IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

TEXAS DEMOCRATIC PARTY, ET AL.	§	
Plaintiffs,	§	NO. 3-08-CV-2117-P
VS.	§	
DALLAS COUNTY, TEXAS, ET AL.	§	
Defendants.	§	

ORDER

Plaintiffs have filed a motion to compel Dallas County, Texas and its Election Administrator, Bruce Sherbet, to produce copies of their invoices for attorney's fees. Because defendants have challenged the amount of attorney's fees requested by plaintiffs as the prevailing parties in this litigation, plaintiffs maintain that the time spent, hourly rates, and fees charged by opposing counsel are relevant to the determination of their fee request. Indeed, this court has considered the amount of fees charged by opposing counsel when ruling on an application for attorney's fees. *See, e.g. Migis v. Pearle Vision, Inc.*, 944 F.Supp. 508, 514 (N.D. Tex. 1996) (Kaplan, J.), *aff'd in part and rev'd in part*, 135 F.3d 1041 (5th Cir. 1998). Absent controlling Supreme Court or Fifth Circuit authority to the contrary, the court is inclined to require defendants to produce copies of their fee statements, after redacting any privileged or confidential information.

With this preliminary ruling in mind, the attorneys shall confer once again in an attempt to resolve this discovery dispute without court intervention. Accordingly, the following orders are hereby entered to facilitate the prompt and efficient disposition of this motion:

1. Counsel shall meet face-to-face or confer by telephone in an attempt to resolve all matters in dispute. This conference shall be held by **December 6, 2010**. Any attorney who fails to participate in this conference or negotiate in good faith will be subject to sanctions.

2. The parties shall submit a joint status report by **December 8, 2010**. This report must contain the following information: (a) the names of the attorneys who participated in the discovery conference; (b) the date the conference was held and the amount of time the parties conferred; (c) the matters that were resolved by agreement; (d) the specific matters that need to be heard and determined; and (e) a detailed explanation of the reasons why agreement could not be reached as to those matters. The joint status report must be signed by all participating attorneys. Any attorney who fails to sign the report will be subject to sanctions.

The purpose of a joint status report is to enable the court to determine the respective positions of each party regarding the subject matter of a discovery dispute in a single written submission. To this end, the parties should present all of their arguments and authorities in the body of the report. Supporting evidence and affidavits may be submitted in a separate appendix. The arguments, authorities, and evidence relied on by a party must be provided to opposing counsel before the attorneys finalize and sign the joint status report. If further briefing is desired before any unresolved matters are decided, the joint status report must indicate why the party requesting further briefing could not fully present its arguments and authorities in the report. The court, in its discretion, may allow further briefing upon request by any party.

The joint status report and appendix must be filed electronically in accordance with Miscellaneous Order 61, the CM/ECF Civil and Administrative Procedures Manual, and the CM/ECF User Guide. A copy of the joint status report and any supporting materials shall be *hand delivered* to the chambers of the magistrate judge on the same day.

3. The parties shall submit an agreed order in lieu of a joint status report if this discovery dispute is resolved. An agreed order, signed by all counsel of record, must be submitted electronically to Kaplan_Orders@txnd.uscourts.gov by **December 8, 2010.** A copy of the signed agreed order must be *hand delivered* to the chambers of the magistrate judge on the same day.

4. The court intends to rule on any unresolved issues based on the written submissions of the parties, including the joint status report. *See* N.D.Tex. LCivR 7.1(g) ("Unless otherwise directed by the presiding judge, oral argument on a motion will not be held."). However, the court, in its discretion or upon the request of any party, may schedule oral argument prior to ruling on the motion.

SO ORDERED.

DATED: December 1, 2010.

JEFF KAPLAN
UNITED STATES MAGISTRATE JUDGE