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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

EDMUND C. OLSON, as Trustee of the
Edmund C. Olson Trust No.2, U/A Dated
August 21, 1985,

Plaintiff - Appellee,

v.

HAN KAMAKANI PHUA; ABEL
SIMEONA LUI,

Defendants - Appellants.

No. 12-17180

D.C. No. 1:10-cv-00691-ACK-
RLP

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
Alan C. Kay, District Judge, Presiding

Submitted July 22, 2014**

Before: GOODWIN, CANBY, and CALLAHAN, Circuit Judges.

Han Kamakani Phua and Abel Simeona Lui appeal pro se from the district court's order granting the Edmund C. Olson Trust's motion for attorney's fees and

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

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

costs. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion an award of attorney's fees, and review de novo the underlying legal analysis. *Tutor-Saliba Corp. v. City of Hailey*, 452 F.3d 1055, 1059-60 (9th Cir. 2006). We affirm.

Contrary to appellants' contention, the Trust's motion for attorney's fees and costs was timely filed because it was filed before entry of judgment. *See* Fed. R. Civ. P. 54(d)(2)(B) ("Unless a statute or a court order provides otherwise, the motion [for attorney's fees] must . . . be filed no later than 14 days after the entry of judgment"); *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 889 (9th Cir. 2000) (a Rule 54 motion for attorney's fees is expressly conditioned on an entry of judgment).

AFFIRMED.