

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

GARNET TURNER, *et al.*, individually,)
and on behalf of all others similarly)
situated,)
)
Plaintiffs,)

v.)

CASE NO. 2:13-cv-685-RAH-KFP
[WO]

ALLSTATE INSURANCE COMPANY,)
)
Defendant.)

JOHN E. KLAAS, *et al.*, individually,)
and on behalf of all others similarly)
situated,)
)
Plaintiffs,)

v.)

CASE NO. 2:15-cv-406-RAH-KFP

ALLSTATE INSURANCE COMPANY)
)
Defendant.)

ORDER

On December 13, 2022, this Court entered an order denying Plaintiffs’ motions to vacate final judgment and to conduct discovery. (Doc. 517.) On January 12, 2023, Plaintiffs filed a notice of appeal to the Eleventh Circuit Court of Appeals. (Doc. 518.) Defendant Allstate Insurance Company currently has two pending

motions: a Motion for Judgment on Bonds and a Motion for Taxable Costs. (Docs. 474, 475.) The Fed. R. Civ. P. 54(d) Advisory Committee Note to the 1993 Amendment states, “If an appeal on the merits of the case is taken, the court may rule on the claim for fees, may defer its ruling on the motion, or may deny the motion without prejudice, directing under subdivision (d)(2)(B) a new period for filing after the appeal has been resolved.” Accordingly, guided by considerations of judicial economy, it is

ORDERED that the Defendant’s motions are DENIED without prejudice. The Defendant is granted leave to refile its motions pending the outcome of all appeals no later than fourteen (14) days after the final mandate from all appeals is issued.

DONE, on this the 17th day of January, 2023.

/s/ R. Austin Huffaker, Jr.
R. AUSTIN HUFFAKER, JR.
UNITED STATES DISTRICT JUDGE