

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EMMANUEL C. GONZALEZ,

Plaintiff,

v.

TAGGED, INC.,

Defendant.

Case No. 16-CV-00574-YGR

**ORDER RE SUPPLEMENTAL BRIEFING ON
DEFENDANT'S MOTION FOR RELIEF
PURSUANT TO FEDERAL RULE OF CIVIL
PROCEDURE 62(D) AND/OR FEDERAL RULE
OF APPELLATE PROCEDURE 8(A) AND
VACATING HEARING**

Re: Dkt. No. 55

On October 7, 2016, Plaintiff Emmanuel C. Gonzalez filed a motion for relief pursuant to Federal Rule of Civil Procedure 62(d) and/or Federal Rule of Appellate Procedure 8(a) to stay his burden to pay costs to Tagged. (Dkt. No. 55.)

The Court has determined that the motion is appropriate for decision without oral argument, as permitted by Civil Local Rule 7-1(b) and Federal Rule of Civil Procedure 78. *See also Lake at Las Vegas Investors Group, Inc. v. Pacific Malibu Dev. Corp.*, 933 F.2d 724, 729 (9th Cir. 1991). Accordingly, the Court **VACATES** the hearing set for November 15, 2016.

The parties shall file and serve by **November 11, 2016**, supplemental briefing on the following question: If (a) the Court denies plaintiff's motion at Docket No. 55 and plaintiff pays costs to Tagged, (b) plaintiff succeeds in his appeal in the Eastern District of Texas, and (c) plaintiff is later granted relief from the Court's judgment under Federal Rule of Civil Procedure 60(b)(5), then what is the effect on the costs plaintiff has paid to Tagged?

The supplemental briefing shall not exceed three (3) pages.

IT IS SO ORDERED.

Dated: November 7, 2016


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE