IN THE SUPERIOR COURT OF CHARLTON COUNTY
STATE OF GEORGIA

Dr. Sherilonda Green, Plaintiff,	§	
v.	§	Civil Action File No.: SUCV202000211
Charlton County Schools, Defendant.	§	

ORDER CONCERNING OPEN RECORDS ACT VIOLATION

Plaintiff Dr. Sherilonda Green filed suit pursuant to the Georgia Open Records Act, O.C.G.A. § 50-18-70 *et seq.*, and a hearing was held. Plaintiff seeks an order (1) finding the Defendant in violation of the Act, (2) enjoining Defendant from continued violations of the Act, and (3) compelling disclosure of all requested records, in particular the text messages from the cell phones. The Court, having carefully reviewed the record, enters this Order.

FINDINGS AND ANALYSIS

The Court finds the following facts as set forth below and the inferences drawn from such facts by a preponderance of the evidence.

I.

The Plaintiff, Dr. Green, served Open Records Requests (ORRs) on four occasions on the Charlton County Board of Education (BOE): one on October 13, 2020, one on October 16, 2020, and two on November 30, 2020. The ORRs were served by email to Superintendent Dr. Lairsey at his work email address. (T. 96-97, 101). The District failed to respond to any ORR served by Dr. Green, alleging it never received any of the emails.

Dr. Green sent her first ORR through email to Dr. Lairsey's school email address on October 13, 2020. (T. 79-81). The subject of the email was "Open Records Request" and the records request itself was attached to the email. The email was sent from Dr. Green's personal email address (greenfamily05@gmail.com) to Dr. Lairsey's school district email address (jlairsey@charlton.k12.ga.us). *See* Plaintiff's Exhibit 7.

On October 14, Dr. Green contacted Sheila Smith, a black female and Dr. Lairsey's long-time secretary, to inquire into the status of her ORR. Dr. Green testified that Sheila Smith told her, "they're working on it." (T. 81, 153-154). Sheila Smith admitted to telling Dr. Green, "they're working on it." (T. 364, 368). Sheila Smith later testified that she just assumed that two women were working on Dr. Green's ORR because she saw them working busily on something. (T. 379). Curiously, she did not testify about whether she mentioned the call with Dr. Green to Dr. Lairsey. The Court finds this incredulous for an experienced executive secretary.

On October 16, after not receiving a response, Dr. Green sent a follow-up email to Dr. Lairsey. (T. 81-82). The subject of this second email was "Open Records Request." Dr. Green blind carbon copied Dr. Lairsey's secretary Sheila Smith on this email and attached the ORR originally sent on October 13. *See* Plaintiff's Exhibit 8. This email was also sent from Dr. Green's personal email address to Dr. Lairsey's school district email address. (T. 96-97). Again, Dr. Green did not receive a response. (T. 83). Dr. Lairsey testified that he did not receive this email. Sheila Smith testified that she did not recall whether she received the email. Although Smith stated that she went back and looked for the email and could not find it, she admitted that she could have deleted the email because she didn't recognize the email address. (T. 365-366).

On October 20, after the BOE meeting, Dr. Green had a telephone conversation with BOE member Curtis Nixon, a black male, and his wife of 25 years, Pam Nixon. (T. 84-85). Dr. Green testified that she asked Mr. Nixon about her ORR and Mr. Nixon told her, "Yeah, he told us about it." (T. 84). When Dr. Green asked why she hadn't received her records, she testified that Mr. Nixon responded, "You know why." (T. 84-85). It's important to note that Mr. Nixon denied the above conversation took place. (T. 332-333, 335). However, Pam Nixon, who is also a BOE employee, testified that she was in the room when the conversation occurred and confirmed Dr. Green's recollection of the conversation. (T. 302-303). The Court finds consistency and credibility in Dr. Green's and Mrs. Nixon's testimony.

Dr. Green filed the instant lawsuit on November 23, alleging that the school district violated the Open Records Act (ORA) by failing to respond to her October ORRs. Two days later, on November 25, Charlton County School District attorney emailed Dr. Green's attorney records responsive to the October 13 ORR. (T. 117). In this email, the District's attorney represented that Dr. Lairsey had not received the ORR emails from Dr. Green on October 13 and 16, and that the District did not become aware of any ORR made by Dr. Green until the lawsuit was filed. *See*

Defendant's Exhibit 2. Dr. Green admitted at trial that all records requested on October 13 and 16 were produced on November 25. (T. 188).

