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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

,		}	Case No. DSF
	Plaintiff,	}	ORDER RE REQUIREMENTS FOR
	v.	}	MOTION FOR ATTORNEYS' FEES
		}	
	,	}	
		}	
	Defendant.	}	
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**Format of Time and Expense Records**

In addition to any other requirements imposed by statute or case law, motions for attorneys' fees must include time and expense records prepared in the format described in the Court's separate Order re Format of Time and Expense Records.

**Conference of Counsel**

Before filing a motion for attorneys' fees, counsel must meet and confer in person or by videoconference pursuant to Local Rule 7-3 to attempt in good faith to agree on the reasonable amount of fees to be awarded (if the Court decides to award fees), keeping in mind that a contested request for attorneys' fees "should not result in a second major litigation." *Hensley v. Eckerhart*, 461 U.S. 424, 437 (1983) ("Ideally, of course, litigants will settle the amount of a fee. Where

1 settlement is not possible, the fee applicant bears the burden of establishing  
2 entitlement to an award and documenting the appropriate hours expended and  
3 hourly rates.”). Prior to the conference, the moving party must do at least the  
4 following:

5           1. Provide opposing counsel with the billing records on which the  
6 motion will be based, and specify the entries for which compensation is and is not  
7 sought. These records may be redacted to prevent disclosure of material protected  
8 by the attorney-client privilege or work product doctrine. However, as to those  
9 redacted items, counsel shall submit a declaration describing the nature of the  
10 services with sufficient detail to allow opposing counsel to determine if the item is  
11 objectionable.

12           2. Inform opposing counsel of the hourly rates that will be claimed  
13 for each lawyer, paralegal, or other timekeeper. If moving counsel or other  
14 timekeepers have performed any legal work on an hourly basis during the period  
15 covered by the motion, moving counsel shall provide representative business  
16 records sufficient to show the types of litigation in which such hourly rates were  
17 paid and the rates that were paid in each type. If moving counsel has been paid on  
18 an hourly basis in the case in question or in litigation of the same type as the case  
19 in question, records showing the rates paid (not charged) for those services must  
20 be provided. If moving counsel will rely on other evidence to establish  
21 appropriate hourly rates, such as evidence of rates charged by attorneys of  
22 comparable experience and qualifications or evidence of rates used in previous  
23 awards by courts or administrative agencies, moving counsel shall provide such  
24 other evidence.

25           3. Furnish evidence of the actual cost of any nontaxable expenses to  
26 be sought by the motion;

1                   4. Respond to any reasonable request for additional documentation  
2 or information.

3                   By providing opposing counsel with information about hours, billing rates,  
4 and nontaxable expenses, moving counsel will not be deemed to make any  
5 admission or waive any argument about the relevance or effect of such  
6 information in determining an appropriate award.

7                   All information furnished by moving counsel shall be treated as  
8 confidential by opposing counsel. The information shall be used solely for  
9 purposes of the fee litigation, and shall be disclosed to other persons, if at all, only  
10 in court filings or hearings related to the fee litigation. If opposing counsel  
11 proposes to disclose any of the information in a court filing or hearing, opposing  
12 counsel shall provide moving counsel with prior written notice and a reasonable  
13 opportunity to request an appropriate protective order.

14                   **Joint Statement**

15                   If there is no agreement as to the fees and costs to be paid, the parties are to  
16 produce a Joint Statement for submission. At least seven days prior to the  
17 conference of counsel, the moving party must provide to the opposing party a  
18 draft of its portion of a Joint Statement that will eventually be submitted to the  
19 Court. The Joint Statement must be formatted as a spreadsheet in Microsoft  
20 Excel, or a table in WordPerfect or Microsoft Word. The spreadsheet or table  
21 must include columns to identify: (1) the date of each time entry; (2) the biller for  
22 each time entry; (3) a brief description of the task; (4) the number of hours  
23 requested by the moving party for the task; (5) the number of hours, if any,  
24 opposing party believes should be awarded for the task; and for disputed items (6)  
25 a brief summary of moving party's position; and (7) a brief summary of opposing  
26 party's position. This format is illustrated in Exhibit A to this Order. A separate  
27 spreadsheet or table must be prepared for any nontaxable costs sought by the  
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1 moving party. The spreadsheet or table of nontaxable costs must include columns  
2 to identify: (1) the item; (2) the amount sought by the moving party for the item;  
3 (3) the amount, if any, the opposing party believes should be awarded for the item;  
4 and for disputed items (4) a brief summary of the moving party's position; and (5)  
5 a brief summary of the opposing party's position.

6 Following the conference of counsel, and no more than 14 days before the  
7 filing of the motion, the moving party must provide to the opposing party the final  
8 version of its portion of the Joint Statement in an electronic format. The opposing  
9 party shall then input its portion of the Joint Statement into the document and  
10 return the completed document to the moving party at least seven days prior to the  
11 filing of the motion. The moving party shall then file the Joint Statement at the  
12 same time it files the motion. In addition to filing the Joint Statement, the moving  
13 party shall email an electronic version of the Joint Statement to this Court's  
14 chambers ECF email inbox. Paper Chambers copies of invoices should be  
15 unredacted. Redacted invoices should not be provided in paper to the Court.

16 Submissions that do not meet these requirements will not be considered. If  
17 the Court concludes that counsel have not acted in good faith, it will refer the  
18 matter to a special master at the expense of the parties.

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20 **IT IS SO ORDERED.**

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23 Dated:

\_\_\_\_\_  
24 Dale S. Fischer  
25 United States District Judge  
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## Exhibit A

ATTORNEY	DATE	DESCRIPTION	TIME/AMT CHALLENGED	REDUCE BY	OBJECTION	REASON FOR OBJECTION	RESPONSE TO OBJECTION
J. DOE	1/2/08	T/C W/ Consultant	3.0 (\$450)	3.0 (\$450)	Vague	Fails to articulate who the consultant was & what the conversation concerned	Meeting w/A. Smith re coroner report & crime scene video
S. ROE	2/1/08	Research Notice of Related Cases	2.0 (\$300)	1.0 (\$150)	Excessive	"Notice of Related Cases" is a form document. Attorney shouldn't charge for basic research.	No Response
J. DOE	2/20/08	Calendared dates	1.0 (\$150)	1.0 (\$150)	Clerical work	Atty cannot charge for clerical work	No Response