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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

SCOTTSDALE INSURANCE	)	NO. CV-04-118-PHX-SMM
COMPANY,	)	
	)	<b>ORDER</b>
Plaintiff,	)	
	)	
vs.	)	
	)	
MARKET FINDERS INSURANCE	)	
CORPORATION,	)	
	)	
Defendant.	)	

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On September 12, 2008, the Court granted Defendant’s motion for summary judgment and entered judgment in favor of Defendant (Doc. 144). On September 26, 2008, Defendant filed a Motion for Attorneys’ Fees (Doc. 148). On October 9, 2008, Plaintiff filed an appeal. Plaintiff’s appeal is currently pending before the Ninth Circuit Court of Appeals.

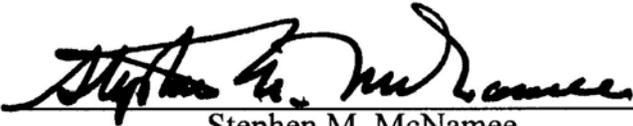
Because the Court cannot resolve Defendant’s motion for attorneys fees while Plaintiff’s appeal is pending, the Court will deny the motion with leave to refile after the appeal is concluded. Accordingly,

**IT IS ORDERED** that Defendant’s Motion for Attorneys’ Fees (Doc. 148) is **DENIED** with leave to renew the motion after resolution of the appeal;

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**IT IS FURTHER ORDERED** that Defendant may reinstate its motion at the proper time by filing a Notice of Renewal of Motion for Attorneys' Fees; Defendant need not refile the motion itself.

DATED this 14<sup>th</sup> day of October, 2008.



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Stephen M. McNamee  
United States District Judge