

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
SOUTHERN DISTRICT OF CALIFORNIA**

MICKAIL MYLES, an individual,

Plaintiff,

v.

COUNTY OF SAN DIEGO, by and
through the SAN DIEGO COUNTY
SHERIFF'S DEPARTMENT, a public
entity; and DEPUTY J. BANKS, an
individual,

Defendants.

Case No. 3:15-cv-01985-JAH-BLM
**ORDER GRANTING
DEFENDANTS' APPLICATION
[Doc. No. 456]**

On November 14, 2022, Plaintiff filed a motion for sanctions and attorney fees and costs, (Doc. No. 445), and Defendants filed a motion for a new trial and a motion for judgment as a matter of law, (Doc. Nos. 447, 448). On November 18, 2022, the Court set a briefing schedule requiring the parties to respond to the other's motion on or before December 5, 2022. On November 30, 2022, Defendants filed an application seeking an order continuing the briefing on Plaintiff's motion until after the Court issues an order on the motion for a new trial and motion for a judgment as a matter of

1 law.¹ Defendants contend an order granting either of their motions will impact
2 Plaintiff's motions for sanctions and fees. In the alternative, they seek an extended
3 briefing schedule on Plaintiff's motion.

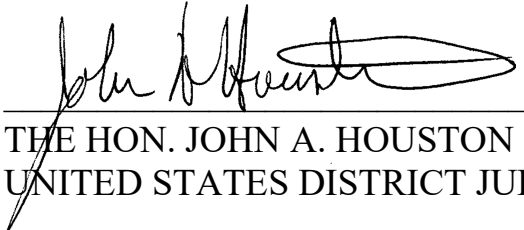
4 Plaintiff opposes the motion and argues it is frivolous to believe Defendant will
5 prevail on either of their pending motions, in light of the jury's verdict. Plaintiff
6 further argues Defendants already received additional time to respond to the motion
7 through the Court's briefing schedule. Upon consideration of the motion and
8 Plaintiff's response in opposition, IT IS HEREBY ORDERED

9 1. Defendants' application is **GRANTED**;

10 2. The briefing on Plaintiff's motion for sanctions and attorney fees and
11 costs is **VACATED** to be rescheduled following the Court's order addressing
12 Defendant's motion for a new trial and motion for a judgment as a matter of law.

13 **IT IS SO ORDERED.**

14 DATED: December 2, 2022

15
16 
17 THE HON. JOHN A. HOUSTON
18 UNITED STATES DISTRICT JUDGE
19
20
21
22
23
24
25
26

27 _____
28 ¹ Defendants originally filed an application seeking the same relief on November 28,
2022, which they later withdrew and filed the pending application.