

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 19 2008

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

E & J GALLO WINERY,

Plaintiff - Appellee,

v.

WD ENERGY SERVICES, INC.;
ENCANA CORPORATION,

Defendants,

and

GIBSON, DUNN & CRUTCHER LLP,

Appellant.

No. 05-16689

D.C. No. CV-03-05412-AWI/LJO

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Anthony W. Ishii, District, Judge Presiding
Lawrence J. O'Neill, Magistrate Judge, Presiding

Submitted March 14, 2008**
San Francisco, California

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Before: RYMER, RAWLINSON, and CALLAHAN, Circuit Judges.

Gibson, Dunn & Crutcher LLP appeals a district court order requiring it to pay a \$10,000 sanction to the court and \$92,078.97 in costs to E & J Gallo Winery after a finding of bad faith and vexatious conduct relating to its extrajudicial interference with a third-party deposition. The sanctions payable to the district court are not immediately appealable. Therefore, we dismiss the appeal for lack of jurisdiction because there is no final order. *Stanley v. Woodford*, 449 F.3d 1060, 1065 (9th Cir. 2006).

DISMISSED.