

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Salvatore Zicarelli,)	
)	
<i>Plaintiff</i>)	
)	No. 17-cv-3179
-vs-)	
)	(Judge Tharp)
Thomas J. Dart, et al.,)	
)	
<i>Defendants.</i>)	

**UNOPPOSED MOTION TO STAY PROCEEDINGS
ON BILL OF COSTS PENDING APPEAL**

Plaintiff, by counsel and without opposition from defendants, respectfully requests that the Court stay proceedings on defendants' Bill of Costs pending appeal.

Grounds for this motion are as follows:

1. The Court granted judgment to defendants on August 8, 2024, and plaintiff promptly filed a notice of appeal.
2. Defendants filed their bill of costs on August 30, 2024.
3. Plaintiff does not dispute that defendants are entitled to costs as the prevailing party; plaintiff will raise an objection to the total amount requested at the appropriate time.
4. If plaintiff's appeal is successful, defendants will not be entitled to costs as the prevailing party.

5. This Court has discretion to stay proceedings on defendants' Bill of Costs. *E.g., Zimmerman v. R & S Trucking*, No. 405CV-00031-DFH-WGH, 2006 WL 3360537, at *2 (S.D. Ind. Nov. 16, 2006).

6. Plaintiff respectfully requests that the Court exercise its discretion and enter a stay pending appeal

7. Defendants do not oppose plaintiff's request for a stay.

Respectfully submitted,

/s/ Joel A. Flaxman
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