

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:09-CV-326-BR

THE COUNTRY VINTNER OF)
NORTH CAROLINA, LLC,)
)
Plaintiff,)
)
v.)
)
E. & J. GALLO WINERY, INC.,)
)
Defendant.)

ORDER ON BILL OF COSTS

On October 18, 2010, the court granted E. & J. Gallo Winery, Inc.’s (“defendant”) motion for summary judgment [D.E. 111] and entered judgment in favor of defendant [D.E. 112]. On November 1, 2010, defendant filed a bill of costs, seeking taxation of costs against The Country Vintner of North Carolina, LLC (“plaintiff”) in the total sum of \$111, 397.75. [D.E. 113]. On November 16, 2010, plaintiff filed a notice of appeal [D.E. 115]. Oral argument is set for October 25, 2011. See The Country Vintner of NC, LLC v. E. & J. Gallo Winery, Inc., No. 10-2289 [D.E. 29] (4th Cir. Aug. 22, 2011). In light of the pending appeal, the undersigned denies without prejudice to re-file defendant’s bill of costs [D.E. 113].

SO ORDERED. This 19th day of September 2011.

/s/ Dennis P. Iavarone
Dennis P. Iavarone
Clerk of Court