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

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PACIFIC DAWN, LLC, et al.,

Plaintiffs,

v.

JOHN BRYSON, et al.,

Defendants.

NO. C10-4829 TEH

ORDER VACATING PLAINTIFFS' MOTION FOR ATTORNEYS' FEES

The Court is in receipt of Plaintiffs' motion for attorneys' fees and costs under the Equal Access to Justice Act. Civil Local Rule 54-5(a) requires that "[c]ounsel for the respective parties must meet and confer for the purpose of resolving all disputed issues relating to attorney's fees before making a motion for award of attorney's fees." Civ. L.R. 54-5(a). A fees motion must be supported by a declaration or affidavit that includes the following:

> A statement that counsel have met and conferred for the purpose of attempting to resolve any disputes with respect to the motion or a statement that no conference was held, with certification that the applying attorney made a good faith effort to arrange such a conference, setting forth the reason the conference was not held....

Civ. L.R. 54-5(b)(1). Plaintiffs have not provided such a statement.

Accordingly, IT IS HEREBY ORDERED that:

- 1. Plaintiffs' motion for attorneys' fees and costs is VACATED.
- 2. In accordance with the Local Rules, the parties shall meet and confer regarding Plaintiffs' request for fees and costs. Local Rule 1-5(n) provides that "meet and confer" means to "communicate directly and discuss in good faith the issue(s). . . . [T]his requirement can be satisfied only through direct dialogue and discussion – either in a face to face meeting or in a telephone conversation." Civ. L.R. 1-5(n).

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1	3. If the parties are unable to resolve the issues through the meet-and-confer process,
2	Plaintiffs may file a renewed motion for fees and costs that narrows the issues for judicial
3	resolution.
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5	IT IS SO ORDERED.
6	Dated: 03/26/12
7	Dated: 03/26/12
8	THELTON E. HENDERSON, JUDGE UNITED STATES DISTRICT COURT
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