

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  
NORTHERN DISTRICT OF CALIFORNIA

CARLOS CASTILLO,  
Plaintiff,  
v.  
CAROLYN COLVIN,  
Defendant.

Case No. [14-cv-03140-JCS](#)

**ORDER GRANTING MOTION TO  
STAY JUDGMENT, DENYING  
WITHOUT PREJUDICE MOTION FOR  
ATTORNEYS’ FEES, DENYING AS  
MOOT MOTION TO STRIKE, AND  
SETTING CASE MANAGEMENT  
CONFERENCE**

Re: Dkt. Nos. 23, 25, 26, 29

The Court entered judgment in this social security case in favor of Plaintiff Carlos Castillo and remanded to the Acting Commissioner of Social Security (Defendant Carolyn Colvin, the “Commissioner”) for an award of benefits. *See generally* Order Granting Motion for Summary Judgment (dkt. 20); Clerk’s Judgment (dkt. 21). The Commissioner filed a timely Motion to Alter or Amend Judgment (dkt. 23) pursuant to Rule 59(e) of the Federal Rules of Civil Procedure, and later filed a Motion to Stay Judgment (dkt. 25) pursuant to Rule 62(b). Castillo filed a Motion for Attorneys’ Fees (dkt. 26), and the Commissioner filed a Motion to Strike (dkt. 29) arguing that Castillo’s attorneys’ fees motion may not be filed until the time to appeal expires, which will occur until sixty days after the Court resolves the pending Motion to Alter Judgment.

Without addressing at this time the merits of the Motion to Alter Judgment, the Court finds that its pendency presents good cause for a stay of execution of judgment under Rule 62. The Commissioner’s Motion to Stay is therefore GRANTED.

The Court further finds that interests of judicial economy would not be served by litigating Castillo’s Motion for Attorneys’ Fees while the judgment on which it relies is in doubt. Depending on the outcome of the Commissioner’s Motion, Castillo’s Motion may no longer be

1 warranted, or Castillo may wish to revise its contents. The Court therefore DENIES Castillo's  
2 Motion for Attorneys' Fees without prejudice. Castillo's may renew his Motion within fourteen  
3 days after the resolution of the Commissioner's Motion to Alter Judgment.

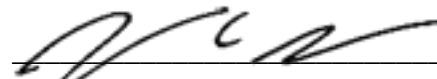
4 The Court need not address whether the fees motion was procedurally improper and  
5 accordingly DENIES the Commissioner's Motion to Strike as moot.

6 Although Castillo has not filed a motion to strike, he asserts in response to the  
7 Commissioner's Motion to Strike that the Commissioner's failure to notice a hearing date for any  
8 of the Commissioner's pending motions warrants dismissal of all of them, citing Civil Local Rule  
9 7-2 and the Court's standing order, which provides that failure to comply with local rules "*may be*  
10 *deemed* sufficient grounds for . . . dismissal." Response (dkt. 30) ¶ 2 (quoting the Court's  
11 standing order) (emphasis added here). Although perhaps not technically applicable to post-  
12 judgment motions, Civil Local Rule 16-5 sets a general policy against oral argument in cases  
13 based on review of an administrative record, unless the Court orders otherwise. The Court  
14 declines to dismiss the Commissioner's motions for failure to notice a hearing date and takes the  
15 Motion to Alter Judgment under submission without oral argument. *See* Civ. L.R. 7-1(b).

16 A case management conference will occur on **March 18, 2016 at 2:00 PM** in Courtroom  
17 G of the San Francisco federal courthouse if the case has not been fully resolved by that date.

18 **IT IS SO ORDERED.**

19 Dated: December 18, 2015

20   
21 \_\_\_\_\_  
22 JOSEPH C. SPERO  
23 Chief Magistrate Judge  
24  
25  
26  
27  
28