

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 16-13043

D.C. Docket No. 1:12-cv-01623-CAP

JENNY MARTIN,

Plaintiff - Appellant,

versus

ELI LILLY & CO.,
LILLY USA, LLC,

Defendants - Appellees.

Appeal from the United States District Court
for the Northern District of Georgia

(July 21, 2017)

Before WILLIAM PRYOR, JORDAN, and BALDOCK,* Circuit Judges.

BALDOCK, Circuit Judge:

* The Honorable Bobby R. Baldock, United States Circuit Judge for the Tenth Circuit, sitting by designation.

Plaintiff Jenny Martin obtained a jury verdict in her favor on a claim that her former employer, Defendant Eli Lilly & Company (“Lilly”), discriminated against her on the basis of her disability in violation of the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12112. In a separate appeal, Lilly challenged the district court’s denial of its motion for judgment as a matter of law. We reversed and directed the district court to enter judgment in Lilly’s favor. *See Martin v. Eli Lilly & Co.*, No. 16-11537 (11th Cir. 2017). In this appeal, Martin argues the district court incorrectly calculated the attorney’s fees it awarded her as the prevailing party. Because Martin is no longer the prevailing party, her appeal is moot. We DISMISS the appeal.

JORDAN, Circuit Judge, concurring:

As noted in my dissent in Case No. 16-11537, I disagree with the majority about the merits. But, because of the majority's ruling, Ms. Martin is no longer a prevailing party, and I agree that her appeal about attorney's fees is necessarily moot.