

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 10-cv-02019-RPM

DEBORAH EKE,

Plaintiff,

v.

CARIDIANBCT, INC.,

Defendant.

ORDER DEFERRING DEFENDANT'S MOTION FOR ATTORNEY'S FEES

The judgement entered for the defendant in this civil action is now on appeal pursuant to the notice of appeal filed October 19, 2011. On November 2, 2011, the defendant filed a motion for attorney's fees. Because the motion depends upon a finding that the plaintiff's claim was frivolous, unreasonable, or made without foundation, the Court will await the result of the review of this matter by the Tenth Circuit Court of Appeals before making the determinations necessary to rule on the defendant's motion. Accordingly it is

ORDERED that ruling on the defendant's motion for attorney's fees will be deferred until after conclusion of the appellate proceedings.

Dated: November 3rd, 2011

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge