

LOCAL RULE 40 | SCHEDULING ORDER ATTORNEY FEES & COSTS NO ENTITLEMENT

Plaintiff's Motion for Attorney Fees is pending before this Court. Counsel for the parties are hereby ordered to comply as follows:

1. The parties, through counsel, shall initially either agree, or resolve to disagree, on any and all entitlement issues arising out of the pending Motion for an Award of Attorney's Fees/Costs. The Court will hear arguments and decide the movant's entitlement to fees before scheduling a hearing to resolve any disputes as to the proper amount of any fees or costs.
2. Within ten (10) days of issuing the Order of Entitlement to Attorney Fees, the moving party shall provide opposing counsel with a copy of all invoices, time records, cancelled checks, records evidencing services rendered, the name, address and C.V. of their expert witness, and any other supporting documentation (which may be the entire file other than the records kept in the Court file and any transcripts) for the fees and costs requested.
3. Within fifteen (15) days of receiving the movant's disclosures, the non-moving party shall respond in writing to each line item of cost and fees. The Response shall agree to each item in whole or in part, or state the legal and factual basis for any objection of the whole or part in question, provide the name, address and C.V. of their expert, and cite any supporting legal authority. If there is an agreement as to the entitlement in part to a particular fee/cost item, but disagreement with the total amount requested, the nonmoving party shall state the amount believed to be reasonable.
4. Within fifteen (15) days of receipt of the agreements, objections and disclosures, the moving party shall reply in writing to each objection, either agreeing with the objection, or if not, citing any contrary legal authority.
5. The attorneys for all interested parties shall meet and review the disputed items, reduce any stipulations to writing, and provide the Court with an Agreed Order. Thereafter, the experts may be deposed.
6. The parties and counsel are directed to exercise good faith in complying with the terms of this Order. The Court will first consider Motions to Compel Compliance with this Order,



and if necessary may then consider Motions for Sanctions with regard to unreasonable delays, requests for fees and/or costs, any untenable objections thereto, or any other failure to follow any Order Compelling Compliance.

7. Upon request by either party or the Court, this matter may be referred to mediation.

8. The hearing to determine the amount of fees/costs to award shall not take place until all counsel file a certification with the Court that all discovery in connection with all fee/cost issues, has been completed. Any lack of cooperation regarding certification or discovery shall be brought to the Court's attention as soon as possible by way of Motion to Compel Compliance with the Scheduling Order.

