

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

EMPLOYERS INSURANCE OF WAUSAU,
A MUTUAL COMPANY,

Plaintiff,

v.

EL BANCO DE SEGUROS DEL ESTADO,

Defendant.

ORDER

98-C-521-C

Plaintiff Employers Insurance of Wausau has moved for a temporary restraining order prohibiting defendant El Banco de Seguros del Estado from proceeding to arbitrate the issue of defendant's requirement to post a letter of credit in plaintiff's favor in the amount of \$9,000,000.00. The motion will be granted. The issue that defendant wants to arbitrate has been determined against it in a previous arbitration and enforced in subsequent litigation in two separate cases. To allow the jurisdiction to go forward would injure plaintiff by subjecting it to unnecessary costs and depriving it of the benefits of the judgments it obtained through the judicial process.

No security shall be required of plaintiff. I see no reason to require it to post security to oppose defendant's continuing efforts to avoid payment of a judgment entered on January 5, 1999, and affirmed by the Court of Appeals for the Seventh Circuit on January 31, 2000.

ORDER

IT IS ORDERED that plaintiff Employers Insurance of Wausau's motion for a temporary restraining order is GRANTED. Defendant Banco de Seguros del Estado is RESTRAINED from proceeding to arbitration pursuant to its demand of March 20, 2003, which was received by plaintiff on March 21, 2003.

A hearing on plaintiff's motion for a permanent injunction and the imposition of sanctions will be held on Wednesday, April 23, 2003, at 9:00 a.m.

Entered this 16th day of April, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge