. 2d 1135, 1138 (D. Minn. 2005)
- United States ex rel. Cairns v. D.S. Med., L.L.C., No. 1:12CV00004 AGF, 2020 WL 2556991, at *1 (E.D. Mo. May 20, 2020)
- Miami Int'l Realty Co. v. Paynter, 807 F.2d 871, 873 (10th Cir. 1986)
- Halbach v. Great-W. Life & Annuity Ins. Co., No. 4:05CV022399ERW, 2009 WL 214671, at *1 (E.D. Mo. Jan. 28, 2009)
- Barfield v. Sho-Me Power Elec. Co-op., No. 2:11-CV-04321-NKL, 2015 WL 4159988, at *2 (W.D. Mo. July 9, 2015)
- Fed. Trade Comm'n v. Neiswonger, No. 4:96CV2225SNLJ, 2008 WL 11434564, at *2 (E.D. Mo. Oct. 16, 2008)
- Weber v. Logan County Home for the Aged, 1986 WL 12878, at *1 (D.N.D. June 17, 1986)
- Poplar Grove Planting and Ref. Co. v. Bache Halsey Stuart, Inc., 600 F.2d 1189, 1191 (5th Cir. 1979)
- United States v. Peters, No. 4:12-CV-01395-AGF, 2014 WL 4205065, at *2 (E.D. Mo. Aug. 22, 2014)
- United States v. O'Callaghan, 805 F. Supp. 2d 1321, 1324-25 (M.D. Fla. 2011)
- Wilmer v. Bd. of Cnty. Comm'rs of Leavenworth Cnty., Kan., 844 F. Supp. 1414, 1419 (D. Kan. 1993)
- Howell v. Town of Ball, No. 1:12-CV-00951, 2017 WL 6210869, at *6 (W.D. La. Dec. 7, 2017)
- Dillon v. City of Chicago, 866 F.2d 902, 904-05 (7th Cir. 1989)
- Major Brands, Inc. v. Mast-Jagermeister US, Inc., No. 4:18CV423 HEA, 2022 WL 22888690, at *1 (E.D. Mo. Aug. 22, 2022)
- Holmes v. Zellers, No. ED 112676, 2025 WL 2110585, at *1 (Mo. Ct. App. July 29, 2025)
- In re Nassau Cnty. Strip Search Cases, 783 F.3d 414, 418 (2d Cir. 2015)

- Fox v. Pittsburg State Univ., 319 F.R.D. 342, 344-45 (D. Kan. 2017)
- Lightfoot v. Walker, 797 F.2d 505, 506 (7th Cir. 1986)
- Lewis v. Kern Cnty., No. 1:21-CV-00378-KES-CDB, 2025 WL 1865995, at *4 (E.D. Cal. July 7, 2025)
- Contreras v. City of Los Angeles, No. 2:11-CV-1480-SVW-SH, 2013 WL 12474477, at *3 (C.D. Cal. May 20, 2013)
- Lamon v. Shawnee, 758 F. Supp. 654, 657 (D. Kan. 1991)
- Chmielewski v. City of St. Pete Beach, No. 8:13-CV-3170-T-27MAP, 2016 WL 7438432, at *1 (M.D. Fla. Sept. 16, 2016)
- Munoz v. City of Philadelphia, 537 F. Supp. 2d 749, 751-52 (E.D. Pa. 2008)
- Warren v. Kemp, No. 4:19-CV-00655-BSM, 2022 WL 3131932, at *1 (E.D. Ark. July 7, 2022)
- Harvey v. Lake Buena Vista Resort, LLC, No. 6:07-CV-1641-ORL-DAB, 2008 WL 11336143, at *1 (M.D. Fla. June 18, 2008)
- Brinkman v. Dep't of Corr., 815 F. Supp. 407, 408 (D. Kan. 1993)
- K.J.P. v. Cnty. of San Diego, No. 3:15-CV-02692-H-MDD, 2022 WL 2167674, at *2 (S.D. Cal. May 2, 2022)