

In the United States Court of Federal Claims

No. 06-167L (and consolidated cases)

(Filed: January 7, 2011)

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OTAY MESA PROPERTY, L.P., et al.,

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Plaintiffs,

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v.

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THE UNITED STATES,

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Defendant.

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ORDER

Before the Court is Defendant's October 1, 2010 motion to stay briefing on Plaintiffs' request for attorneys' fees and bill of costs until there is a final, non-appealable judgment following appeal to the U.S. Court of Appeals for the Federal Circuit. Plaintiffs oppose Defendant's motion, arguing that the motion is untimely, that the Uniform Relocation Assistance and Real Property Act, 42 U.S.C. § 4654(c) (2006) requires an award of attorneys' fees and costs to be made at the time of judgment, and that Plaintiffs will be harmed through any delay.

Upon review of the issues presented, the Court finds that for reasons of judicial efficiency, it should consider Plaintiffs' request for attorneys' fees and costs after appeal to the Federal Circuit. See CCA Associates v. United States, 91 Fed. Cl. 580, 620 (2010) ("Given the high likelihood of appeal in this case and in the interest of efficiency, proceedings on award of attorneys' fees and costs should be deferred until after the appellate process has been concluded."); Arkansas Game and Fish Comm'n v. United States, 87 Fed. Cl. 594, 647 (2009) ("Proceedings related to any [] request for attorneys' fees and costs shall be deferred until after any appellate process has been concluded."). Defendant filed its motion on a timely basis, and the Court concludes that the need for judicial efficiency outweighs Plaintiffs' countervailing arguments.

Counsel for the parties are requested to inform the Court when the appellate proceedings have been completed. Accordingly, Defendant's motion to stay briefing on Plaintiffs' request for attorneys' fees and bill of costs is GRANTED.

IT IS SO ORDERED.

s/Thomas C. Wheeler
THOMAS C. WHEELER
Judge