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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JASON CAMPBELL and
SARAH SOBEK, individually,
and on behalf of all other
similarly situated current
and former employees of
PricewaterhouseCoopers, LLP,,

NO. CIV. S-06-2376 LKK/GGH

Plaintiffs,

v.

PRICEWATERHOUSE COOPERS, LLP,
a Limited Liability Partnership;,
and DOES 1-100, inclusive,
Defendant.

O R D E R

On March 11, 2009, this court granted the plaintiff class's
motion for summary adjudication as to the issue of class members'
exemption from California wage and hour law. Campbell v.
Pricewaterhousecoopers, LLP, 602 F. Supp. 2d 1163, 1166 (E.D. Cal.
2009). This court, acting sua sponte, certified that order for
interlocutory appeal. Id. at 1186. The Ninth Circuit has granted
defendant's petition for permission to appeal. Defendant has
contacted the court to inquire whether a cost bond will be set for

1 the appeal.

2 Federal Rule of Appellate Procedure 7 provides in relevant
3 part that, "[i]n a civil case, the district court may require an
4 appellant to file a bond or provide other security in any form and
5 amount necessary to ensure payment of costs on appeal." The
6 federal rules do not provide explicit guidance as to when a bond
7 should be posted. Here, plaintiffs have not requested such a bond.
8 Additionally, the court has already determined that this case
9 presents a close question such that an appeal is warranted. See
10 Fleury v. Richemont North America, Inc., 2008 U.S. Dist. LEXIS
11 88166 (N.D. Cal. Oct. 21, 2008) (noting that, absent guidance from
12 the Rules or the Ninth Circuit, other courts have imposed bonds
13 when appeals are meritless). Accordingly, no bond is required.

14 IT IS SO ORDERED.

15 DATED: July 8, 2009.

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT