

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

E.C., J.L., J.C., T.G., B.G., and A.G. by )  
Next Friend, Jill Katz, et al., )  
 )  
Plaintiffs, )  
 )  
v. ) No. 05-0726-CV-W-SOW  
 )  
MATT BLUNT, in his official capacity )  
as Governor of the State of Missouri, et al., )  
 )  
Defendants. )

ORDER

Before the Court are defendants’ Motion to Stay or Suspend the Preliminary Injunction Pending Appeal (Doc. #45) and plaintiffs’ Suggestions in Opposition. Defendants did not file a Reply brief.

Defendants ask the Court to stay or suspend the preliminary injunction pending appeal and order that no bond be required. Plaintiffs oppose defendants’ motion.

Federal Rule of Civil Procedure 62( c) allows this Court “in its discretion [to] suspend, modify, restore, or grant an injunction during the pendency of the appeal upon such terms as to bond or otherwise as it considers proper for the security of the rights of the adverse party.” In seeking a stay of an injunction pending appeal, the applicant has the burden of establishing (1) a strong showing that it is likely to succeed on the merits of the appeal; (2) a showing that, unless a stay is granted, it will suffer irreparable injury; (3) a showing that no substantial harm will come to other interested parties; and (4) a showing that a stay will do no harm to the public interest. Reserve Mining Co. v. United States, 498 F.2d 1073, 1076-77 (8<sup>th</sup> Cir. 1974). Defendants have failed to make such a showing in this case.

Defendants have not shown that they are likely to succeed on the merits of their appeal or that they will suffer irreparable injury in the absence of a stay. Furthermore, this Court has already found that substantial harm will come to the plaintiffs if Senate Bill 539 goes into effect.

Accordingly, it is hereby

ORDERED that defendants' Motion to Stay or Suspend the Preliminary Injunction Pending Appeal (Doc. #45) is denied.

/s/Scott O. Wright  
SCOTT O. WRIGHT  
Senior United States District Judge

Dated: 11-9-05