

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

VELOCITY PRESS, INC., a Utah
corporation,

Plaintiff,

vs.

KEY BANK, N.A., Q.A.M., INC., a Virginia
corporation dba SANDEN USA, INC.;
Q.A.M. INTERNATIONAL, a Nevada
corporation; ROBERT PITEL, an individual;
DOUGLAS JUSTUS, an individual; DOE
DEFENDANTS I through X,

Defendants.

MEMORANDUM DECISION AND
ORDER DENYING WITHOUT
PREJUDICE MOTION FOR
ATTORNEY FEES AND COSTS
AND GRANTING MOTION TO SET
ASIDE AND RECONSIDER

Case No. 2:09-CV-520 TS

This matter is before the Court on Plaintiff's Motion for Attorney Fees and Costs and the remaining Defendant, KeyBank N.A.'s Motion to Reconsider and Set Aside Award of Attorneys' Fees to Plaintiff.

Defendant asserts that it has not had an opportunity to fully brief the Court on the question of Plaintiff's entitlement to attorney fees and requests the Court strike from its Findings

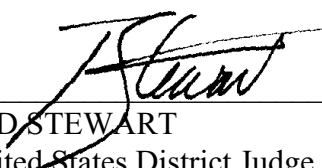
of Fact and Conclusions of Law (Docket No. 304) its award of attorney fees and costs to Plaintiff until the matter can be fully briefed pursuant to Rule 54 of the Federal Rules of Civil Procedure. Finding that Defendant has not had the opportunity to fully brief the issue, the Court orders that the award of reasonable attorney fees and costs to Plaintiff is hereby stricken from its Findings of Fact and Conclusions of Law. After judgment is entered, Plaintiff may file a new motion for attorney fees and costs for the Court's consideration. It is therefore

ORDERED that Plaintiff's Motion for Attorney Fees and Costs (Docket No. 306) is DENIED WITHOUT PREJUDICE. It is further

ORDERED that Defendant's Motion to Set Aside and Reconsider Award of Attorney's Fees to Plaintiff (Docket No. 308) is GRANTED.

DATED September 24, 2012.

BY THE COURT:



TED STEWART
United States District Judge