

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 DENYING DEFENDANT'S MOTION FOR ATTORNEY'S FEES

On November 2, 2011, the defendant filed a Motion for Attorney's Fees [36], pursuant to Title VII of the Civil Rights Act of 1964 and the Age Discrimination and Employment Act, based on this Court's award of summary judgment dismissing the plaintiff's claims. By Order of November 3, 2011 [37] this Court deferred ruling on that motion pending the appeal. The appeal was determined by an Order and Judgment of the Tenth Circuit Court of Appeals, entered July 31, 2012. The Mandate from the Court of Appeals was received on August 22, 2012. The motion is now ripe for ruling. After considering the lengthy discussion of the evidence in this case in the Order and Judgment the necessary legal conclusion is that the plaintiff's claims were neither frivolous, unreasonable, nor made without foundation or litigated in bad faith or for oppressive reasons. It is therefore

ORDERED that the defendant's motion for attorney's fees is denied.

Dated: September 4th, 2012

BY THE COURT:

s/ Richard P. Matsch

Richard P. Matsch, Senior District Judge