

NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with Fed. R. App. P. 32.1

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

September 23, 2019

Before

JOEL M. FLAUM, *Circuit Judge*

DIANE S. SYKES, *Circuit Judge*

DAVID F. HAMILTON, *Circuit Judge*

No. 18-3185

EDWARD A. WEINHAUS,
Plaintiff-Appellant,

Appeal from the United States District
Court for the Northern District of Illinois,
Eastern Division.

v.

No. 18-CV-02471

NATALIE B. COHEN, et al.,
Defendants-Appellees.

Rebecca R. Pallmeyer,
Chief Judge.

ORDER

On July 16, 2019, this court affirmed the judgment of the district court and determined that the appeal was frivolous. *Weinhaus v. Cohen*, 773 F. App'x 314, 317 (7th Cir. 2019). Because appellant Edward Weinhaus's appeal satisfied the standard for sanctions under Rule 38 of the Federal Rules of Appellate Procedure, we granted the appellees' motion for sanctions and ordered the appellees to file with the court a statement of the attorneys' fees and other expenses reasonably incurred in defending the appeal. They did so, and Weinhaus responded. We have reviewed the parties' submissions, and we conclude that, under a state-court order, Weinhaus has already paid any fees that might be awarded under Rule 38. *In re Weinhaus*, No. 12 D 008800 (Ill. Cir. Ct. Apr. 8, 2019) (ordering appellant to pay \$23,500 in appellee's attorney's fees under 750 ILCS 5/508); see also *Blixseth v. Yellowstone Mountain Club, LLC*, 854 F.3d 626,

631 (9th Cir. 2017); *Sun-Tek Indus., Inc. v. Kennedy Sky-Lites, Inc.*, 865 F.2d 1254, 1255 (Fed. Cir. 1989). We therefore award no additional fees under Rule 38.

Weinhaus represented to this court that he waives his right to appeal the state court's April 8, 2019, fee award. We have relied on that representation in deciding not to award any further fees pursuant to Rule 38. See *New Hampshire v. Maine*, 532 U.S. 742, 750–51 (2001); *Seymour v. Collins*, 39 N.E.3d 961, 973 (Ill. 2015). We also direct the clerk of this court to forward a copy of this order and our July 16 order to the State Bar of California.