

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

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|---------------------------------------|---|------------------------------|
| SHANELLE N. HORTON, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. CIV-17-143-R |
| |) | |
| NATIONAL CREDIT SYSTEMS, INC., |) | |
| |) | |
| Defendant. |) | |

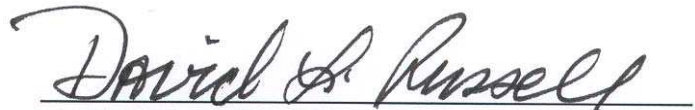
ORDER

Before the Court is Plaintiff’s Motion for Award of Costs and Attorney’s Fees (Doc. 44) and Plaintiff’s Motion for Extension of Time to File Motion for Award of Costs and Attorney’s Fees (Doc. 48). The Court finds Plaintiff’s counsel Brian L. Ponder’s conduct an egregious violation of the Court’s March 16, 2017, order (Doc. 27) to Plaintiff to (1) file a motion for costs and fees under the Fair Debt Collection Practices Act (“FDCPA”) by April 15, 2017, if the parties could not reach an agreement and (2) limit requested costs and fees to work performed on or before March 9, 2017, which only totals \$2,775. *See* Doc. 44-1, at 5–6. Instead, counsel waited nearly *seven* months until October 13, 2017 to seek a \$9,617.79 award of costs and attorney’s fees for work performed through October 13, 2017. *See* Docs. 44 and 45. Defendant rightly objected (Doc. 46), and now counsel essentially seeks a retroactive extension of the April 15, 2017, motion deadline to bless his “[in]excusable neglect.”¹ Fed. R. Civ. P. 6(b)(1)(B).

¹ In addition to violating the Court’s order, counsel violated LCvR7.1(h) by not (1) providing “specific reasons for [his] requested extension to include an explanation why the act was not done within the originally allotted time,” (2) stating “whether the opposing counsel or party agrees or objects to the requested extension,” or (3) attaching “a proposed order for the court’s use if such relief is granted.”

The Court deems that because Plaintiff violated the Court's order to file his motion by April 15, 2017, and to limit requested costs and fees to work performed on or before March 9, 2017, Plaintiff has waived the right to FDCPA costs and attorney's fees under 15 U.S.C. § 1692k(a)(3). Accordingly, the Motions (Docs. 44 and 48) are DENIED.

IT IS SO ORDERED this 2nd day of April, 2018.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE