

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION**

CHRISTOPHER A. BARNES,

Plaintiff,

v.

FEDERAL HOME LOAN MORTGAGE
CORPORATION, et al.,

Defendants.

No. 12-06062-CV-SJ-DGK

ORDER

Pending before the Court is Plaintiff's Motion to Stay Determination of Award of Attorneys' Fees and Objections to Bill of Costs Pending Appeal (Doc. 68). The Eighth Circuit has stated a preference that district courts not delay determination of attorneys' fees until after any appeals have been taken so that the Eighth Circuit may decide both issues at once: "Whenever possible and practical, we would rather hear and decide an appeal of an attorney fees award at the same time as an appeal on the merits." *Maristuen v. Nat'l States Ins. Co.*, 57 F.3d 673, 678 (8th Cir. 1995); *see also White v. New Hampshire Dept. of Employment Security*, 455 U.S. 445, 454 (1982) (observing "district courts generally can avoid piecemeal appeals by promptly hearing and deciding claims to attorney's fees. Such practice normally will permit appeals from fee awards to be considered together along with any appeal from a final judgment on the merits.").

The Court holds the interest of judicial economy weigh in favor of resolving the issue of attorneys' fees at the present time, so any dispute concerning attorneys' fees may be addressed by the Eighth Circuit in conjunction with its review of the order of dismissal.

Plaintiff shall respond to Defendant's Motion for Award of Attorneys' Fees and Costs
(Doc. 65) on or before May 7, 2013.

IT IS SO ORDERED.

/s/ Greg Kays

GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT

Date: April 30, 2013