

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

VICTORIA ZETWICK,

No. 12-cv-02486-TLN-AC

Plaintiff,

V.

COUNTY OF YOLO, ET AL.,

## **CLARIFICATION OF MINUTE ORDER (ECF No. 30)**

Defendant.

Defendants have requested clarification of this Court's Minute Order (ECF No. 30) filed on November 24, 2014. In response, the Court submits the following.

The filing of a proper notice of appeal transfers jurisdiction over the matters appealed to the court of appeals. During pendency of the appeal, the district court is divested of jurisdiction over those aspects of the case involved in the appeal. *See Griggs v. Provident Consumer Discount Co.*, 459 US 56, 58 (1982) (per curiam); *Stein v. Wood*, 127 F.3d 1187, 1189 (9th Cir. 1997). However, the district court's jurisdiction is not completely divested pending an appeal. The district court retains limited jurisdiction to decide collateral issues (e.g., attorney fees). *See Natural Resources Defense Council, Inc. v. Southwest Marine Inc.*, 242 F.3d 1163, 1166 (9th Cir. 2001) (holding that district court retained jurisdiction to modify injunction where changes "did not materially alter the status of the consolidated appeal"). Thus, Plaintiff's appeal does not preclude the parties from filing motions concerning attorney's fees during the interim. In fact, the

1 parties should file any appropriate motions within the specified time frame delineated in the Local  
2 Rules. However, due to the pendency of the appeal, the Court will postpone ruling on such  
3 motions until the appeal before the Ninth Circuit has been decided.

4 IT IS SO ORDERED.

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6 Dated: November 25, 2014

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Troy L. Nunley  
United States District Judge

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