

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA :  
 :  
V. : Civil No. WMN-05-1297  
 :  
JOHN BAPTIST KOTMAIR et al. :

**ORDER**

On November 29, 2006, this Court entered an order granting Plaintiff summary judgment. On that same date, the Court also entered a permanent injunction order requiring Defendants to refrain from certain activities that interfere with the enforcement of the internal revenue laws. In that permanent injunction order, the Court also required Defendants to take certain affirmative actions, including: posting the injunction order on their website, notifying their members of the outcome of this litigation, and providing the government with a listing of the "Save-A-Patriot Fellowship's" membership. The Court temporarily stayed the enforcement of the injunction pending the resolution of Defendants' post-judgment motions. On February 7, 2007, the Court denied those motions and the stay was lifted. Defendants have filed an appeal and have also filed a motion for a stay pending appeal. Paper No. 78.

The Court will grant the motion and stay enforcement of the injunction pending appeal. As the Court noted when granting the last stay, the potential immediate impact from enforcement of the injunction on Defendants outweighs the harm to Plaintiff

occasioned by a brief delay in enforcement. As to the merits of Defendants' appeal, the Court finds no likelihood of Defendants prevailing on the substance of the claims against them.

Plaintiff is unquestionably entitled to judgment. As to the precise permissible scope of the injunctive relief, however, the Court finds that there are issues raised that are sufficiently "serious, substantial, difficult and doubtful, as to make them fair ground for litigation," and for that reason, the motion will be granted. See Blackwelder Furniture Co. of Statesville, Inc. v. Seilig Mfg. Co., Inc., 550 F.2d 189, 195 (4<sup>th</sup> Cir. 1977) (discussing meaning of "likelihood of success" in the context of preliminary injunctions).

Accordingly, IT IS this 22<sup>nd</sup> day of February 2007, by the United States District Court for the District of Maryland,

ORDERED:

1) That Defendants' Motion for a Stay, Paper No. 78, is GRANTED; and

2) That the Clerk of Court shall mail or transmit copies of this Order to Mr. Kotmair and all counsel of record.

\_\_\_\_\_  
/s/  
William M. Nickerson  
Senior United States District Judge