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E-FILED: November 9, 2012

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

EVELYN ROSA ET AL.,

No. C05-03577 JF (HRL)

Plaintiffs,

ORDER LIFTING STAY

v.

[Dkt. 287]

CITY OF SEASIDE, ET AL.,

Defendants.

In this products liability case, the Court awarded summary judgment, and then costs, to defendant Taser International, Inc. (“Taser”). The Court then stayed the award of costs pending appeal, on the condition that Plaintiffs would post a bond. Plaintiffs never posted the bond. Taser has moved to assess costs and to require the posting of a bond (Dkt. 287), and the matter has been referred to the undersigned for determination (Dkt. 292).

The Court held a hearing on the matter on November 6, 2012. At the hearing, Taser asked the Court to lift the stay imposed on its award of costs and it asked the Court to order *counsel* for Plaintiffs to post security for, or to pay, the amount of the award. Taser argued that counsel for Plaintiffs should assume responsibility for the costs because of counsel’s prior representation to the Court that his clients intended to post the bond. Upon consideration of the papers submitted with this motion and the arguments made at hearing, and for the reasons stated on the record at the

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hearing, the Court GRANTS Taser’s request to lift the stay and DENIES Taser’s request that counsel for Plaintiffs be required to post security or to pay any money to Taser.

IT IS SO ORDERED.

Dated: November 9, 2012



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

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