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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PAULA SPARKMAN, on behalf of herself and all others similarly situated, Plaintiff, v. COMERICA BANK, a foreign corporation, and CONDUENT STATE & LOCAL SOLUTIONS, INC., a foreign corporation, Defendants.	NO. 2:24-cv-01206-DJC-DMC **JOINT MOTION AND ORDER TO DEFER PLAINTIFF'S MOTION FOR ATTORNEYS' FEES AND SERVICE AWARD PENDING APPEAL** The Honorable Daniel J. Calabretta CLASS ACTION

Plaintiff Paula Sparkman and Defendants Comerica Bank and Conduent State & Local Solutions, Inc., jointly move to defer further briefing and a ruling on Plaintiff's Motion for Attorneys' Fees and Service Award until the pending appeal is resolved.

Defendants filed a notice of appeal of the judgment on December 9, 2025. ECF 131. Plaintiff agreed to a stay of execution on the judgment while the appeal is pending to avoid the need for Defendants to incur the expense of a bond and to avoid the potential reversal of restitution payments. Plaintiff filed a timely Motion for Attorneys' Fees and Service Award on January 6, 2026. ECF 142-145.

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While the Court retains jurisdiction to decide a motion for attorneys' fees following a notice of an appeal on the merits, *U.S. ex rel. Shutt v. Cmty. Home & Health Care Servs., Inc.*, 550 F.3d 764, 766 (9th Cir. 2008), the Court has discretion to defer the motion until after the appeal is resolved. *See*, *e.g.*, *Katzkin Leather, Inc. v. Roadwire, LLC*, No. CV 202093-DSF (RAOx), 2022 WL 17101244, at *1 (C.D. Cal. June 28, 2022) ("District courts within the Ninth Circuit have exercised their discretion to deny fee motions without prejudice pending an appeal on the merits."); *Env't Def. Ctr. v. Bureau of Ocean Energy Mgmt.*, No. CV 168418-PSG (FFMx), 2019 WL 10786009, at *2-3 (C.D. Cal. Oct. 28, 2019) (deferring fee motions until 14 days after Ninth Circuit issues mandate because outcome of appeal could impact motion, to promote judicial efficiency, and based on parties' stipulation); *see also* Fed. R. Civ. P. 54(d)(2), advisory committee notes to 1993 amendments ("If an appeal on the merits of the case is taken, the court may rule on the claim for fees, may defer its ruling on the motion, or may deny the motion without prejudice, directing under subdivision (d)(2)(B) a new period for filing after the appeal has been resolved. A notice of appeal does not extend the time for filing a fee claim based on the initial judgment, but the court under subdivision (d)(2)(B) may effectively extend the period by permitting claims to be filed after resolution of the appeal.").

Because the outcome of Defendants' appeal may impact Plaintiff's motion, the parties respectfully request the Court deny the motion without prejudice and order that the motion may be renewed within 14 days of the date the Court of Appeals for the Ninth Circuit issues a mandate on the pending appeal.

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DATED this 26th day of January, 2026.

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Attorneys for Defendants Comerica Bank, Conduent Business Services, LLC and Conduent State & Local Solutions, Inc.

ORDER

IT IS SO ORDERED. Plaintiff's Motion for Attorneys' Fees and Service Award is denied without prejudice. The motion may be renewed within 14 days of the date the Court of Appeals for the Ninth Circuit issues a mandate on the pending appeal.

DATED this 26th day of January 2026.

Dated: January 26, 2026

/s/ Daniel J. Calabretta
THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE

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