

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
LEXINGTON

CIVIL ACTION NO. 08-23-JBC

ROBERT BREWER,

PLAINTIFF,

V.

MEMORANDUM OPINION AND ORDER

ED ROGERS, ET AL.,

DEFENDANTS.

* * * * *

This matter is before the court upon the defendants' motion to enter a scheduling order with respect to the re-trial date of February 1, 2010, permit defendants to file additional or supplemental expert reports, and establish a deadline for new motions in limine. R.117. The court will **DENY** the motion because all such deadlines have passed and the case need only be re-tried, and also because the court has already considered and rejected the proposals advanced by the defendants.

The plaintiff, in her response to the defendants' motion, requests that the court consider awarding reasonable attorneys' fees to the plaintiff's counsel for responding to this and any further motions for reconsideration. R. 119. The court will **DENY** this motion. Because the plaintiff has not alleged bad faith or unreasonable or vexatious conduct by the defendants, the court sees no reason at this juncture to award attorneys' fees. See 28 USCA § 1927.

Accordingly, **IT IS ORDERED** that both motions (R. 117, 119) are **DENIED**.

Signed on December 14, 2009



Jennifer B. Coffman

JENNIFER B. COFFMAN, CHIEF JUDGE
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY