

Federal Rule of Civil Procedure 59. Fed. R. Civ. P. 62(b)(3). To determine if a stay is appropriate, the Court must consider the following factors: “(1) where the public interest lies; (2) whether issuance of the stay will substantially injure the other party of interest in the proceedings; (3) whether the applicant will be irreparably injured absent a stay; and (4) whether the stay applicant has made a strong showing that he/she is likely to succeed on the merits.”

Boehringer Ingelheim Vetmedica, Inc. v. Schering-Plough Corp., 106 F. Supp. 2d 696, 708 (D.N.J. 2000).

Applying those factors to the dispute before the Court, the Court finds that the USPS has not shown that it would be irreparably injured absent a stay or that it is likely to succeed on the merits of the motion to alter or amend the May 28, 2008 judgment. Accordingly, having considered the parties’ written submissions and deciding the matter without oral argument pursuant to Federal Rule of Civil Procedure 78, and for good cause shown,

IT IS on this 7th day of July, 2008,

ORDERED that the USPS’s motion for a stay pursuant to Federal Rule of Civil Procedure 62(b) (Dkt. # 46) is **DENIED**.

SO ORDERED.

/s/ Joel A. Pisano

JOEL A. PISANO, U.S.D.J.

Orig: Clerk
cc: All parties, File