

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES JARDINE,)	Case Nos. 10-3335 SC
)	
Plaintiff,)	ORDER DENYING WITHOUT
)	PREJUDICE DEFENDANT'S MOTION
v.)	<u>FOR ATTORNEY'S FEES</u>
)	
MARYLAND CASUALTY COMPANY, and)	
DOES 1 through 50,)	
)	
Defendants.)	
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JAMES JARDINE,)	
)	
Plaintiff,)	
)	
v.)	
)	
EMPLOYERS FIRE INSURANCE)	
COMPANY, and DOES 1 through 50,)	
)	
Defendants.)	
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On January 5, 2012, the Court entered Judgment in this matter in favor of Defendant Employers Fire Insurance Company ("Employers") and against Plaintiff James Jardine ("Jardine"). ECF No. 69 ("Jan. 5, 2012 J."). Having prevailed on summary judgment, Employers now seeks to recover reasonable attorney's fees. ECF No. 71 ("Mot."). Jardine opposes the motion for fees. ECF No. 78 ("Opp'n"). On January 23, 2012, Jardine filed a Notice of Appeal

1 as to the January 5, 2012 Judgment. ECF No. 73 ("Not. of Appeal").
2 The outcome of Jardine's appeal may substantially affect Employers'
3 eligibility to recover attorney's fees. As such, it would be
4 premature to award Employers' fees at this time. The Court
5 therefore DENIES Employers' Motion WITHOUT PREJUDICE. If eligible
6 at that time, Employers may renew the request for fees following
7 the appeal.

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9 IT IS SO ORDERED.

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11 Dated: March 13, 2012

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14 UNITED STATES DISTRICT JUDGE
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