

MOVORA LLC (f/k/a OSSIUM)
NEWCO LLC); OSSIUM BIDCO, LLC;)
and VETERINARY ORTHOPEDIC)
IMPLANTS, LLC (f/k/a VETERINARY)
ORTHOPEDICS IMPLANTS, INC.),)

V.

C.A. No. N23C-05-034 MAA CCLD

CLAUDE GENDREAU; THE CLAUDE
GENDREAU INVESTMENT TRUST
U/A/D MARCH 16, 2013; PATRICK
GENDREAU; BRIAN BEALE; and
TIMOTHY VAN HORSSSEN,

Date Submitted: October 27, 2025

Date Decided: October 30, 2025

1. Currently pending before the Court is Defendant Claude Gendreau's Motion for 90-day Stay of Execution of Judgment.¹

2. On October 1, 2025, the Court entered final judgment (the “Judgment”) against Dr. Claude Gendreau (“Dr. Gendreau”) and Claude Gendreau Investment

¹ D.I. 310 [“Mot.”]

Trust (the “Trust”).² In the Judgement, the Court held Dr. Gendreau was liable for approximately \$41 million while the Trust was liable for approximately \$8.2 million.³ Post judgment interest accrued at \$12,757.91 per day as of the October 15 judgment execution date.⁴

3. According to Dr. Gendreau, Dr. Gendreau and the Trust *plan* to file a Notice of Appeal from the Judgment with the Supreme Court of Delaware.⁵ To date, Dr. Gendreau has paid \$24.5 of the \$41 million judgment.⁶ Dr. Gendreau still owes \$16.5 million plus 9.5% post-judgment interest.⁷ Dr. Gendreau now seeks a three-month stay of execution for him to secure cash or a loan to pay his remaining liability.⁸

4. In support of his Motion, Dr. Gendreau contends his remaining assets are invested in ongoing business entities, real estate holdings, and other equities with “limited liquidation ability without material consequence.”⁹ Dr. Gendreau avers he is working with Merrill Lynch to secure a loan that can cover his remaining liability.¹⁰ Dr. Gendreau also states he has alternative options to secure funds by his

² *Id.* ¶ 1.

³ *Id.*

⁴ *Id.*

⁵ *Id.* ¶ 4.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* ¶ 6.

⁹ *Id.* (citing C. Gendreau Decl. ¶ 8).

¹⁰ Mot. ¶ 7 (citing C. Gendreau Decl. ¶ 10).

proposed extension date.¹¹ Finally, Dr. Gendreau is “confident of [his] ability to pay the remaining judgement against [him] by January 15, 2026” and will not seek a bond pending appeal.¹²

ANALYSIS

5. The Delaware Constitution requires that, “[w]henever a person...appeals or applies to the Supreme Court...[,] [there] shall be no stay of proceedings in the court below unless the appellant...shall give sufficient security to be approved by the court below....”¹³ Requests for stays pending appeal are governed by Delaware Supreme Court Rule 32. Pursuant to Rule 32, a “stay . . . pending appeal may be granted or denied in the discretion of the trial court[.]”¹⁴ “The trial court . . . as a condition of granting or continuing a stay . . . pending appeal, may impose such terms and conditions, in addition to the requirement of indemnity, as may appear appropriate in the circumstances.”¹⁵

6. Delaware law is clear – providing sufficient security is a prerequisite to having a stay of execution granted.¹⁶ “This Court does not have discretion to waive

¹¹ Mot. ¶ 9.

¹² *Id.* ¶¶ 8, 17; C. Gendreau Decl. ¶ 13.

¹³ Del. Const. art. IV § 24.

¹⁴ Del. S. Ct. R. 32(a).

¹⁵ *Id.*

¹⁶ The Delaware Constitution, Delaware Supreme Court Rule 32, and caselaw from the Supreme Court of Delaware all outline that proving sufficient security is a prerequisite for a stay of execution being granted. Del. Const. art. IV § 24; Del. S. Ct. R. 32(c); *Owens Corning Fiberglas Corp. v. Carter*, 630 A.2d. 647, 648-649 (Del. 1993).

the requirement of a supersedeas bond.”¹⁷ Sufficient security need not be a supersedeas bond,¹⁸ but regardless of the form, security must be provided.

7. Dr. Gendreau offers no sufficient security.¹⁹ Instead, Dr. Gendreau offers only his confidence a stay of execution will allow him to secure liquidity covering his remaining liability.²⁰ Dr. Gendreau cannot meet this threshold requirement. Therefore, pursuant to the Delaware Constitution, there “shall be no stay of proceedings” pending appeal in this action.²¹

IT IS SO ORDERED.

/s/ Meghan A. Adams

Meghan A. Adams, Judge

¹⁷ *Gates v. Texaco, Inc.*, 2008 WL 1952162, at *1 (Del. Super. May 2, 2008).

¹⁸ Del. S. Ct. R. 32(c).

¹⁹ *See generally* Mot. (showing Gendreau at no point offers any form of security while moving for a stay of execution).

²⁰ Mot. ¶¶ 7, 8.

²¹ Because Dr. Gendreau cannot meet the threshold requirement of posting security, the Supreme Court’s four-part stay test in *Kirpat, Inc. v. Del. Alcoholic Beverage Control Comm’n*, 741 A.2d 356, 357 (Del. 1998) is inapplicable.