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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Chunhye Lee,

10 Plaintiff,

11 v.

12 Arizona Board of Regents, et al.,

13 Defendants.  
14

No. CV-13-08256-PCT-DGC

**ORDER**

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16 Plaintiff Chunhye Lee filed an amended complaint on November 25, 2013,  
17 asserting claims against Defendants for retaliation and intimidation in employment.  
18 Doc. 6. On February 11, 2014, the Court dismissed Plaintiff's claims as barred by *res*  
19 *judicata*, but denied Defendants' motions for sanctions. Defendants State of Arizona and  
20 Arizona Board of Regents ("ABOR") filed an application for attorney's fees on  
21 February 25, 2014, pursuant to 42 U.S.C. § 1988. Doc. 35. The motion has been fully  
22 briefed. Docs. 39, 40.

23 After Defendants filed this motion, Plaintiffs filed a notice of appeal to the Ninth  
24 Circuit. Doc. 37. "If an appeal on the merits of the case is taken, the [district] court may  
25 rule on the claim for fees, may defer its ruling on the motion, or may deny the motion  
26 without prejudice, directing under subdivision (d)(2)(B) a new period for filing after the  
27 appeal has been resolved." Fed.R.Civ.P. 54(d), advisory committee's note (1993  
28 amendments); *see also Tancredi v. Metropolitan Life Ins. Co.*, 378 F.3d 220, 225-26 (2nd

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Cir. 2004). In the interest of judicial economy, the Court will not rule on Defendants' motion until after the Ninth Circuit has ruled on Plaintiffs' appeal.

**IT IS ORDERED** that Defendants' motion for attorneys' fees (Doc. 35) is denied without prejudice to re-filing within 30 days of the Ninth Circuit's resolution of Plaintiff's appeal.

Dated this 7th day of April, 2014.



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David G. Campbell  
United States District Judge