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

Matthew Oskowis,  
Plaintiff,  
  
v.  
Sedona Oak-Creek Unified School District  
#9,  
  
Defendant.

No. CV-17-08070-PCT-DWL  
**ORDER**

Defendant Sedona Oak-Creek Unified School District #9 (“the District”) has filed a motion under Rule 41(a)(2) to voluntarily dismiss its counterclaims. (Doc. 104.) In response, Plaintiff Matthew Oskowis (“Oskowis”) states that he “will consent to the dismissal of the District’s counterclaims, if the District’s counterclaims are dismissed with prejudice.” (Doc. 105 at 2.) In its reply, the District “does not object to dismissal of its counterclaims with prejudice” but asserts its desire “to preserve its right to continue to seek attorney’s fees . . . under its pending motion for attorney’s fees under Rule 54(d)(2)(B).” (Doc. 106 at 1.)

This makes things easy. The Court will grant the District’s motion and dismiss its counterclaims with prejudice. This means there are no claims or counterclaims remaining in the case, so judgment may be entered.

The Court further notes that the District has already filed a motion for attorneys’ fees (Doc. 83) and the Court previously stated this fee motion would become “ripe for adjudication” following entry of judgment (Doc. 101 at 7). However, the District stated in

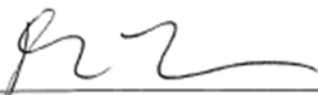
1 its most recent motion that “[u]pon entry of final judgment, [it] intends to amend its  
2 pending motion for attorney’s fees to remove the fees incurred in connection with its  
3 decision to plead its request for fees as counterclaims.” (Doc. 104 at 1-2.) Given this  
4 clarification, the pending motion for attorneys’ fees (Doc. 83) will be denied without  
5 prejudice. Within 14 days of entry of judgment, the District may file a new motion. *See*  
6 Fed. R. Civ. P. 54(d)(2)(B)(i).

7 Finally, that motion shall be accompanied by an electronic Microsoft Excel  
8 spreadsheet, to be emailed to the Court and opposing counsel, containing an itemized  
9 statement of legal services with all information required by Local Rule 54.2(e)(1). This  
10 spreadsheet shall be organized with rows and columns and shall automatically total the  
11 amount of fees requested to enable the Court to efficiently review and recompute, if needed,  
12 the total amount of any award after disallowing any individual billing entries. This  
13 spreadsheet does not relieve the moving party of its burden under Local Rule 54.2(d) to  
14 attach all necessary supporting documentation to its motion. A party opposing a motion  
15 for attorneys’ fees shall email to the Court and opposing counsel a copy of the moving  
16 party’s spreadsheet, adding any objections to each contested billing entry (next to each  
17 row, in an additional column) to enable the Court to efficiently review the objections. This  
18 spreadsheet does not relieve the non-moving party of the requirements of Local Rule  
19 54.2(f) concerning its responsive memorandum.

20 Accordingly, **IT IS ORDERED** that:

- 21 (1) The District’s motion to voluntarily dismiss its counterclaims (Doc. 104) is  
22 **granted;**  
23 (2) The District’s motion for attorneys’ fees (Doc. 83) is **denied without**  
24 **prejudice;** and  
25 (3) The Clerk of Court shall enter judgment accordingly.

26 Dated this 21st day of June, 2019.

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Dominic W. Lanza  
United States District Judge