

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 15-62488-CIV-COHN/SELTZER

ROCKET REAL ESTATE, LLC, and
ERIC ROMANOW,

Plaintiff,

vs.

LOURDES E. MAESTRES,

Defendants.

ORDER

THIS CAUSE is before the court upon Joseph E. Altschul, LLC's Verified Motion for Attorney's Fees [DE 329] and the Eleventh Circuit's Order [DE 339] reinstating Lourdes E. Maestres' appeal of the Order [DE 313] denying her Motion for Attorney's Fees [DE 249]. After obtaining a judgment in her favor on the merits of Plaintiffs' claims, Maestres sought attorney's fees under Rule 11, Fed. R. Civ. P, and the court's inherent powers. The District Court denied that Motion [DE 313], and Maestres appealed [DE 315].

Plaintiff Rocket Real Estate filed a Verified Motion for Attorney's Fees [DE 320] that sought sanctions against Maestres and her attorney under Rule 11 and the court's inherent powers, for filing the initial Rule 11 motion. The Court denied Plaintiff's motion without prejudice to renew, if appropriate, upon the disposition of Maestres' appeal [DE 322]. When Maestres failed to timely file her appellate brief, the Eleventh Circuit dismissed the appeal for lack of prosecution [DE 328].

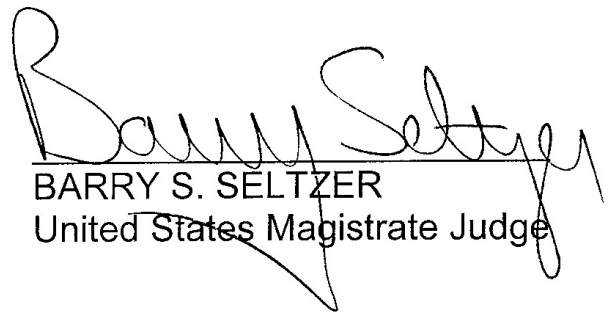
Thereafter, Joseph E. Altschul, LLC, filed a Verified Motion for Attorney's Fees seeking fees and costs under Rule 11 and under the court's inherent powers for fees and

costs incurred in defending Maestres' Rule 11 motion [DE 329]. Before Altschul's motion could be fully briefed and resolved, Maestres requested the Eleventh Circuit to reinstate her appeal. On October 16, 2017, the Eleventh Circuit granted Maestres' motion and reinstated her appeal [DE 339].

In light of the reinstated appeal, the interest of judicial economy would be best served by deferring ruling on Altschul's Verified Motion for Attorney's Fees. Indeed, if the Eleventh Circuit were to reverse the denial of Maestres's Rule 11 motion, the grounds for Altschul's motion would be moot. The Court, therefore, concludes that Altschul's Verified Motion for Attorney's Fees should be denied without prejudice to renew, if appropriate, following disposition of Maestres' appeal. Accordingly, it is hereby

ORDERED AND ADJUDGED that Joseph E. Altschul's Verified Motion for Attorney's Fees [DE 329] is **DENIED WITHOUT PREJUDICE** to renew, if appropriate, following disposition of Maestres' appeal.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 17th day of October, 2017.



BARRY S. SELTZER
United States Magistrate Judge

Copies furnished counsel via CM/ECF