

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

April 8, 2008

No. 07-10834
Summary Calendar

Charles R. Fulbruge III
Clerk

RICHARD SHARIF, AS AGENT FOR SOAD WATTAR,
HAIFA KAJ AND RAGDA SHARIFEH; WAQAR KHAN;
SHAFQUT KHAN; ABDUL RASHID; SHAHEEN RASHID

Plaintiffs-Appellants

v.

WELLNESS INTERNATIONAL NETWORK, LTD
a/k/a WIN; RALPH OATS; CATHY OATS;
WIN NETWORK INC

Defendants-Appellees

Appeal from the United States District Court
for the Northern District of Texas
(3:05-CV-1367)

Before WIENER, GARZA, and BENAVIDES, Circuit Judges..

PER CURIAM:*

After this appeal was dismissed for Appellants' failure to order a transcript timely and make financial arrangements with the court reporter, it was reinstated on September 26, 2007, leaving pending in the district court

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Appellees' motions for at least \$425,000 attorney's fees pursuant to Fed. R. Civ. P. 54(d)(2). A review of the record on appeal demonstrates that Appellants' untimely performance in this court mirrors a lengthy history in the district court of dilatoriness and hollow posturing interspersed with periods of non-performance or insubstantial performance and compliance by Appellants and their counsel, leaving the unmistakable impression that they have no purpose other than to prolong this contumacious litigation for purposes of harassment or delay, or both. The time is long overdue to terminate Appellants' feckless litigation at the obvious cost of time and money to the Defendants by affirming all rulings of the district court but remanding the case to that court for the reinstatement of its consideration of Appellees' motion for attorney's fees. In so doing, we caution Appellants that any further efforts to prolong or continue proceedings in this court, including the filing of petitions for rehearing, will potentially expose them to the full panoply of penalties, sanctions, damages, and double costs pursuant to FRAP 38 at our disposal.¹

AFFIRMED; REMANDED FOR RULING AND DETERMINATION OF APPELLEES' MOTION FOR ATTORNEY'S FEES.

¹ Appellants have filed a motion for reconsideration of the denial to file a reply brief out of time. The motion for reconsideration is DENIED.