

FILED

9/16/2019

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

Clerk, U.S. District Court
District of Montana
Helena Division

MITCHELL REINHARDT,

Petitioner,

vs.

BNSF RAILWAY COMPANY a
Delaware corporation,

Respondent.

CV 10-27-H-CCL

ORDER

Judgment was entered affirming the final agency decision of the Montana Human Rights Commission on July 22, 2019. A hearing on Petitioner's Renewed Motion To Recover Attorney Fees (Doc. 76) is currently scheduled for October 8, 2019. The Court has enlarged Respondent's time to respond to Petitioner's motion multiple times. In its August 19, 2019, request for additional time, Respondent represented to the Court that the parties were working to resolve the matter, including the attorney's fee issue. (Doc. 81). In its most recent request for additional time, Respondent represented that the parties were "finalizing settlement documents." (Doc. 85 at 2). The Court extended the response deadline until September 10, 2019, but did not change the hearing date.

Respondent failed to file either a response to Petitioner's motion or a motion for enlargement of time on or before September 10, 2019. The Court notes that Respondent has appealed the judgment and that an assessment conference was scheduled with a Ninth Circuit Mediator on September 7, 2019. The Court presumes that the "settlement documents" being finalized are to be filed in the Ninth Circuit Appeal and will resolve both the appeal and the pending motion in this Court. Accordingly,

IT IS HEREBY ORDERED that Petitioner's Renewed Motion To Recover Attorney Fees (Doc. 76) is DENIED with leave to re-file, should Petitioner prevail on appeal and the October 8, 2019, hearing on Petitioner's Renewed Motion to Recover Attorney Fees is VACATED.

IT IS FURTHER ORDERED that the parties shall file a joint report informing the court as to the status of their settlement negotiations on or before September 23, 2019.

Done and dated this 16th day of September, 2019.



CHARLES C. LOVELL

SENIOR UNITED STATES DISTRICT JUDGE