

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DOROTHY CRUMP,
Plaintiff,

No. 1:10-cv-655

-v-

HONORABLE PAUL L. MALONEY

ROOSEN, VARCHETTI & OLIVER, PLLC,
Defendant.

ORDER TO SHOW CAUSE

Pending before this court is Plaintiff's motion for attorney fees (ECF No. 17) filed on August 27, 2010. On August 12, Plaintiff filed a notice of acceptance of Defendant's offer of judgment. (ECF No. 15.) The offer of judgment included recovery of reasonable costs and attorney fees that would be agreed upon by the parties or determined by the court upon motion. (ECF No. 15 PageID 81.) On the basis of the notice of acceptance, judgment was entered on August 13, 2010. (ECF No. 16.) After Plaintiff filed the motion for attorney fees, Defendant filed a document entitled "Amended Judgment" and certificate of service. (ECF No. 19.) Attached to the document was an identical "Amended Judgment" and certificate of service. The document states that the parties reached an agreement as to the fees and identifies the agreed upon amount. The "Amended Judgment" document was not signed by any party, but did leave a space for this judge to add his signature. Based on the ECF heading used to file the documents, it appears to the court that defense counsel intended to file a proposed stipulation in which the parties agreed upon the amount of costs and fees. The ECF report indicates, on September 15, 2010, defense counsel was notified that an amended judgment was filed twice.

The deadline for filing an answer to Plaintiff's motion has expired. As it stands, no answer has been filed to Plaintiff's pending motion for attorney fees and no agreement upon the fees has been filed by either party. Defendant is hereby **ORDERED TO SHOW CAUSE** why Plaintiff's motion should not be granted. Defendant may file an answer to the motion, along with an explanation for its untimely response. In the alternative, Defendant may file an appropriate stipulation, signed by the parties, if the parties have reached an agreement. In the event Defendant fails to timely respond to this order, Plaintiff's motion will be granted. Defendant shall file its response to this order no later than 5:00 p.m. on October 22, 2010. **IT IS SO ORDERED.**

Date: October 1, 2010

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge