

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

THE DEP'T OF THE TREASURY OF)	CASE NO. 1:14 CV 1031
THE STATE OF NEW JERSEY AND ITS)	
DIVISION OF INVESTMENT, on behalf)	
of all others similarly situated,)	JUDGE DAN AARON POLSTER
)	
Plaintiffs,)	
)	<u>ORDER</u>
vs.)	
)	
CLIFFS NATURAL RESOURCES INC.,)	
et al.,)	
)	
Defendants.)	

This case is before the Court on the Notice of Lead Plaintiff’s Motion to Require an Appeal Bond (“Motion”). (Doc #: 117.) Lead Plaintiff, the Department of the Treasury of the State of New Jersey and its Division of Investment, on behalf of itself and the Settlement Class, asks the Court to require Jeff M. Brown, an attorney who is apparently a professional serial objector and the only class member to file an objection to the \$84 million class action Settlement, to post within 7 calendar days an appeal bond of \$45,000 to cover costs associated with his appeal. (See Motion at 1 (citing Federal Rule of Appellate Procedure 7).)

Lead Plaintiff has articulated eight reasons why the appeal is meritless, to which Attorney Brown has no response. (See Motion at 10-15.) Lead Plaintiff also notes that Brown’s recycled, boilerplate objections have recently been rejected by four New York district courts since July 2015. (See id. at 10; see also Motion Exs. 1-5.) Perhaps most important, Mr. Brown, a licensed attorney, filed his appeal in the wrong Circuit, failed to correct it, and failed to respond to the

Eighth Circuit’s Order to Show Cause – after which the Eighth Circuit dismissed his appeal “for lack of jurisdiction.” (Motion, Ex. 6 at 2.) And finally, after the time to file a proper appeal expired, Attorney Brown filed an Amended Notice of Appeal in the Sixth Circuit. (Id.)

Attorney Brown has filed an opposition brief arguing primarily that the request for \$40,000 of the \$45,000 bond covering administrative costs is not within the purview of Rule 7. (Doc #: 121.)

In reply, Lead Plaintiff explains in detail how it is justified in seeking a bond that includes administrative costs under Rule 7. (Doc #: 122 at 9-15.)

The Court will not countenance Attorney Brown’s dubious efforts to extract a personal financial payoff – particularly when his meritless efforts and lack of diligence continue to postpone relief to the rest of the class.

Accordingly, the Court hereby **GRANTS** Lead Plaintiff’s Motion.

IT IS SO ORDERED.

/s/ Dan A. Polster December 7, 2016
Dan Aaron Polster
United States District Judge