

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SCOTT E. MCKENNA,

Plaintiff,

v.

Hon. John Corbett O'Meara

Case No. 04-74546

THE CITY OF ROYAL OAK, a municipal  
corporation, OFFICER P. CLONAN, BADGE  
NO. 168, OFFICER P. EDGELL, BADGE NO. 208,  
OFFICER B. HONSOWETZ, BADGE NO. 173, and  
POLICE OFFICER JOHN DOES,  
jointly and severally,

Defendants.

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**ORDER DENYING PLAINTIFF'S MOTION  
FOR ATTORNEY FEES WITHOUT PREJUDICE**

Before the court is Plaintiff's motion for attorney fees, filed October 3, 2008. Plaintiff seeks attorney fees after prevailing in a trial before a jury, which rendered its verdict on February 20, 2008. The court granted Defendant's request for a remittitur on July 21, 2008. Defendant filed a notice of appeal on August 14, 2008, and Plaintiff filed a notice of appeal on October 3, 2008.

Given the pendency of the parties' cross-appeals and the circumstances of this case, the court finds that judicial economy will be served by adjudicating Plaintiff's fee motion after the Sixth Circuit rules upon the appeals. Accordingly, the court will deny Plaintiff's motion without prejudice. Plaintiff may refile his attorney fee motion at the conclusion of the appeal process.

**SO ORDERED.**

s/John Corbett O'Meara  
United States District Judge

Dated: February 27, 2009

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, February 27, 2009, by electronic and/or ordinary mail.

sWilliam Barkholz

Case Manager