

AUG 01 2014

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

EDMUND C. OLSON, as Trustee of the  
Edmund C. Olson Trust No.2, U/A Dated  
August 21, 1985,

Plaintiff - Appellee,

v.

HAN KAMAKANI PHUA; ABEL  
SIMEONA LUI,

Defendants - Appellants.

No. 12-17180

D.C. No. 1:10-cv-00691-ACK-  
RLP

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Hawaii  
Alan C. Kay, District Judge, Presiding

Submitted July 22, 2014\*\*

Before: GOODWIN, CANBY, and CALLAHAN, Circuit Judges.

Han Kamakani Phua and Abel Simeona Lui appeal pro se from the district court's order granting the Edmund C. Olson Trust's motion for attorney's fees and

---

\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

costs. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion an award of attorney's fees, and review de novo the underlying legal analysis. *Tutor-Saliba Corp. v. City of Hailey*, 452 F.3d 1055, 1059-60 (9th Cir. 2006). We affirm.

Contrary to appellants' contention, the Trust's motion for attorney's fees and costs was timely filed because it was filed before entry of judgment. *See* Fed. R. Civ. P. 54(d)(2)(B) ("Unless a statute or a court order provides otherwise, the motion [for attorney's fees] must . . . be filed no later than 14 days after the entry of judgment"); *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 889 (9th Cir. 2000) (a Rule 54 motion for attorney's fees is expressly conditioned on an entry of judgment).

**AFFIRMED.**