

1 continues to have jurisdiction over Subramanian in the matter and
2 can enter sanctions. A notice of appeal only transfers
3 jurisdiction to the appellate court over matters contained in the
4 appeal. Masalosallo by Masalosallo v Stonewall Ins Co, 718 F2d 955,
5 956 (9th Cir 1983). Subramanian filed a limited appeal that did
6 not include the order to show cause why he should not be
7 sanctioned. Doc #252. In Masalosallo, the Ninth Circuit held that
8 a district court can award attorneys' fees for frivolous filings
9 after a notice of appeal has been filed even though the appeal
10 concerned whether dismissal of the underlying filings was proper.
11 718 F2d at 956. Thus, even though Subramanian's two frivolous
12 filings are currently noticed for appeal, the court can still
13 impose sanctions for those filings.

14 Second, Subramanian argues that the sanctions are vague
15 or that he was not on notice that he might be sanctioned. Id at 2.
16 He is wrong again. In June 2005, the court issued a standing order
17 against Subramanian for any frivolous filings in the amount of
18 \$1,000 per page. Doc #163 at 24. The court's leniency in only
19 ordering \$10,000 in sanctions, rather than the maximum amount
20 available under the standing order (\$87,000), does not render the
21 sanctions vague.

22 Finally, Subramanian argues that his motions were not
23 frivolous. Doc #253 at 3-4. He is wrong yet again. The Ninth
24 Circuit affirmed the orders that Subramanian sought to have
25 reconsidered. See St Paul Fire & Marine Ins Co v Vedatech Intern
26 Inc, 245 Fed Appx 588 (9th Cir 2007). Subramanian's subsequent
27 post-judgment filings had no basis in law or fact and wasted
28 defendants' time.

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

Accordingly, the court ORDERS Subramanian to pay \$10,000
in sanctions to defendants no later than February 27, 2009.

IT IS SO ORDERED.



VAUGHN R WALKER
United States District Chief Judge