On November 30, Dr. Green emailed Dr. Lairsey two ORRs. The first email was sent at 7:19 a.m. *See* Plaintiff's Exhibit 9. The second email, sent at 12:25 p.m., contained an amended version of the ORR sent that morning, and instructed Dr. Lairsey to "Please disregard the previous OPEN RECORDS email...that I sent to you this morning at 7:19 AM." *See* Plaintiff's Exhibit 10. Both of the November 30 emails were sent from Dr. Green's personal email address to Dr. Lairsey's school district email address. However, Dr. Green sent a blind copy of the second November 30 email to her school district email address (sgreen@charlton.k12.ga.us). Dr. Green received her own blind copied email at her school email address. (T. 101-102, 162, 164).

On February 1, 2021, Dr. Green filed her First Amended Complaint, alleging an additional violation of the ORA in relation to the District's failure to respond to her November 30 ORR.

The District's attorney sent Dr. Green's attorney an email on February 4, again stating that Dr. Lairsey and the District did not receive Dr. Green's November 30 emails and had not been aware of the November 30 ORRs until the First Amended Complaint was filed. Some of the records requested in the November 30 ORRs were attached to the email. The District's attorney indicated that records responsive to the last request, which asked for emails and text messages between Dr. Lairsey and board members, were not available at the time but would be produced within two weeks. *See* Defendant's Exhibit 3. This second set of records was sent to Dr. Green's attorney on February 18, 2021. *See* Defendant's Exhibit 4.

Dr. Green filed a Second Amended Complaint on March 15, 2021, adding an allegation that the District's responses to Dr. Green's ORRs were incomplete. Specifically, Dr. Green testified at trial that the District remains deficient with respect to two items in the November 30 ORR: (1) superintendent qualifications for the vacancy that was posted on 7/25/2020 and (2) "All emails and text messages from the cell phones of all board members and Superintendent Dr. John Lairsey exchanged with other board members, Superintendent Dr. John Lairsey and other employees of the district, and Superintendent Dr. John Lairsey, all board members and King-Cooper & Associates from January 1, 2020-present concerning:

*Dr. Sherilonda Green
*Black peoples' claims of race discrimination at the district
*The lawsuit Dr. Green filed
*The open records requests made by Dr. Green

*The comments made by Rev. Bobby Roberson and other people about discriminatory hiring practices within the district as discussed at board meetings
*Race, racism, Black Lives Matter, and the N word
*New Superintendent search"

(T. 90-94, 119-125; Plaintiff's Exhibit 10). With regard to the November 30, 2020 ORR seeking text messages and emails from Superintendent Lairsey, Dr. Lairsey testified he was never asked to produce either. (T. 249). Additionally, it has been proven that various emails contained attachments which were not included in the District's response to Dr. Green's fourth ORR.

II.

The Court is presented with a set of facts which point to two opposing conclusions and results. Dr. Green contends she sent, and the school district received, various ORRs and that the District ignored her ORRs. The District contends it never received Dr. Green's ORRs until she filed suit, and that thereafter it fully complied with her requests. The facts supporting each position are in dispute. Dr. Green contends that the District's motive for its position is, in essence, to cover up systemic discrimination against African Americans within the District and discrimination against her personally.

Dr. Green testified to years of discrimination and manipulation by Dr. Lairsey and other District employees. The first time she applied for a position as an educator in Charlton County, she called the principal of St. George Elementary School regarding two open positions. The principal told her, "Oh, I already know who I want." Two days later, she was called for an interview. She interviewed for the positions, but two white females were hired instead. It should be noted that St. George Elementary School had an all-white certified staff both at the time Dr. Green applied and at the time of trial. (T. 56-57).

On another occasion, Dr. Green asked Dr. Lairsey about becoming principal at Bethune Middle School. According to Dr. Green, Dr. Lairsey told her that principal Nora Nettles (white female) was not retiring yet and that the position would not open for another three years. Instead, she said Dr. Lairsey urged her to apply for the Director of Exceptional Programs. She interviewed for that position and was hired. Two months later, Nora Nettles was transferred to a director position at the BOE office and a white male was appointed as principal at Bethune Middle School. (T. 62-64, 107-109).

