

LRCiv 54.2

ATTORNEYS' FEES AND RELATED NON-TAXABLE EXPENSES

(a) **Scope.** This Local Rule applies to claims for attorneys' fees and related non-taxable expenses made in cases assigned to the Standard Track or Complex Track of the local rule governing Differentiated Case Management. If a final judgment, including a judgment made under Rule 54(b), Federal Rules of Civil Procedure, does not determine the propriety and the amount of attorneys' fees authorized by statute or by contract, or if the court does not establish other procedures for determining such fees, the procedures set forth in this Local Rule shall apply. This Local Rule does not apply to claims for attorneys' fees and related non-taxable expenses which may be recoverable as an element of damages or to claims for attorneys' fees and related expenses for violations of the Federal Rules of Civil Procedure or under 28 U.S.C. § 1927. The provisions of this Local Rule also do not apply to any motion which may be filed after the entry of a default judgment or by court-appointed counsel in a habeas corpus matter.⁶

(b) **Time for Filing the Motion and Responsive and Reply Memoranda.**

(1) Motions Seeking Fees from the United States. When the recovery of attorneys' fees and related non-taxable expenses are sought against the United States, the motion and supporting memorandum of points and authorities must be filed in accordance with the time limits set forth in ~~Rule 54(d)(2)(B), Federal Rules of Civil Procedure and~~ 28 U.S.C.

⁶ Although civil in nature, writs of habeas corpus are generally applicable to prior criminal proceedings.

§ 2412(d)(1)(B).

(2) Motions Seeking Fees from Parties Other Than the United States. In all other cases, ~~the provisions of this paragraph (b) shall apply.~~ (1) ~~Motion.~~ ~~Unless~~ otherwise provided by statute or court order entered in an individual case, the party seeking an award of attorneys' fees and related non-taxable expenses must ~~shall~~ file and serve a motion for award of attorneys' fees and related non-taxable expenses (along with a supporting memorandum of points and authorities) within fourteen (14) days of the entry of judgment in the action with respect to which the services were rendered. ~~At a minimum, the motion must shall specify:~~

~~(A) The applicable judgment and the statutory or contractual authority entitling the party to the award; and~~

~~(B) The amount of attorneys' fees and related non-taxable expenses sought or a fair estimate of such amount.~~

~~At the time of filing the motion, counsel need not file a memorandum of points and authorities, as required by Rule 7.2, Local Rules of Civil Procedure or the supporting documentation, as required by paragraph (d) of this Local Rule.~~

~~(2) Memorandum in Support.~~ ~~Unless otherwise ordered by the court, the memorandum of points and authorities in support of a motion for award of attorneys' fees; and all supporting documentation as required by paragraph (d) of this Local Rule, must shall be filed and served within twenty eight (28) sixty (60) days of the entry of judgment in the action with respect to which the services were rendered.~~

(3) *Responsive and Reply Memoranda.* Unless otherwise

ordered by the court, any responsive and reply memoranda must be filed in accordance with the deadlines set forth in Rule 7.2, Local Rules of Civil Procedure. ~~the opposing party shall may have twenty-eight (28) days after service of the memorandum in support to may file and serve and file a responsive memorandum to the motion for award of attorneys' fees and related non-taxable expenses, or any portion thereof, within fifteen (15) days after service of the memorandum in support. Thereafter, the moving party, unless otherwise ordered by the court, may shall have fourteen (14) days after service of the responsive memorandum to file a reply memorandum if that party so desires.~~

~~(4) Computation of Time. The time periods prescribed in this Local rule are to be computed in accordance with Rule 6, Federal Rules of Civil Procedure.~~
