

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Judge John L. Kane

Civil Action No. **1:11-cv-00211-JLK**

RIGHTHAVEN LLC, a Nevada Limited Liability Company

Plaintiff,

v.

BRIAN D. HILL, an individual,

Defendant.

MINUTE ORDER

Judge John L. Kane ORDERS

On March 21, 2011, Defendant Brian Hill filed an Omnibus Motion to Dismiss (doc. 12) pursuant to Fed. R. Civ. P. 12(b)(2), 12(b)(3), and 12(b)(6). Alternatively, Defendant sought transfer of venue. Finally, Defendant requested an award of reasonable attorney's fees. Before filing its response to Defendant's Omnibus Motion, Plaintiff Righthaven LLC voluntarily dismissed its complaint against Defendant pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i).

As a result of this voluntary dismissal, the majority of Defendant's Omnibus Motion was mooted. Defendant's motion for the award of reasonable attorney fees was not resolved by Plaintiff's voluntary dismissal, however, and I still have jurisdiction to consider whether the award of attorney fees is warranted in this case. *See Lorillard Tobacco Co. v. Engida*, 611 F.3d 1209, 1218 (citing *Cooter & Gell v. Hartmax Corp.*, 496 U.S. 384, 395 (1990)).

Accordingly, Defendant's motion for attorney fees is set for briefing as follows. Plaintiff shall file a response to that portion of Defendant's Omnibus Motion addressing attorney fees no

later than May 5, 2011. Defendant shall file a reply to Plaintiff's response no later than May 19, 2011. Finally, a hearing on this matter is set for 1:00 p.m. on May 27, 2011 in Courtroom A802, Alfred A. Arraj Federal Courthouse, 901 19th Street.

Dated: April 14, 2011