

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, WESTERN DIVISION AT DAYTON

Daniel Stewart, et al. v. David W. Martin, et al.

Stewart · No. 3:21-cv-89 · Decided February 23, 2026

SUMMARY

The United States District Court for the Southern District of Ohio denied Defendants’ motion to stay proceedings concerning Plaintiffs’ motions for prejudgment interest and attorneys’ fees pending appeal. The court concluded that the appeal was likely ineffective while the Rule 59(e) motion for prejudgment interest remained pending and that the defendant had not shown irreparable harm. The court also denied Plaintiffs’ request to convert their attorneys’ fee motion into a Rule 59(e) motion because the fee request was collateral to the underlying judgment.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Western Division at Dayton
WRITING FOR THE COURT	Thomas M. Rose
JURISDICTION	United States District Court for the Southern District of Ohio, Western Division at Dayton
DECIDED	February 23, 2026
DOCKET	3:21-cv-89
DISPOSITION	other
PROCEDURAL POSTURE	After filing a notice of appeal from an order denying David W. Martin relief from judgment, Defendants moved to stay proceedings concerning Plaintiffs' motions for prejudgment interest and attorneys' fees pending appeal. Plaintiffs moved under Federal Rule of Civil Procedure 58(e) to have their attorneys' fee motion treated as a Rule 59(e) motion.
STANDARD OF REVIEW	A motion for a stay pending appeal is evaluated under the traditional factors governing injunctive relief: likelihood of success on the merits, irreparable harm absent a stay, harm to other interested parties, and the public interest. The movant must establish at least some likelihood of success and irreparable harm.
PRECEDENTIAL VALUE	Unknown

PARTIES

David W. Martin, et al. v. Daniel Stewart, et al.

TOPICS

appellate procedure

civil procedure

attorney fees

prejudgment interest

standard of review

PRACTICE AREAS

civil procedure

appellate procedure

trusts

attorney fees

prejudgment interest

QUESTIONS PRESENTED

1. Whether Defendants established grounds for a stay of proceedings concerning Plaintiffs' motions for prejudgment interest and attorneys' fees pending appeal.
2. Whether Plaintiffs' motion for attorneys' fees could be converted under Federal Rule of Civil Procedure 58(e) into a Rule 59(e) motion to alter or amend the judgment.

HOLDINGS

1. Defendants were not entitled to a stay because they failed to demonstrate the required likelihood of success on the merits and irreparable harm.
2. Plaintiffs' motion for attorneys' fees could not be converted into a Rule 59(e) motion because the fee request was collateral to the merits judgment and arose from an independent source.

KEY QUOTATIONS

“the suppliant for a stay must make out a clear case of hardship or inequity in being required to go forward, if there is even a fair possibility that the stay for which he prays will work damage to someone else.” (PageID 2814)

“Plaintiffs’ pending motion for attorneys’ fees does not seek the type of relief encompassed by Fed. R. Civ. P. 59” (PageID 2853-54)

FACTUAL BACKGROUND

Plaintiffs had obtained a judgment in their favor and filed amended motions for prejudgment interest and attorneys' fees. Martin appealed after the Court denied his motion for relief from judgment and sought to stay proceedings on the pending interest and fee motions. Plaintiffs argued that the prejudgment-interest motion was a Rule 59(e) motion that rendered Martin's notice of appeal ineffective until the motion was resolved, and separately sought to convert their attorneys' fee motion into a Rule 59(e) motion.

PROCEDURAL HISTORY

The Court previously denied Martin's motion for relief from judgment on December 2, 2025, and directed Plaintiffs to file amended motions for prejudgment interest and attorneys' fees. Plaintiffs filed those amended motions on December 16, 2025. Martin filed a notice of appeal and moved for a stay on January 2, 2026;

Plaintiffs opposed the stay and sought Rule 58(e) treatment of their fee motion. The Court denied both motions and directed Martin to respond to the amended motions within fourteen days.

DISPOSITION

other

REMAND INSTRUCTIONS

Defendant David W. Martin shall file any responses to Plaintiffs' amended motions for prejudgment interest and attorneys' fees within fourteen days of the order.

CASES CITED

- Landis v. North American Co., 299 U.S. 248, 254-55 (1936)
- Kansas City Southern R. Co. v. United States, 282 U.S. 760, 763 (1931)
- Enelow v. New York Life Ins. Co., 293 U.S. 379, 382 (1935)
- Baker v. Adams Cnty./Ohio Vall. Sch. Bd., 310 F.3d 927, 928, 930 (6th Cir. 2002)
- Grutter v. Bollinger, 247 F.3d 631, 632 (6th Cir. 2001)
- Michigan Coalition of Radioactive Material Users, Inc. v. Griepentrog, 945 F.2d 150, 153 (6th Cir. 1991)
- In re DeLorean Motor Co., 755 F.2d 1223, 1229 (6th Cir. 1985)
- Osterneck v. Ernst & Whinney, 489 U.S. 169, 175 (1989)
- West Virginia v. United States, 479 U.S. 305, 310 & n.2 (1987)
- General Motors Corp. v. Devex Corp., 461 U.S. 648, 655-56 (1983)
- Sampson v. Murray, 415 U.S. 61, 90 (1974)
- Buchanan v. Stanships, Inc., 485 U.S. 265, 267-69 (1988)
- White v. New Hampshire Dept. of Emp. Sec., 455 U.S. 445, 451-52 (1982)