

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

RICKEY SHEW and FRANCES SHEW,

Plaintiffs,

v.

Case No.: 8:16-cv-766-T-33JSS

WILLIAM HORVATH,

Defendant.

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ORDER

This matter comes before the Court pursuant to Defendant William Horvath's Proposed Bill of Costs (Doc. # 57), filed on May 1, 2017. For the reasons that follow, the Court denies the Proposed Bill of Costs without prejudice. Horvath may re-file the Proposed Bill of Costs upon resolution of the appeal, if appropriate.

Discussion

On April 19, 2017, the Court granted Horvath's Motion for Summary Judgment and denied Plaintiffs Rickey and Frances Shew's Motion for Partial Summary Judgment. (Doc. # 55). The Clerk entered judgment in favor of Horvath and against the Shews on April 20, 2017, and thereafter closed the case. (Doc. # 56). Subsequently, Horvath filed his Proposed Bill of Costs.

(Doc. # 57). Then, on May 2, 2017, the Shews filed a Notice of Appeal. (Doc. # 58).

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)).

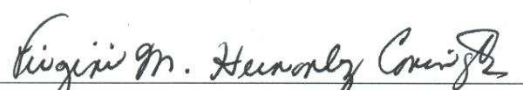
Resolving Horvath’s Proposed Bill of Costs “while the present appeal remains pending would require the Court to engage in piecemeal adjudication of costs, as the Court would be asked to repeat the procedure following the appeal.” Hite v. Hill Dermaceuticals, Inc., No. 8:12-cv-2277-T-33AEP, 2014 WL 1292889, at *1 (M.D. Fla. Mar. 28, 2014). Furthermore, immediate resolution of the collateral issue of Horvath’s Proposed Bill of Costs is unlikely to assist the Court of Appeals. Id. Thus, the Court denies Horvath’s Proposed Bill of Costs without prejudice. Horvath may re-file the Proposed Bill of Costs after the resolution of the appeal, if appropriate.

Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

Defendant William Horvath's Proposed Bill of Costs (Doc. # 57) is **DENIED WITHOUT PREJUDICE**.

DONE and ORDERED in Chambers in Tampa, Florida, this 2nd day of May, 2017.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE