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28IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PAUL L. GUIDRY,

Plaintiff,

v.

MARINE ENGINEERS' BENEFICIAL
ASSOCIATION, et al.,Defendants.

No. C 11-05347 CRB

**ORDER DENYING MOTION FOR
FEES**

Having prevailed on summary judgment in this case, Defendant Marine Engineers' Beneficial Association now moves for attorneys' fees pursuant to section 706(K) of Title VII. See generally Mot. (dkt. 57). Pursuant to Civil Local Rule 7-1(b), the Court finds this matter suitable for resolution without oral argument, VACATES the hearing currently set for April 26, 2013, and DENIES the Motion. Although Plaintiff Paul Guidry did not prevail in his employment discrimination claims against Defendant, the Court finds that his case was not "frivolous, unreasonable, or groundless," and that Plaintiff did not "continue[] to litigate after it clearly became so." See Christiansburg Garment Co. v. EEOC, 434 U.S. 412, 422 (1978). While it is clear to the Court that Defendant was entitled to summary judgment, the Court will "resist the understandable temptation to engage in post hoc reasoning by concluding that, because a plaintiff did not ultimately prevail, his action must have been

1 unreasonable or without foundation.” Id. at 421-22.

2 **IT IS SO ORDERED.**

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4 Dated: April 22, 2013



5 CHARLES R. BREYER
6 UNITED STATES DISTRICT JUDGE

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