After Ms. Nettles was transferred to the District Office, Dr. Green learned that she was paid a different supplement than Ms. Nettles. Although both were in the same position, Dr. Green's

supplement was $3,000/year and Ms. Nettles's was $12,000/year. Dr. Green brought this up to Dr. Lairsey, and the following year Dr. Green's supplement was increased to $9,000, with Ms. Nettles's remaining at $12,000. It took three years for Dr. Green to receive a $12,000/year supplement equal to Ms. Nettles. (T. 115).

In 2019, a principal position opened at the Charlton County High School. Over the years, Dr. Green had discussed with Dr. Lairsey her desire to be a principal and a school superintendent. Dr. Green expressed interest in the high school principal position, but Dr. Lairsey told her that she could not be a principal and take a superintendent training course at the same time. Dr. Lairsey further advised her that the superintendent training course was a better option for Dr. Green to take since she wanted to become superintendent someday. Based on this advice, Dr. Green did not apply for the high school principal position. Later, experience as a high school principal was one criteria or qualification for the superintendent's position. A document entitled, "Leadership Profile for the Charlton County School Superintendent" Professional Competencies reads, "3. The resume of the candidate must include classroom teaching experience and administrative experience at the school level, especially as a high school principal." *See* Plaintiff's Exhibit 26. The profile does not mention superintendent training course as a requirement.

Further, Professional Competencies 2 states, "The candidate must be very knowledgeable and strong in school finance, budgeting, and business management." In this regard, Dr. Lairsey admitted that Dr. Green repeatedly asked to assist with the general budget to learn that side of the job. He further admitted that he "never got around to" allowing her to do that. However, Dr. Lairsey did allow Joshua Popham, a white male, to assist with the technological aspects of the budget, specifically Excel formulas. (T. 204-205).

Through the decades of Dr. Green's career, the instances of discrimination kept accruing up to and through October of 2020. At no point did Dr. Green take any legal action that has been brought before this Court. The record in this case leads to a strong inference that the District's preferred manner of dealing with Dr. Green is simply to ignore her or engage in circular type responses, resulting in her concerns being ultimately ignored. These factors, along with all the other evidence in this record, lends the Court to the conclusion that Dr. Green's ORRs were treated no different.

In addition to the evidence of personal discrimination, the Court finds that approximately 5% of certified BOE employees are black when approximately 30% of the total population in

Charlton County is black. Furthermore, in 136 years there has been only one black male principal (other than one interim principal recently hired by Dr. Lairsey). There has never been a black female superintendent or principal. Dr. Lairsey admitted that it is problematic how few blacks have been hired as certified employees by the Charlton County BOE. (T. 195). He further admitted that the BOE certified employees are predominantly white and that he personally has only hired one black female director in the central office, Dr. Green. (T. 198). On the other hand, Dr. Sands, Chairman of the BOE, stated he did not think the racial inequities were problematic. (T. 427). Dr. Sands maintained that "it's just the fact that that's the way it is", not knowing whether it was appropriate or not. (T. 426-427). The Court finds such evidence relevant on the issue of motive for failing to respond to the ORRs.

Also relevant on the issue of motive is the District's actions and inactions during the search for the new superintendent. The BOE hired King Cooper and Associates (KC) to assist with the superintendent search. Dr. Green opined that Dr. Lairsey wanted the BOE to hire KC because he was close friends with Bill Truby, a KC manager/employee. (T. 73-74). KC did not provide non-discrimination training to the BOE as part of its services. (T. 243, 343, 348). The superintendent vacancy announcement did not include a discrimination disclaimer, nor did it contain a list of job qualifications, although both are required by BOE policy. (T. 76, 221-222, Plaintiff's Exhibit 11). Dr. Sands testified that he had no idea as to why the vacancy announcement failed to comply with BOE policy. (T. 429).

Dr. Green applied for the superintendent position. Although Dr. Lairsey admitted that Dr. Green was well qualified for the position, she never received an interview. In fact, the BOE only named one finalist for the position, Dr. Tilley. (T. 155, 234). During the interview process, Dr. Lairsey emailed the second round of interview questions to Josh Popham, who was one of sole finalist Tilley's professional references. (T. 94, 152-153, 238).

