FILED
United States Court of Appeals
Tenth Circuit

FEB 16 1988

ROBERT L. HOECKER
Clerk

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

RON GRUBB and WEATEHRFORD INTERSTATE HOLDING COMPANY,

Plaintiffs-Appellees

v.

FEDERAL DEPOSIT INSURANCE CORPORATION,

Defendant-Appellant.

No. 87-1694
(D.C. No. CIV-84-2204-W)
(W.D. Okla.)

ORDER AND JUDGMENT

Before SEYMOUR, McWILLIAMS, and MOORE, Circuit Judges.

The FDIC has appealed an April 9, 1987 order of the district court ordering it, inter alia, to post additional security. We stayed the order pending disposition on appeal of the FDIC's Motion to Exonerate Supersedeas Bonds in Nos. 86-1687 and 86-1728.

We have since decided the appeal on the supersedeas bonds. We there effectively held in footnote 2 that plaintiffs are not entitled to interest on their judgment beyond the amount of the original supersedeas bond. Therefore, the FDIC may not be required to post additional security.

The FDIC has now moved for summary reversal in this appeal. However, after we stayed the district court's April 9 order pending our decision on the Motion to Exonerate Supersedeas Bonds, the district court, on April 17, 1987, stayed execution of the judgment without further security pending our disposition of the Motion to Exonerate, "and thereafter according to the direction of the Tenth Circuit." April 17, 1987 Order. Both parties on appeal concede that footnote 2 in Grubb v. FDIC, Nos. 86-1687 and 86-1728 decides this appeal, No. 87-1694, from the April 9 order. The FDIC having already received the relief it requested, this appeal is dismissed as moot. The motion to summarily reverse is denied.

DISMISSED AS MOOT.

Entered for the Court

Stephanie K. Seymour
Circuit Judge