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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHOICE HOTELS INTERNATIONAL,
INC.,

Plaintiff,

v.

DOSTEL CORP., ET AL.,

Defendant.

No. 2:11-MC-0045-GEB-AC

**ORDER DENYING PLAINTIFF/JUDGMENT
CREDITOR'S MOTION FOR ATTORNEY'S
FEES***

Plaintiff/Judgment Creditor Choice Hotels International ("Plaintiff") seeks "an order awarding [it] . . . \$10,750.00 [in attorney's fees, contending the fees are] . . . a direct consequence of the contempt proceedings against Defendant/Judgment Debtor Nilakshi Patel" ("Defendant"). (Not. Mot. & Mot. Award of Atty.'s Fees, ("Not.") 1:23-26, ECF No. 43.) Although Defendant has been held in Civil Contempt of Court, the Court has not decided what sanction or sanctions should be imposed on Defendant, but stated in an order filed March 23, 2015 that Plaintiff's idea of appointing a receiver "appears sufficient to resolve the contempt citation, provided that the

* The hearing on April 27, 2015 is vacated since this matter is suitable for decision without oral argument under E.D. Cal. R. 230(g).

1 method of compensating a receiver is explained." (Order Denying
2 Pl. Mot. Appointment of a Receiver, 2:16-8, ECF No. 44.) The
3 contempt issue is still pending.

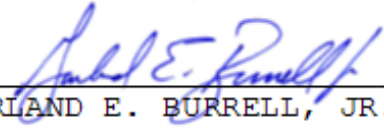
4 Plaintiff argues it should be awarded attorney's fees
5 as follows:

6 Here, this Court has determined that
7 Defendant . . . is in civil contempt of court
8 . . . [and] [a]s part of [Defendant's
9 contempt sanction], Plaintiff . . . is
10 entitled to seek an award of reasonable
11 attorney's fees incurred as a direct
12 consequence of the contempt. Attorney's fees
with a reasonable value of \$10,750.00 were
reasonably and necessarily incurred in
connection with these contempt proceedings.
Said attorney's fees should be included as
part of this Court's sentencing order.

13 (Mot. Award of Atty's Fees, 1:25-2:3, ECF No. 43.)

14 "[T]rial court[s] . . . have discretion to analyze
15 each contempt case individually and decide whether an award of
16 [attorney's] fees . . . is appropriate as a remedial measure."
17 Perry v. O'Donnell, 759 F.2d 702, 705 (9th Cir. 1985). Since
18 Plaintiff has not addressed the issue of whether attorney's fees
19 are an appropriate "remedial measure" under the circumstances in
20 which they are sought here, this issue is not addressed sua
21 sponte and the court need not decide the reasonableness of the
22 fee Plaintiff seeks. Therefore, its motion is denied.

23 Dated: April 21, 2015

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26 _____
27 GARIAND E. BURRELL, JR.
28 Senior United States District Judge