There were multiple verbal ORRs requesting information about the superintendent search that went unanswered by the BOE. Velesa Henton, a black female and GAE representative, contacted KC seeking a job description for the superintendent position as well as information about the hiring process. Ms. Henton testified that KC referred her to the school. She called the school and left a message but never received a response. (T. 41-42, 45). Dr. Green also made a verbal request to KC, seeking a job description and qualifications, and did not get a response. (T. 74-75). Dr. Robinson, a well-known black community leader, made a verbal request at the October 20

BOE meeting and asked who to send written ORRs to and no one responded. (T. 177, 182, 186-187). The repeated failure of the BOE and its agent KC to honor verbal ORRs from people of color seeking the most basic of information—qualifications for the superintendent position—is telling and indicative of a lack of intent to comply with Georgia law. This conclusion is even stronger when one considers that it is BOE policy to provide qualifications for open positions, and the qualifications were requested in all of the verbal requests discussed above.

After it became clear that she was not going to receive an interview for the superintendent position in October 2020, Dr. Green met with Dr. Lairsey to talk about her concerns regarding discrimination and to ask him why she did not get an interview for the superintendent position. Dr. Green testified that Dr. Lairsey told her he could not help her. (T. 77). Based on her conversation with Dr. Lairsey, Dr. Green determined that she needed to bring her complaint to the Board. She sent a letter to each of the Board members. (T. 78; Plaintiff's Exhibit 6). Dr. Green asked to speak to the Board in an executive session to discuss a personnel matter. Although Dr. Green's request to the BOE is not in evidence, the Court finds that from the circumstances it was clear that the "personnel matter" Dr. Green wished to discuss was her complaint of discrimination. The BOE denied her request on October 19, the day before the meeting, in a letter from the District's attorney. (T. 359-353; Defendant's Exhibit 6). In the letter, the District's attorney told Dr. Green to follow existing procedure for bringing complaints of discrimination.

This position was nonsensical when applied to Dr. Green. This is because Dr. Green was the person within the District who fielded discrimination complaints, and her immediate supervisor, Dr. Lairsey, was the person about whom she was complaining. As illogical as it may seem, Dr. Green carried out the policy by attempting to raise her complaint with Dr. Lairsey, and upon being told there was nothing he could do, she attempted to raise it with the BOE.

BOE Chairman Dr. Sands was questioned by Dr. Green's attorney about the BOE discrimination complaint process and its application to Dr. Green's complaint specifically. When asked, "What is the school district's contention that Dr. Green is supposed to do?" Dr. Sands responded:

Response:	To go through the complaint process like Mr. Brooks ---
Question:	What is the complaint process?
Answer:	--- asked her to do.

Question: What is the complaint process? She's the lady that fields the complaints and she already made a complaint to her boss.

Answer: Then she should very well know what the hell she's doing.

(T. 424-425). This colloquy exemplifies the District's treatment Dr. Green. The Court finds the BOE's practice in handling Dr. Green is circular in nature and intended to ignore her basic concerns, its own policies, and Georgia law, presently the ORA.

Other than the letter the District's attorney sent Dr. Green on October 19, the Board did nothing to respond to or investigate Dr. Green's discrimination complaint. At trial, BOE member Curtis Nixon admitted that the Board did not plan on doing anything in response to Dr. Green's discrimination complaint. (T. 350-351). In fact, Chairman Sands testified that he believed the Board properly responded to Dr. Green's complaint, stating, "I feel like the Board has done what it needs to do. I don't think we've done anything that was inappropriate." (T. 423-425, 427)

The failure to investigate Dr. Green's discrimination complaint or to even allow her to discuss it with the BOE in an executive session seems to violate the Board's own policy. This failure gives rise to a legitimate inference that any concern or request from Dr. Green is merely ignored.

This record is replete with evidence of systemic discrimination and discrimination against Dr. Green personally. The Court finds Dr. Green's testimony and evidence of systemic and personal discrimination compelling and relevant to establish motive in this case. However, the existence of racial discrimination or the lack thereof does not give rise to proof of an ORA violation. Motive—here, racial discrimination—is a mere factor which the Court considers, as it does all other facts in the case.

III.

The District contends that the ORRs contained in various emails from the Dr. Green were quarantined by the Google "Vault" system. This contention was placed into evidence by the District's IT head, Chris Causey. Causey testified that the Plaintiff's emails were never seen by District employees because they were quarantined by Google. This position is contradicted by the testimony of the Dr. Green, Sheila Smith, and Pam Nixon. Also, Causey's testimony is unobjected-to hearsay from a Google employee. Thus, although it is evidence in the case, it being hearsay, the Court finds it is not as reliable as other evidence of record for reasons discussed herein, and even if not hearsay, it contradicts other testimony which the Court finds more credible.

