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8	LINITED STAT	TES DISTRICT COUDT	
9	UNITED STATES DISTRICT COURT		
10	SOUTHERN DISTRICT OF CALIFORNIA		
11	HARRY DENNIS and JON KOZ, On		
12	Behalf of Themselves and All Other Others Similarly Situated,	CASE NO: 09-CV-1786-IEG (WMC)	
13	Plaintiffs,	ORDER (1) GRANTING PLAINTIFFS' MOTION FOR A	
14	VS.	RULE 7 APPEAL BOND AND (2) DENYING AS MOOT PLAINTIFFS' REQUEST TO SUMMARILY GRANT THE RULE 7	
15	KELLOGG COMPANY, a Delaware		
16	Corporation,	APPEAL BOND	
17	Defendant.	[Doc. Nos. 61 & 62]	
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19	Presently before the Court is Plaintiff-Appellees' motion to require Objector-Appellants Omar		
20	Rivero and Stephanie Berg to post an appeal bond of \$3,000, pursuant to Federal Rule of Appellate		
21	Procedure 7. [Doc. No. 61.] The purpose of such a bond is to protect appellees against the risk of		
22	nonpayment of costs by an unsuccessful appellant. Fleury v. Richemont N. Am., Inc., No. C-05-4525		
23	EMC, 2008 WL 4680033, at *6 (N.D. Cal. Oct. 21, 2008) (citations omitted). "[T]he question of the		
24	need for a bond, as well as its amount, are left in the discretion of the trial court." <i>Id.</i> (citing Fed. R.		
25	App. P. 7, 1979 advisory committee notes). Neither Objector filed a timely opposition to the motion,		
26	and counsel for Objector Rivero represented to the Court that Rivero does not oppose a Rule 7 bond.		
27	Plaintiffs' motion for a Rule 7 appeal bond is hereby <b>GRANTED</b> . [Doc. No. 61.]		

28 Accordingly, Plaintiffs' "Request for Order Summarily Granting Motion for Rule 7 Appeal Bond" is

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DENIED AS MOOT. [Doc. No. 62.] Pursuant to Federal Rule of Appellate Procedure 7, objectors
Omar Rivero and Stephanie Berg must jointly and severally post an appeal bond in the amount of
\$3,000 to cover Plaintiffs' costs on appeal.
IT IS SO ORDERED.

**DATED:** 8/10/11

E. GOI

IRMA E. GONZALEZ, *Q*fief J United States District Court