

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 10-20434-CIV-O'SULLIVAN  
[CONSENT]

FERNANDO ARIAS,  
Plaintiff

v.

ALPINE TOWING, INC., LARRY J. SARAVIDA  
and YULEXIS LLUVEI,  
Defendants.

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**ORDER**

THIS MATTER is before the Court on the Defendants' Motion Terminating Plaintiff's Attorneys' Fees and Costs Pending Appeal Pursuant to the United States Supreme Court Decision (DE# 146, 5/17/11). Having reviewed the applicable filings and the law, it is

ORDERED AND ADJUDGED that the Defendants' Motion Terminating Plaintiff's Attorneys' Fees and Costs Pending Appeal Pursuant to the United States Supreme Court Decision (DE# 146, 5/17/11) is **DENIED**. The filing of a notice of appeal "may not divest the district court of jurisdiction over collateral matters not affecting the question presented on appeal." Doe v. Bush, 261 F.3d 1037, 1064 (11th Cir. 2001). Although the Court has discretion to stay a fees motion, in this case the undersigned finds that there is no reason to do so. Accordingly, the defendants shall file a response to the Plaintiff's Verified Motion for Attorney's Fees and Costs Pursuant to 29 USC 216(B) and Local Rule 7.3 (DE# 116, 3/11/11) on or before **Friday, June 17, 2011**.

DONE AND ORDERED, in Chambers, at Miami, Florida, this 6 day of June, 2011.

  
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JOHN J. O'SULLIVAN  
UNITED STATES MAGISTRATE JUDGE

Copies to:  
All counsel of record