The Causey testimony leaves two serious issues open. The first is that no reason was given for the alleged quarantining of emails. It seems a logical question to ask and it doesn't appear to have been asked from the testimony.

The second issue is much more troubling. Causey pulled the metadata for the October 16, 2020 ORR email that was sent to Sheila Smith. Causey presumably knew to check Sheila Smith's school email address for the email because on Plaintiff's Exhibit 8 it appears that Sheila Smith (ssmith@charlton.K12.ga.us) was blind copied. The question arises as to why Causey did not check or pull the metadata for Dr. Green's November 30, 2020 email where she blind carbon copied her own school email address (sgreen@charlton.K12.ga.us). *See* Plaintiff's Exhibit 10. If the school district's email system was quarantining the emails Dr. Green was sending from her personal email address, it should have quarantined the blind copy Dr. Green sent to herself, as it is alleged to have done with Dr. Lairsey and Sheila Smith. The failure to check or pull the metadata on Dr. Green's school email address is unexplained and quite informative to the Court. No explanation was offered for the failure to pursue this very important point.

The failure to address these two issues in the Causey investigation is troubling, particularly when Causey is known to have pulled Sheila Smith metadata because she was blind copied on Plaintiff's Exhibit 8, but not when Dr. Green had the foresight to blind copy herself on Plaintiff's Exhibit 10. These failures and others seriously affect the credibility of the Causey investigation and the entire "non-receipt" defense. Mr. Causey testified that no one would be able to see the November 30, 2020 12:25 p.m. email on the user side. (T. 392). However, Dr. Green testified to receiving her own blind copied email at her school system email address. (T. 101-102, 162, 164). This testimony heightens the importance of the failure to examine the metadata on Dr. Green's school system email address. This metadata is in the possession of the District and there is a failure to produce it or examine it, which again casts doubt upon the District's position.

It's also important to note that Causey has never been instructed by anyone to attempt to prevent the unknown quarantining of emails. This too is telling and is evidence of an indifference to the consequences of the District's defense of non-receipt. Causey testified that of his own volition he is attempting to fashion a solution so that the "non-receipt defense" doesn't occur again. If the "non-receipt defense" were valid, it would be tragic for the School Superintendent and the Board of Education to fail to order that a solution be found, and yet that appears to be the case presently. The failure to direct the District IT head, Causey, to fix such a "problem" easily gives

rise to an inference that there was never such a problem to begin with and that if true the "problem" related to Dr. Green and thus could be ignored also.

IV.

In response to the ORA suit, the District has asserted a variety of defenses. The primary defense centers on the position that the District never received any of the ORRs from the Plaintiff prior to suit (referred to as the "non-receipt defense"). The Court has previously found that the Plaintiff proved her claim by a preponderance of the evidence and, for a variety of reasons, the Court rejected the non-receipt defense.

The District further asserts that the Plaintiff failed to comply with O.C.G.A. § 50-18-71(e) because she did not copy the District's attorney with her November 30, 2020 ORR. The applicable portion of subsection (e) reads as follows: "Requests by civil litigants for records that are sought as part of or for use in *any ongoing civil or administrative litigation* against an agency shall be made in writing and copied to *counsel of record* for that agency contemporaneously with their submission to that agency." O.C.G.A. § 50-18-71(e) (emphasis added). This subsection has two important qualifiers which must be met before a litigant is required to copy an agency's counsel.

The first is the requirement of on-going litigation. The ORR in issue is the last one of November 30, 2020. Suit was filed on November 23, 2020. However, service was not perfected until December 3, 2020, and an answer was not filed until December 30, 2020. There was litigation as of November 23, but there was no on-going litigation until the District filed its answer evidencing its opposition to the Plaintiff's claims. The District could have chosen not to oppose the complaint and defaulted, or it could have answered and admitted the allegations. The Court finds in this case that there was not "on-going" litigation until December 30, when the District filed its answer. The legislature could have merely said "any" litigation if it so chose. It is apparent that the legislative intent was focused upon contested litigation, and at the time the ORR at issue was sent, November 30, 2020, this case was not contested.

