

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JOEZETTE HITE,

Plaintiff,

v.

Case No. 8:12-cv-2277-T-33AEP

HILL DERMACEUTICALS, INC.,

Defendant.

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ORDER

This cause comes before the Court in consideration of Defendant Hill Dermaceuticals, Inc.'s Proposed Bill of Costs (Doc. # 40), filed on March 11, 2014. For the reasons that follow, the Court denies the Proposed Bill of Costs without prejudice. Hill Dermaceuticals may re-file the Proposed Bill of Costs upon resolution of the appeal, if appropriate.

Discussion

On February 25, 2014, the Court granted Hill Dermaceuticals' Motion for Summary Judgment. (Doc. # 38). Also on that date, the Clerk entered a Judgment in favor of Hill Dermaceuticals and against Plaintiff Joezette Hite. (Doc. # 39). On March 11, 2014, Hill Dermaceuticals filed its Proposed Bill of Costs. (Doc. # 40). Subsequently, on March 21, 2014, Hite filed a Notice of Appeal indicating

Hite's intent to appeal the Court's Summary Judgment Order and corresponding Judgment. (Doc. # 41).

As a general rule, the filing of a notice of appeal divests a district court of jurisdiction with respect to any matters involved in the appeal. Green Leaf Nursery v. E.I. DuPont de Nemours & Co., 341 F.3d 1292, 1309 (11th Cir. 2003) (explaining that "[t]he filing of an appeal is an event of jurisdictional significance - it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal") (internal citations omitted).

Resolving Hill Dermaceuticals' Proposed Bill of Costs while the present appeal remains pending would require the Court to engage in piecemeal adjudication of costs, as the Court would be asked to repeat the procedure following the appeal. See Bowers v. Universal City Dev. Partners, Ltd., No. 6:03-cv-985-ORL-18JGG, 2005 WL 1243745, at *2 (M.D. Fla. May 19, 2005). Furthermore, the Court finds that the immediate resolution of the collateral issue of Hill Dermaceuticals' Proposed Bill of Costs is unlikely to assist the Court of Appeals. Thus, the Court denies Hill Dermaceuticals' Proposed Bill of Costs without prejudice.


Hill Dermaceuticals may re-file the Proposed Bill of Costs after resolution of the appeal, if appropriate.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

Defendant's Proposed Bill of Costs is **DENIED** without prejudice.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 28th day of March, 2014.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies: All Counsel of Record