

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JESSE SOLOMON	*	
Plaintiff	*	
vs.	*	CIVIL ACTION NO. MJG-14-3570
THE BERT BELL/PETE ROZELLE NFL	*	
PLAYER RETIREMENT PLAN and THE	*	
NFL PLAYER SUPPLEMENTAL	*	
DISABILITY PLAN	*	
Defendants		
* * * * *		* * * *

MEMORANDUM AND ORDER RE: COSTS, FEES

The Court has before it Plaintiff's Motion for Attorneys' Fees and Costs [ECF No. 46] and the materials submitted relating thereto. The Court finds that a hearing is unnecessary.

On June 8,¹ the Court entered Judgment for Plaintiff in the principal amount of \$393,490.50 with prejudgment interest of \$32,292.61, a total of \$425,783.11 with Judgment interest commencing July 1. Judgment Order [ECF No. 43, amended on June 20, ECF No. 47]. On June 21, Plaintiff filed the instant motion. Plaintiff seeks fees totaling \$225,312.75 and costs totaling \$3,098.24.

On June 22, Defendant filed a Notice of Appeal [ECF No. 48]. The appeal is pending in the United States Court of Appeals for the Fourth Circuit. Whatever the Court may do in

¹ All date references herein are to the year 2016.

regard to the instant motion, the "bottom line" result regarding costs and fees will not be final until the conclusion of appellate proceedings. And the Court finds that Defendant presented a defense that, while not accepted by the Court, raised issues upon which reasonable jurists can differ.

An appellate decision for the defendant could negate an award to plaintiff. On the other hand, an appellate decision for plaintiff would likely increase the amount to be awarded. Moreover, it is possible that the parties may choose to settle their entire dispute, including the amount of any award for fees and costs before it is necessary for the Court to resolve the current (and possible future) issues regarding any award.

Under the circumstances, the Court finds it most sound to defer final decision on the instant motion pending the completion of appellate proceedings.

However, it is appropriate for the Court to note that it is inclined to award Plaintiff cost and fees, although in an amount less than sought. Among the issues of concern regarding the amount of a fee award are the hourly rates sought and the expenditure of professional time (by both sides) in regard to Plaintiff's request for monthly compounding of pre-judgment interest.

Accordingly:

1. Plaintiff's Motion for Attorneys' Fees and Costs [ECF No. 46] is DENIED without prejudice as premature.
2. Plaintiff may renew and/or supplement the said motion within 60 days of the final conclusion of the pending appellate proceedings.

SO ORDERED, on Tuesday, November 15, 2016.

 /s/
Marvin J. Garbis
United States District Judge