

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

**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 September 24, 2024, and plaintiff promptly filed a notice of appeal.
2. Defendants filed their bill of costs on October 31, 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., Ziccarelli v. Dart*, 17-cv-3179, ECF No. 885 (September 3, 2024), attached as Exhibit 1; *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,

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## **Exhibit 1**

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**UNITED STATES DISTRICT COURT  
FOR THE Northern District of Illinois – CM/ECF NextGen 1.7.1.1  
Eastern Division**

Salvatore Ziccarelli

Plaintiff,

v.

Case No.: 1:17-cv-03179

Honorable John J. Tharp Jr.

Thomas J. Dart, et al.

Defendant.

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**NOTIFICATION OF DOCKET ENTRY**

This docket entry was made by the Clerk on Tuesday, September 3, 2024:

MINUTE entry before the Honorable John J. Tharp, Jr. The plaintiff's unopposed motion to stay proceedings on the defendants' bill of costs [884] is granted. Proceedings on the bill of costs [883] are stayed pending appeal. Mailed notice(air, )

**ATTENTION:** This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

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