

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CATHERINE CONRAD and
RODNEY RIGSBY,

Plaintiff,

v.

JAMES BENDEWALD, MARIA
VEDRAL and SILVEREDGE
SYSTEMS SOFTWARE, INC.,

Defendants.

ORDER

11-cv-305-bbc

Defendants Maria Vedral and Silveredge Systems Software, Inc. have moved for an award of attorney fees and costs incurred in defending against claims filed by plaintiffs Catherine Conrad and Rodney Rigsby. (Defendant James Bendewald has not asked for an award of attorney fees but has asked for an award of costs; this request is before the Clerk of Court.) The motion will be granted. Plaintiffs' suit was ill-conceived from the beginning, brought without any serious investigation of the law and extended long past the time that plaintiffs should have realized its lack of merit. In addition, their statements in their brief in opposition to defendant's motion for fees support defendants' observation that plaintiffs were primarily interested in settling the case for a large sum.

Attorney fees are authorized in copyright cases under 17 U.S.C. § 505. Prevailing parties may be awarded a "reasonable attorney's fee" as part of its costs, but the court retains

discretion to grant or withhold such an award. Id. In this case, I am persuaded that the moving defendants are entitled to an award of attorney fees.

ORDER

IT IS ORDERED that plaintiffs Catherine Conrad and Rodney Rigsby may have until November 12, 2012 in which to file their objections to the amount of attorney fees that defendants Maria Vedral and Silveredge Systems Software, Inc. are requesting. Defendants may, but are not required to file a response. If they do file a response, it is to be filed no later than November 20, 2012.

Entered this 2d day of November, 2012.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge