

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NANCY HART,  
Plaintiff,  
v.  
UNUM LIFE INSURANCE COMPANY  
OF AMERICA,  
Defendant.

Case No. 15-cv-05392-TEH

**ORDER VACATING PLAINTIFF'S  
MOTION FOR ATTORNEY FEES,  
COSTS OF SUIT, AWARD OF  
DAMAGES AND PRE-JUDGMENT  
INTEREST**

The Court is in receipt of Plaintiffs' motion for attorneys' fees and costs under the the Employment Retirement Income Security 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 the Court with 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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3. If the parties are unable to resolve the issues through the meet-and-confer process, Plaintiffs may file a renewed motion for fees and costs that narrows the issues for judicial resolution.

**IT IS SO ORDERED.**

Dated: 6/14/2017



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THELTON E. HENDERSON  
United States District Judge