

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 10-cv-2516-WJM-KLM

AURARIA STUDENT HOUSING AT THE
REGENCY, LLC,

Plaintiff,

v.

CAMPUS VILLAGE APARTMENTS, LLC,

Defendant.

ORDER GRANTING PARTIES STIPULATED MOTION FOR STAY

This matter is before the Court on the Parties Stipulated Motion for Stay of Time for Plaintiff to File Rule 54(d)(1) Bill of Costs and Rule 54(d)(2) Motion for Statutory Award of Reasonable Attorneys' Fees Under 15 U.S.C. § 15(a), filed February 5, 2015. For the foregoing reasons the Court hereby grants the motion.

The Parties request that the Court stay, until 14 days after resolution of Defendant's planned post-trial Rule 50 and 59 motions, the time set forth in Rule 54(d)(1) for taxing costs (upon 14 days notice) and the time set forth in Rule 54(d)(2) for Plaintiff to move for attorneys' fees and related non-taxable expenses (14 days after entry of judgment). Subsections (1) and (2) of Rule 54(d) provide that a court may vary such times by order. Fed.R.Civ.P. 54(d)(1), (2).

The requirement that a motion for attorney's fees must be filed no later than 14 days after entry of judgment is tolled pending the outcome of post-trial motions under Rule 50 or 59 because such motions suspend the finality of the Court's Judgment.

Registry Sys. Int'l, Ltd. v. Hamm, 2012 WL 4476635, at *5 (D. Colo. Sept. 28, 2012) (citing *Weyant v. Okst*, 198 F.3d 311, 315 (2d Cir. 1999)); accord *Bailey v. Cnty. of Riverside*, 414 F.3d 1023, 1025 (9th Cir. 2005); *Miltmore Sales, Inc. v. Int'l Rectifier, Inc.*, 412 F.3d 685, 689 (6th Cir. 2005); *Members First Fed. Credit Union v. Members First Credit Union of Florida*, 244 F.3d 806 (11th Cir. 2001). But the rules allow Defendant until 28 days after the entry of Judgment in which to file such post-trial motions. Fed.R.Civ.P. 50(b), 59(b). The parties agree that Plaintiff will necessarily incur additional costs and attorney's fees in responding to those motions. It is in the interest of judicial efficiency, therefore, to stay the time for Plaintiff to file its bill of costs and its motion for statutory attorney's fees and related non-taxable expenses until after the post-trial motions are decided.

Accordingly, the Court hereby GRANTS the Parties' stipulated motion. Plaintiff shall have until 14 days after the Court rules on Defendant's forthcoming post-trial motions within which to file its bill of costs and its motion for attorney's fees and related non-taxable expenses.

Dated this 5th day of February, 2015.

BY THE COURT:



William J. Martinez
United States District Judge