

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

HILMI JUDEH

CIVIL ACTION

VERSUS

NO: 12-1758

LOUISIANA STATE UNIVERSITY SYSTEM,  
et al.


SECTION: R(4)

**ORDER CLARIFYING THE COURT'S ORDER DATED DECEMBER 30, 2013**

After reviewing defendants' Amended Motion for Attorney's Fees and Costs, it has come to the Court's attention that the language in the conclusion of the order dated December 30, 2013 awarding fees for the defense of plaintiff's due process claims against Rung, Moerschbaecher, and Fontham was in error. As the Court stated in its reasons, it was immaterial whether the due process claim was frivolous as to those defendants, because the arguments defending against this claim were identical as to each defendant and dealt only with the sufficiency of the process afforded plaintiff. Because defendants may recover only the fees they would not have incurred *but for* the existence of the frivolous claims, see *Fox*, 131 S. Ct. at 2215, defendants were entitled to recover for their defense against plaintiff's due process claim only if the claim was frivolous against Tortu and Williams as well. The Court concluded that it was not.

Defendants have an additional ten days to amend their fee request to eliminate any fees incurred in the defense of plaintiff's due process claim.

New Orleans, Louisiana, this 14<sup>th</sup> day of January, 2014.

  
SARAH S. VANCE  
UNITED STATES DISTRICT JUDGE