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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

SEABOARD SURETY COMPANY,
Plaintiff,
vs.
GRUPO MÉXICO, S.A.B. de C.V.,
Defendant.

No. 06-CV-0134-PHX-SMM

ORDER

Before the Court is Defendant Grupo México’s Motion for Attorney Fees, Costs and Expenses (Doc. 152). Defendant filed its Motion for Attorney Fees, Costs and Expenses seeking to recover in excess of \$800,000 pursuant to A.R.S. § 12-341, § 12-341.01(A) and Local Rule 54.2(b)(1). Also before the Court is Plaintiff Seaboard Surety Company’s Motion for Court Ordered Mediation of Claim of Defendant for Attorney Fees, Costs, and Expenses (Doc. 160). Plaintiff requests that the court refer the matter of Defendant’s Motion for Attorney Fees and Bill of Costs for a settlement conference before a magistrate judge.

On December 15, 2009, the Court granted Defendant’s Motion to Dismiss with prejudice (Doc. 150), and judgment was entered the same day (Doc. 151). On December 29, 2009, Defendant filed its Motion for Attorney Fees, Costs and Expenses (Doc.152). Also on December 29, Defendant filed its Bill of Costs (Doc. 153). Plaintiff filed its objections to the Bill of Costs on January 11, 2010 (Doc. 155).

After Defendant moved for attorneys’ fees, Plaintiff appealed the Court’s Order granting the motion to dismiss to the United States Court of Appeals for the Ninth Circuit

1 (Doc.156).

2 After carefully weighing and balancing the interests of the Court, counsel, and the
3 litigants in this matter, the Court finds that it would be imprudent to resolve Defendant's
4 pending motion pertaining to an award of attorneys' fees and related costs while Plaintiff's
5 appeal is pending. Consequently, the Court will deny Defendant's Motion for Attorneys'
6 Fees, Costs, and Expenses (Doc.152) without prejudice and with leave to re-file upon the
7 Ninth Circuit's resolution of Plaintiff's appeal. See CMAX, Inc. v. Hall, 300 F.2d 265, 268
8 (9th Cir. 1962) ("A district court has inherent power to control the disposition of the causes
9 on its docket in a manner which will promote economy of time and effort for itself, for
10 counsel, and for litigants. The exertion of this power calls for the exercise of a sound
11 discretion.")

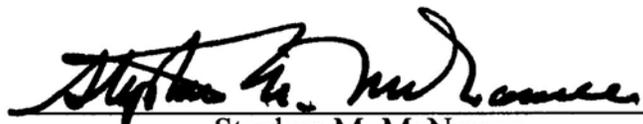
12 Likewise, the Court has determined that it would be imprudent to refer the matter of
13 attorney fees to a magistrate judge for a settlement conference due to Plaintiff's pending
14 appeal before the Ninth Circuit.

15 Accordingly,

16 **IT IS HEREBY ORDERED DENYING** without prejudice Defendant Grupo
17 México's Motion for Attorney Fees, Costs and Expenses (Doc. 152) with leave to renew the
18 motion after resolution of the appeal.

19 **IT IS FURTHER ORDERED DENYING** Plaintiff Seaboard Surety's Motion for
20 Court Ordered Mediation of Claim of Defendant for Attorney Fees, Costs, and Expenses
21 (Doc. 160).

22 DATED this 25th day of January, 2010.

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24 
25 _____
26 Stephen M. McNamee
27 United States District Judge
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