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Attorney's Fees, Civil Procedure

#### **Gross v. Sun Life Assurance Co. of Canada, No. 12-1175**

Plaintiff-appellant seeks an award of attorney's fees under 29 U.S.C. section 1132(g)(1) on grounds that she achieved some degree of success on the merits of her earlier Employees Retirement Income Security Act (ERISA) claim. Plaintiff's attorney's fee request is remitted to the district court for a determination of the proper amount to award, where the prior decision afforded plaintiff a degree of success on the merits that qualifies her for an award of attorney's fees, and such award is appropriate, properly ordered, and timely requested.