

MISSOURI COURT OF APPEALS

WESTERN DISTRICT

THOMAS HOOTSELL, JR., ET AL.,)	
AND MISSOURI CORRECTIONS)	
OFFICERS ASSOCIATION,)	
PLAINTIFFS,)	WD82229
INDIVIDUALLY AND ON BEHALF)	CIR. CT. 12AC-CV00518
OF ALL OTHERS SIMILARLY)	
SITUATED,)	
RESPONDENTS,)	
)	
VS. (COLE))	
)	
MISSOURI DEPARTMENT OF)	
CORRECTIONS,)	
APPELLANT.)	

ORDER

On this 13th day of May, 2019, in *Thomas Hootselle v. Missouri Department of Corrections*, WD82229, the Court takes up Appellant Missouri Department of Corrections' Renewed Motion to Stay the Amended Judgment. The court hereby denies Appellant's motion to stay as moot. Per the holding in *State ex rel. Jarboe v. Holt*, 444 S.W.2d 857, 859 (Mo. banc 1969), the mandatory injunctive relief granted in the judgment was automatically stayed when Appellant filed its notice of appeal; as such, no formal order granting a stay is required of this court. With respect to the monetary award portion of the amended judgment, because "[t]he recognized purpose of a supersedeas bond is to stay the execution or enforcement, pending the appeal, of any order or judgment," *Green v. Perr*, 238 S.W.2d 922, 923 (Mo. App. 1951), and because the State is immune from execution actions, generally, *Otte v. Missouri State Treasurer*, 141 S.W.3d 74, 76 (Mo. App. E.D. 2004), there is no purpose to be served in requiring the State

to post a supersedeas bond in order to stay a monetary judgment. In short, because execution may not be had upon the State, there is no necessity for a stay.

Accordingly, Appellant Missouri Department of Corrections' Renewed Motion to Stay the Amended Judgment is hereby denied.

Dated this 13th day of May, 2019.



KAREN KING MITCHELL
CHIEF JUDGE

cc: Circuit Clerk, Cole County
Fernando Bermudez
Michael J. Flannery
Gary K. Burger, Jr.
Dean J. Sauer
Mary L. Reitz
Peter T. Reed
Andrew D. Kinghorn
Julie Marie Blake