More problematic for the District's position and more indicative of legislative intent is the requirement that there be "counsel of record". Attorneys become "counsel of record" by filing pleadings or filing an entry of appearance in cases. On November 30, 2020, there was only one "counsel of record" in the case, the Plaintiff's attorney. If the legislature had wanted general counsel or in-house counsel to receive copies of ORRs, it could have so provided. By using

"counsel of record", a term which almost universally is used to refer to or involve contested litigation, the legislative intent is apparent.

Because the legislature used the term "on-going litigation" and "counsel of record", the legislative intent is clear. Furthermore, there is no sanction provided in the statute, even if the legislature intended otherwise. For these reasons the Court rejects this line of defense.

Next, the District asserts that Dr. Green failed to provide notice of deficiencies before filing suit, and therefore Dr. Green's suit is premature. The District cites Everett v. Rast, but that case is distinguishable. 272 Ga. App. 636 (2005). In Everett, an individual requested records from a government agency and received a timely response indicating that the agency would comply with the request. The individual never followed up with the agency and then sued to obtain the records. The Court of Appeals found that the individual had "rushed to litigation" and said that "it was incumbent on Everett to follow up with the City after the City indicated that it would provide the requested documents." Id. at 636. *See also* Felker v. Lukemire, 267 Ga. 296 (1996) (Plaintiff requesting documents under the ORA must notify defendant if response is unsatisfactory).

Here, the Court has found that there was never a timely response by the District to Dr. Green's ORRs. Unlike in Everett and Felker, where the government agency timely responded to an ORR and the requestor never followed up, the District here never responded to Dr. Green's ORRs until after the complaint and first amended complaint were filed. In the unique posture of this case, there was nothing the Plaintiff could do but file a second amended complaint, wherein she detailed the alleged deficiencies in the District's production. Even after the District received notice of the deficiencies through the second amended complaint and subsequent depositions, there still remains items requested that have not been produced, as stated above.

CONCLUSION

Based upon the facts set forth in this order, the Court finds that the District received Dr. Green's ORRs. As such, the Court finds that the District violated the ORA by failing to respond to Dr. Green's ORRs within three business days of receipt. Moreover, even if the District did not receive Dr. Green's ORRs in October and November, as alleged by the District, the requests were eventually received by virtue of the lawsuit and amendments. The District elected to respond to the requests when served with the complaint and amendments. However, as stated, Dr. Lairsey has never provided the information sought from him. Attachments to emails still have not been

produced, nor have the qualifications for the position of school superintendent. Therefore, assuming arguendo that the School District did not receive the ORRs when they were originally sent, the Court still finds an Open Records Act violation and orders as follows:

IT IS HEREBY ORDERED that the Defendant provide Plaintiff with access to all requested records as outlined above and in the amended complaint;

IT IS FURTHER ORDERED that Defendant is enjoined from withholding requested records;

IT IS FURTHER ORDERED that Defendant make available to the Plaintiff the personal 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. Defendant will assume the cost of this retrieval. The E-Discovery company should extract and produce all electronic messages (emails or text messages) sent between Superintendent Lairsey, Board members, other District employees, and King Cooper and Associates from January 1, 2020, to present that contain or relate to:

*Dr. Sherilonda Green
*Black peoples' claims of race discrimination at the district
*The lawsuit Dr. Green filed
*The open records requests made by Dr. Green
*The comments made by Rev. Bobby Roberson and other people about discriminatory hiring practices within the district as discussed at board meetings
*Race, racism, Black Lives Matter, and the N word
*New Superintendent search.

Additionally, the E-Discovery company should produce analytic information showing what electronic messages were deleted during that time frame. After such applicable information is extracted, it will first be produced to Defendant's counsel for review before it is then provided to Plaintiff's counsel.

IT IS FURTHER ORDERED that any such open records withheld by Defendant or their counsel, including such records produced by the E-discovery company that are withheld on grounds of a claimed exception pursuant to O.C.G.A. § 50-18-72, relevancy, or work product/attorney-client privilege, must be submitted for *in camera* inspection.

The Court is cognizant of O.C.G.A. § 50-18-73(b) and finds the Defendant acted without substantial justification in failing to comply with the ORA. The statute provides that the Court shall award attorney's fees and litigation costs, unless the Court finds special circumstances exist

for the violation. The Court finds no such special circumstance in this case. Based on the foregoing, the Court finds that Plaintiff is entitled to attorney's fees and costs. The Court therefore awards the sum of $0.00 in attorney's fees and litigation costs as there is no evidence in the record of either.

SO ORDERED this the 22 day of February, 2022.

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