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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

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10 DLC Dermacare LLC,
11 Plaintiff,
12 vs.
13 Sixta Castillo, R.N., et al.,
14 Defendants.

No. CV-10-0333-PHX-DGC

ORDER

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16 A motion for attorneys' fees and costs has been filed by Defendants Johnathan
17 Munoz, M.D., Michele Connor, Timothy Bode, M.D., Bobbie Bode, Anshu Jain, and
18 Nora Jain. Doc. 150. The motion will be denied.

19 Defendants state that pursuant to Local Rule of Civil Procedure 54.2, they will file
20 their supporting documentation if the parties are not able to satisfactorily resolve all
21 disputed issues "after personal consultation with Plaintiff and a good faith effort to
22 do so." Doc. 150 at 3. But absent a statement of consultation certifying that the parties
23 had in fact engaged in good faith efforts to resolve the fee dispute, Defendants are not
24 permitted to file a motion for attorneys' fees. LRCiv 54.2(d)(1). Moreover, the motion is
25 premature given that final judgment has not been entered. The Court's order of dismissal
26 (Doc. 145) does not constitute a final judgment for purposes of Rule 54 of the Federal
27 Rules of Civil Procedure. To the extent that order were to be construed as a final
28 judgment, Defendants have not filed the required supporting documentation within the

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60-day time period set forth in Local Rule of Civil Procedure 54.2(b)(2).

IT IS THEREFORE ORDERED that Defendants' joint motion for attorneys' fees and costs (Doc. 150) is **denied** without prejudice to re-filing after final judgment is entered.

Dated this 8th day of March, 2011.



David G. Campbell
United States District Judge