

the amount sought includes any award of fees for time spent by Edward R. Teitel, who is both a defendant to this action and an attorney who represented himself and the other defendants for most of the life of this case, it is not proper. *See, e.g., Kay v. Ehrler*, 499 U.S. 432 (1991) (holding that a *pro se* litigant may not recover attorney's fees even if the litigant is a licensed attorney); *Chaganti v. Ceridian Benefits Servs., Inc.*, No. 04-17476, 2006 WL 3431753 at *4 (9th Cir. Nov. 15, 2006) (affirming trial court's decision to apply the holding of *Kay v. Ehrler* to a request for attorney's fees under 29 U.S.C. § 1132(g)(1). Finally, Defendant has failed to persuade the Court that under the applicable legal standard for fee awards pursuant to 29 U.S.C. § 1132(g), *see Iron Workers Local #272 v. Bowen*, 624 F.2d 1255, 1266 (11th Cir. 1980), they are entitled to any fee award. For these reasons, Defendants' [sic] Motion for Attorney's Fees (Doc. # 95) is DENIED.

DONE this the 11th day of September, 2007.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE