

IN THE SUPERIOR COURT OF CHARLTON COUNTY
STATE OF GEORGIA

Wendy Whitaker-Lee
Wendy Whitaker-Lee, Clerk
Charlton County, Georgia

Dr. Sherilonda Green,
Plaintiff,

vs.

Charlton County Schools,
Defendants.

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§ Civil Action File No.: 2022-SU-CV-0112

ORDER ON ATTORNEY'S FEES

On March 7, 2023, this Court entered an order finding the Charlton County School District in contempt of an original order, Open Records Act (ORA) case, case number 2022-SU-CV-0112. In the contempt order, the Court stated it would assess attorney's fees and scheduled a hearing. This hearing was held on April 3, 2023 via video conferencing with the consent of the parties.

The Plaintiff seeks an order awarding attorney's fees pursuant to O.C.G.A. § 13-6-11 for pre-litigation fees and O.C.G.A. § 9-15-14(a) for litigation fees.

In case number 2020-SU-CV-0211, the Court found an ORA violation and ordered the District to "provide Plaintiff with access to all requested records as outlined above and in the amended complaint" and "that Defendant make available to the Plaintiff the personal (emphasis added) unlocked (security passcode removed) electronic devices of former Superintendent Lairsey and all board members, for submission to an E-Discovery company that will obtain forensic digital imprints". This order was entered on February 22, 2022.

The District did not produce or make available to the Plaintiff, the personal cell phones of Lairsey and the board members. Rather, the District produced the phones to a Mr. Cooper with Archer Hall, an e-discovery and forensic analysis company. This action was in direct contravention of the Court's order of February 22, 2022 and the current contempt action ensued. Upon a full hearing on the issue of contempt, the Court found Mr. Cooper's and Archer Hall's performance to be lacking in many respects. The failures of Archer Hall are set out fully in the Court's March 3, 2023 contempt order. However, the District was never directed to seek out an E-Discovery company, rather the District was directed to turn over the phones in order for the

Plaintiff to submit to an E-Discovery company.

The Court finds that this action was in bad faith and has caused the Plaintiff unnecessary trouble and expense. This action arose prior to the filing of the present contempt action. This action was subsequently asserted as a defense once the Plaintiff filed the present contempt action. Much of the hearing involved what Mr. Cooper, on behalf of Archer Hall, did or did not do, when in fact, Archer Hall should never have been involved to begin with. This defense of the contempt action was baseless and failed to comply with the Court's order of February 22, 2022.

Of note on O.C.G.A. § 13-6-11, bad faith, and O.C.G.A. § 9-15-14(a), complete lack of any justiciable issue of fact, the Plaintiff, Dr. Green, submitted her simple ORA request in October and November of 2020 and February and March of 2021. Per the ORA itself, such request are to be handled expeditiously. As of this Order, there are many ORA requests still outstanding. The reasonableness of the District's defense in using Archer Hall is non-existent. Accordingly, the Court awards attorney's fees pursuant to O.C.G.A. § 13-6-11 and O.C.G.A. § 9-15-14(a).

The Court turns next to the reasonableness of the attorney's fees requested by the Plaintiff. In this regard, Mrs. Oinonen stated in her place her usual and customary hourly fee is \$550.00 per hour and submitted a detailed schedule of her billable hours. Mrs. Oinonen submitted an order dated November 16, 2022 by the Honorable Senior Judge Hugh Lawson of the U.S. District Court, Valdosta Division. This order addressed the reasonableness of Mrs. Oinonen's hourly fee as it relates to the market rate in Valdosta, Georgia. Judge Lawson reduced the hourly rate to \$400.00 per hour. Judge Lawson also found the hourly rate for Mrs. Oinonen's paralegal to be reasonable at \$150.00 per hour, as does this Court.

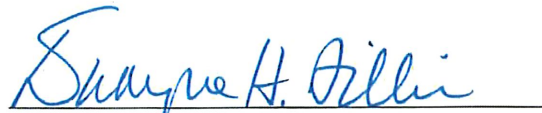
The Court finds that Mrs. Oinonen's render of Judge Lawson's order helpful and her candor represents her profession very well. Mrs. Oinonen's practice field is employment law and discrimination. The Court is not aware of any attorneys in the Waycross Judicial Circuit who practice in these areas of law, though there may well be some. Litigant's in need of attorneys in these areas, typically need to go out of circuit to Valdosta, Savannah, or other areas of the state. The Court concurs with Judge Lawson's opinion that \$400.00 per hour is more aligned with market rates in the South Georgia area and reduces Mrs. Oinonen's hourly rate to \$400.00 per

hour.

Mrs. Oinonen's fee schedule totals \$19,020.00. This figure is composed of billable hours from Mrs. Oinonen and Mrs. Dobbs (paralegal). On cross-examination, Mr. Brooks, on behalf of the District brought out billable hours related to the filing and preparation of a case which was filed in an old case and which was dismissed. The Court disallows those hours and expenses which were incurred on July 10 and July 11, 2022. The Court finds all other hours reflected in the Plaintiff's fee schedule to be reasonable. Multiplying the number of hours by the reasonable hourly rates, as determined by the Court, the Court calculates a figure of \$11,935.00.

The Court hereby Orders the Defendant to remit to the Plaintiff, the sum of \$11,935.00 in attorney's fees by May 10, 2023.

SO ORDERED this the 17 day of April, 2023.



Dwayne H. Gillis, Chief Judge
Charlton County Superior Court
Waycross Judicial Circuit