

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

FADI HADDAD,  
Plaintiff,  
v.  
SMG LONG TERM DISABILITY PLAN,  
et al.  
Defendants.

Case No. [16-cv-01700-WHO](#)

**ORDER REJECTING BILL OF COSTS  
AS PREMATURE**

Re: Dkt. No. 43


United States District Court  
Eastern District of California

On January 29, 2019, plaintiff filed a Bill of Costs seeking costs incurred on appeal under Federal Rule of Appellate Procedure 39(e), as well as costs incurred originally in the District Court. Dkt. No. 43. On February 5, 2019, defendants filed an objection, arguing that the Bill of Costs is premature until the Court of Appeal files its mandate. Dkt. No. 44.

Plaintiff's Bill of Costs is REJECTED as premature. Once the Ninth Circuit issues the mandate, plaintiff may refile his Bill of Costs in the District Court within fourteen days. However, given that the case was remanded for further proceedings, plaintiff's Bill of Costs should only include costs authorized for the successful appeal under FRAP 39(e) and may not include costs originally incurred in connection with the District Court action.

**IT IS SO ORDERED.**

Dated: February 8, 2019

  
William H. Orrick  
United States District Judge