

1 María G. Díaz, SBN 220087
Kirby Fernando Cañon, SBN 276414
2 **THE DIAZ LAW FIRM**
7045 N. Maple Ave., Suite 107
3 Fresno, California 93720
Telephone: (559) 321-8880
4 Facsimile: (559) 321-8878
Kirby@mdliazlaw.com
5 Maria@mdiazlaw.com

6 Nathan Goldberg SBN:61292
ALLRED MAROKO GOLDBERG
7 6300 Wilshire Blvd, Suite 1500
Los Angeles, CA 90048
8 Telephone No. (323) 653-6530
Fax No. (323) 653-1660
9 NGoldberg@amglaw.com

10 Attorneys for **PLAINTIFFS, JOSE CERVANTES and JORGE MONTES**

11
12 **UNITED STATES DISTRICT COURT**
13 **EASTERN DISTRICT OF CALIFORNIA**

14
15 JOSE CERVANTES, *an Individual*; and
16 JORGE MONTES, *an Individual*,

17 Plaintiffs,

18 vs.

19 CEMEX, INC., *a Corporation*; and DOES 1
to 50, inclusive,

20 Defendants.
21
22
23
24
25
26
27
28

CASE NO. 1:12-cv-01932-LJO-JLT

**ORDER GRANTING PLAINTIFFS’
MOTION FOR A STAY PENDING
APPEAL PURSUANT TO Fed. R. Civ.
P. 62(d)**

Date: March 30, 2015

Time: 8:30 a.m.

Courtroom: 4, 7th Floor

Judge: Hon. Judge Lawrence J. O’Neill

1 After consideration of Plaintiffs Motion For Approval of a Stay Pending Appeal
2 Pursuant To Fed. R. Civ. P. 62(d), all other papers filed herein, the records of the case,
3 and the oral argument on the Motion, if any, and good cause appearing, the Court

4 **HEREBY ORDERS** as follows:

- 5 1) Plaintiffs' Bank of The West Cashier's Check, Check No. 1001788597, in the
6 amount of \$1,677.42 is APPROVED.
- 7 2) Plaintiffs are directed to deliver the \$1,677.42 Cashier's Check to the Clerk or Chief
8 Deputy Clerk of the United States District Court, Eastern District, Fresno within 7
9 court days of the signing of this Order.
- 10 3) These funds satisfy this Court's Order on Defendant's Bill of Costs, which tax the
11 Plaintiffs \$1,341.93 in costs – including any applicable interest.
- 12 4) The Clerk may use the Cashier's Check deposited to acknowledge the \$1,341.93 in
13 costs taxed by this Court, Dkt. #111, and any applicable interest, as soon as the
14 pending appeal with the United States Court of Appeal for the Ninth Circuit, Case
15 No. 14-17437, is terminated by Court order or the Parties reach a resolution
16 regarding the disposition of the Cashier's Check.

17 **ORDER**

18 Good cause having been shown and in light of Defendant's statement of non-opposition,
19 Plaintiffs' motion to stay enforcement of the bill of costs is GRANTED. The hearing on the
20 motion, currently set for March 30, 2015, is VACATED.

21 IT IS SO ORDERED.

22 Dated: March 18, 2015

23 /s/ Lawrence J. O'Neill
24 UNITED STATES DISTRICT JUDGE