

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

TEAMSTERS JOINT COUNCIL NO. 83 OF )  
VIRGINIA PENSION FUND, ET.AL., )

Plaintiffs, )

v. )

CENTRA, INC. ET. AL., )

Defendants. )

C.A. 3:90CV00009

ORDER AND OPINION

This matter is before the Court on Plaintiff's motion for permission to register judgment in other jurisdictions. For the reasons explained below, this motion is GRANTED.

On July 19, 1990, the Court entered judgment in favor of Plaintiffs. Defendants appealed to the Fourth Circuit, which heard oral argument on April 11, 1991. No decision has yet been rendered. The Court of Appeals did not stay execution of the judgment entered by this Court. Defendants' motion for approval of a supersedeas bond was denied by this Court on September 28, 1990.

Plaintiffs now seek permission to register the judgment in other jurisdictions pursuant to 28 U.S.C. § 1963, which provides that this Court may order registration in other districts "for good cause shown," even if the judgment has not become final by appeal. This "good cause" provision was added to § 1963 in 1988. The history and purpose of this has been fully discussed elsewhere.

See Associated Business Telephones Systems v. Greater Capital, 128 F.R.D. 63, 65-67 (D.N.J. 1989). Essentially, Congress altered the statute to remedy pyrrhic victories caused by insufficient defendant assets in the judgment jurisdiction.

Defendants respond by contending that the Court lacks jurisdiction to register the judgment, because the appeal is still pending. Defendants cite as authority Trustees of the Chicago Truck Drivers, Helpers, and Warehouse Workers Union Pension Fund v. Central Transport, Inc., 1990 WL 156305 (N.D.Ill. 1990).

The Court finds this argument unpersuasive, and the reasoning of Central Transport flawed. The Central Transport court incorrectly construed plaintiff's motion to register judgment as a motion to amend judgment. Although a district court has no jurisdiction to alter or amend a Final Order, the Court retains jurisdiction over matters relating to the execution of the previously entered judgment.<sup>1</sup> Registration relates to execution, and in no way modifies the content of the Final Judgment Order. The "good cause" provision of § 1963 explicitly contemplates action by the district court before the appeals process is concluded. Registration of the judgment in other districts will not interfere with the Fourth Circuit's resolution of the appeal.

Defendants also contend that Plaintiffs have failed to show "good cause" for their motion. However, Plaintiffs have stated

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<sup>1</sup> This jurisdiction is amply demonstrated by the Court consideration of Defendants' motion for approval of a supersedeas bond. The motion to register judgment in other jurisdiction is analogous.

that there are insufficient assets in the Eastern District of Virginia to satisfy the judgment. Plaintiffs have also stated that Defendants may have assets in Michigan, Tennessee, and Delaware. Defendants do not deny either of these claims. The commentary to the amendment to 28 U.S.C. § 1963 provides that "[t]he court should have leeway under this new provision to permit registration on a ... showing that the defendant has substantial property in the other district and insufficient in the rendering district to satisfy the judgment." Associated Business, 128 F.R.D. at 66. These are precisely the circumstances presented here.

Because Plaintiff has demonstrated good cause, the Court ORDERS that the Judgment entered by the Court on July 19, 1990 be REGISTERED in each United States District Court located in Michigan, Tennessee, and Delaware.

It is so ORDERED.

Let the Clerk send a copy of this Order to all counsel of record.

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DATE

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UNITED STATES DISTRICT JUDGE