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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Lynnell Levingston,

10 Plaintiff,

11 v.

12 Victoria L. Earle, et al.,

13 Defendants.

No. CV-12-08165-PCT-JAT

ORDER

14 Pending before the Court are Defendants' "Motion to Reopen" (Doc. 42) and
15 Defendants' "Renewed Motion for Attorney's Fees" (Doc. 44). The Court now rules on
16 the motions.

17 Defendants' Motion to Reopen asks "for an Order reopening this case to consider
18 a motion to award Defendants their attorney's fees herein." (Doc. 42 at 1). The Court
19 entered judgment for Defendants on March 26, 2014. (Doc. 35). Federal Rule of Civil
20 Procedure ("Rule") 54(d) provides that a motion for attorneys' fees must be "filed no
21 later than 14 days after the entry of judgment." Fed. R. Civ. P. 54(d)(2)(B)(i). The local
22 rules do not alter this time period. *See* LRCiv 54.2(b)(2) ("... the party seeking an award
23 of attorneys' fees and related non-taxable expenses must file and serve a motion for
24 award of attorneys' fees and related non-taxable expenses . . . within fourteen (14) days
25 of the entry of judgment in the action with respect to which the services were rendered.").

26 Because Defendants failed to file their motion for attorneys' fees within fourteen
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1 days after the Court's March 26, 2014 entry of judgment, their motion is untimely.¹
2 Accordingly,

3 **IT IS ORDERED** denying Defendants' Motion to Reopen (Doc. 42).

4 **IT IS FURTHER ORDERED** denying Defendants' Renewed Motion for
5 Attorney's Fees (Doc. 44).

6 Dated this 4th day of September, 2014.

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12 James A. Teilborg
13 Senior United States District Judge
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26 ¹ Defendants apparently believe that Plaintiff's appeal to the Ninth Circuit Court
27 of Appeals precluded the Court's judgment from being a final judgment. *See* (Doc. 43 at
28 1; Doc. 44 at 1). As *only* final judgments may be appealed, *see* 28 U.S.C. § 1291, this
belief is necessarily in error. Moreover, Plaintiff's appeal did not divest the Court of its
power to award attorneys' fees. *See Masalosalo v. Stonewall Ins. Co.*, 718 F.2d 955, 957
(9th Cir. 1983).