## UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

INGENUITY 13 LLC,
Plaintiff,

JOHN DOE,

v.

Defendant.

Case Nos. 2:12-cv-8333-ODW(JCx)

ORDER GRANTING MOTION FOR INDICATIVE RULING VACATING MAY 6, 2013 SANCTIONS AGAINST BRETT L. GIBBS [240]

The Court is in receipt of the Motion for Indicative Ruling Vacating May 6, 2013 Order Issuing Sanctions Against Movant Brett L. Gibbs. (ECF No. 240.) Gibbs' Motion specifically seeks an indicative ruling from the Court that, if given the opportunity, it would vacate Gibbs' joint and several liability for the monetary sanctions imposed in the May 6, 2013 Order. (ECF No. 130.)

Since the May 6, 2013 Order is currently on appeal in the Ninth Circuit, the Court's authority over this Motion is governed by Federal Rule of Civil Procedure 62.1 and Federal Rule of Appellate Procedure 12.1. Under these two procedural rules, a district court may issue an indicative ruling stating that it would grant a motion if the court of appeals remands for that purpose. Fed. R. Civ. P. 62.1(a)(3); Fed. R. App. P. 12.1. Accordingly, after carefully considering the papers filed in support of and in opposition to the instant Motion, the Court hereby **GRANTS** the Motion for

Indicative Ruling. If the Ninth Circuit were to remand the matter, the Court would
vacate Gibbs' joint and several liability for the monetary sanctions imposed in the
May 6, 2013 Order based on his dissociation with the Prenda parties. The Court
makes no statement with regard to the other parties subject to the May 6, 2013
sanctions. The November 18, 2013 hearing on the matter is accordingly VACATED
and no appearances are necessary.

## IT IS SO ORDERED.

October 30, 2013

## OTIS D. WRIGHT, II UNITED STATES DISTRICT JUDGE