

MAY 1 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

BROTHER RECORDS, INC., a California
corporation,

Plaintiff - Appellant,

v.

BRADLEY S. ELLIOTT,

Defendant,

and

BRUCE MORGAN, individually and d/b/a
Deck Records,

Defendant - Appellee.

No. 06-56401

D.C. No. CV-00-13314-CBM

MEMORANDUM *

Appeal from the United States District Court
for the Central District of California
Consuelo B. Marshall, Chief District Judge, Presiding

Submitted February 8, 2008**
Pasadena, California

Before: KOZINSKI, Chief Judge, O'SCANNLAIN, and W. FLETCHER, Circuit
Judges.

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

In light of this court's decision in *Morgan v. Wilson*, Nos. 06-55825, 06-55841, we **vacate** and **remand** for recalculation of attorneys fees.

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