

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

JUSTIN SHANE RICHARDSON

CIVIL ACTION

VERSUS

AXION LOGISTICS, LLC

NO.:3:13-cv-00302-BAJ-RLB

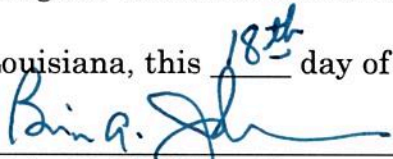
RULING AND ORDER

Before the Court are two motions: (1) Defendant Axion Logistics, LLC's Motion for Attorney's Fees and Costs (Doc. 38)¹; and (2) Plaintiff Richardson's Motion to Dismiss without Prejudice, or, Alternatively, Defer Ruling on Motion for Attorney's Fees and Costs Pursuant to La. Rev. Stat. § 23:967 (Doc. 42).

Considering the foregoing:

IT IS ORDERED that Plaintiff's **MOTION (Doc. 42)** is **GRANTED IN PART**. Specifically, Defendant's **Motion for Attorney's Fees (Doc. 38)** is **DISMISSED WITHOUT PREJUDICE** pending the result of Plaintiff's appeal.

Baton Rouge, Louisiana, this ^{18th} day of June, 2014.



BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

¹ The Court notes that Defendant has failed to produce affidavits from independent counsel confirming that the attorney's fees requested are reasonable and aligned to the regular rates in the community where this Court sits. *See Tollet v. City of Kemah*, 285 F.3d 357, 369 (2002). To "inform and assist the Court in determining the reasonable rate," Defendant must produce an affidavit of the attorney performing the work, information of rates actually billed and paid in similar lawsuits, *see Blum* 465 U.S. at 896 n. 11, as well as "affidavits of other attorneys practicing in the community in question." *Tollet*, 285 F.3d at 368.). Further, should Defendant eventually refile its motion for fees and costs, Defendant is advised to observe the local rules with regard to (1) Motions for Fees, M.D. La. LR 54.2, and (2) Requests for Costs, LR 54.3.