

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Kim Leszyczynski,

Plaintiff,

Case No. 18-13432

v.

Judith E. Levy

United States District Judge

The Home Depot USA, Inc.,

Mag. Judge David R. Grand

Defendant.

_____ /

**ORDER ON DEFENDANT'S MOTION
FOR ATTORNEY FEES [19]**

On November 30, 2020, the Court denied Plaintiff Kim Leszyczynski's motion for relief from final judgment. (ECF No. 18.) Defendant The Home Depot USA, Inc. subsequently submitted a motion for attorney fees on December 21, 2020. (ECF No. 19.) Plaintiff responded on December 30, 2020. (ECF No. 21.)

Local Rule 54.2.1(b) requires that a motion for attorney fees "be supported by an affidavit of counsel setting out in detail the number of hours spent on each aspect of the case." In its motion, Defendant states that counsel would submit a separate motion with its detailed breakdown

of hours under seal as Exhibit B. (See ECF No. 19, PageID.546, 547, 555.) To date, Defendant has not submitted this supplemental motion or Exhibit B in any other form. Further, as Plaintiff points out, the affidavit from Defendant's counsel in Exhibit A is not notarized.¹ (See ECF No. 19, PageID.554.) Counsel may submit a declaration in lieu of an affidavit. See 28 U.S.C. § 1746.

Accordingly, Defendant must file Exhibit B and a corrected Exhibit A by Friday, January 8, 2021. Defendant is granted leave to file Exhibit B under seal. Plaintiff may file a brief response (no longer than 5 pages) addressing the breakdown of hours provided by Defendant in Exhibit B by Friday, January 15, 2021.

IT IS SO ORDERED.

Dated: January 6, 2021
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

¹ Counsel's affidavit also contains several inconsistent statements in ¶¶ 2—4. (ECF No. 19, PageID.552–553.)

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on January 6, 2021.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager