
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

ABBY TISCARENO and GUILLERMO
TISCARENO,

Plaintiffs,

v.

LORI FRASIER, et al.,

Defendants.

**MEMORANDUM DECISION AND
ORDER**

Case No. 2:07-cv-00336

Judge Clark Waddoups

This matter came before the court on Plaintiffs' motion for attorney fees pursuant to the court's order awarding fees as a sanction for Defendant IHC's bad faith conduct in the litigation. (Dkt. No. 533). Defendant responded by asking the court to reconsider its original order authorizing sanctions, or, in the alternative, to clarify the scope of its sanctions order. (Dkt. No. 541). Defendant also asked the court to strike portions of Plaintiffs' motion for attorney fees. (Dkt. No. 537). The court held a hearing on the motion to reconsider and motion to strike on March 9, 2016. After careful consideration of the parties' filings, oral arguments, record evidence, relevant authority, and otherwise being fully advised, the court hereby **ORDERS**, for the reasons stated on the record:

- (1) Defendant's motion to reconsider or clarify (Dkt. No. 541) is **GRANTED** in part and **DENIED** in part. The court denies the request to reconsider its prior sanctions order but clarifies the scope of its sanctions ruling going forward. Plaintiffs may recover attorney fees limited to the amount of fees incurred litigating the state action issue in the period of time between September 2011 and February 2013.
- (2) Defendant's motion to strike (Dkt. No. 537) is **DENIED** as moot, based on the court's clarification of its sanctions order.

(3) Plaintiffs' motion for attorney fees (Dkt. No. 533) is **DENIED** without prejudice to refiling. Plaintiffs are directed to submit a renewed motion for attorney fees, consistent with the court's sanctions order as clarified, within **thirty days** of receiving the transcript of the March 9, 2016 hearing.

SO ORDERED this 10th day of March, 2016.

BY THE COURT:



Clark Waddoups
United States District Court Judge