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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEE VALLEY TOOLS, LTD., ET AL.,

No. C 10-04358 CRB

Plaintiff,

**ORDER REQUIRING
SUPPLEMENTAL FILING**

v.

WOODLINE TOOL AND SUPPLY
CORPORATION, ET AL.,

Defendant.

Plaintiffs have moved for default judgment against Defendant Fortune Extendables. See Motion for Default Judgment (“Mot.”) (dkt. 42). Their request for relief includes attorney’s fees and costs. Id. at 14.

Civil Local Rule 54-5(a) provides that “motions for awards of attorney’s fees by the Court must be served and filed within 14 days of entry of judgment by the District Court.” Civil Local Rule 54-5(b) provides that such motions must be supported by declarations or affidavits.

Plaintiffs have moved for an award of attorney’s fees and costs within their motion for default judgment – before judgment has been entered. Mot. at 14. They have not submitted the required evidence to support this award. Plaintiffs have stated they “will be prepared to file appropriate documentation to support the amount of the award of attorneys fees and costs

1 within two weeks of an Order granting the award” Id. However, the Local Rules
2 require parties to prove fees and costs at the time they move for the award, not after.

3 Accordingly, Plaintiffs are ordered to submit to the Court by **Tuesday, November 29,**
4 **2011** evidence supporting their requests for attorney’s fees and costs. See Fed. R. Civ. P.
5 55(b)(2) (“If, in order to enable the court to enter [default] judgment . . . it is necessary to
6 take an account or to determine the amount of damages or to establish the truth of any
7 averment by evidence or to make an investigation of any other matter, the court may . . .
8 order such references as it deems necessary and proper.”).

9 **IT IS SO ORDERED.**

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12 Dated: November 17, 2011



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE