

FAX RECEIVED
MAR 12 2024

**IN THE CIRCUIT COURT OF ROBERTSON COUNTY, TENNESSEE
AT SPRINGFIELD**

PEPPER BLACK AND
S. BRAD DOZIER,

Plaintiffs,

v.

THERESA BALDWIN,

Defendant.

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Case No.: 74CC1-2022-CV-247

FILED
KRISTY A. CHOWNING, CLERK

APR 02 2024

AT 11 O'CLOCK A M
BY A. Taylor-DC

**ORDER GRANTING DEFENDANT'S MOTION FOR ATTORNEY'S FEES,
COSTS, AND EXPENSES**

This matter came before the Court for hearing on March 12, 2024, upon the Defendant's *Motion for Attorney's Fees, Costs, and Expenses*. The Plaintiffs did not file a response to the Defendant's motion. Upon consideration of the Defendant's motion, the Plaintiffs' failure to file a response in opposition, and the entire record, the Court FINDS and ORDERS as follows:

Under Tennessee Code Annotated § 20-17-107(a)(1), the Defendant is entitled to a mandatory award of court costs, reasonable attorney's fees, discretionary costs, and other expenses incurred in filing and prevailing upon her Tennessee Public Participation Act petition. The Defendant has filed a properly supported motion itemizing her costs, reasonable attorney's fees, and expenses incurred. The Defendant's motion is supported by the Declaration of the Defendant's lead counsel.

For the reasons set forth in the Defendant's motion, the Court finds that Defendant's counsel's time entries, rates claimed, and expenses claimed for reimbursement were reasonable and necessary. The Defendant's motion establishes the

reasonableness of the costs, attorney's fees, and expenses she has moved the Court to award her under each factor of Tenn. Sup. Ct. R. 8, RPC 1.5(a), and the Plaintiffs did not respond in opposition to the Defendant's motion. While Plaintiffs' counsel sought to contest the reasonableness of some entries during the March 12, 2024 hearing, the Court finds that the Plaintiffs waived opposition by failing to file a response. *See* Local Rule 19, § 19.01 ("Failure to file a written response may constitute a waiver by counsel to participate in oral argument and may be deemed as a basis for sanctions under § 18.06.").

For these reasons, the Defendant's *Motion for Attorney's Fees, Costs, and Expenses* is GRANTED. The Defendant is awarded her attorney's fees, costs, and expenses in the total amount of \$116,773.03, calculated as follows:

Daniel Horwitz: 173.8 hours (\$350/hour): \$60,830.00

Lindsay Smith: 173.0 hours (\$275/hour): \$47,575.00

Melissa Dix: 56.4 hours (\$250/hour): \$14,100.00

Costs and expenses: \$4,268.03

Voluntary Reduction: -\$10,000.00


Thus, upon entry of this Order, a money judgment shall ENTER jointly and severally against the Plaintiffs, Pepper Black and S. Brad Dozier, in favor of the Defendant, Theresa Baldwin, in the amount of ONE HUNDRED AND SIXTEEN THOUSAND, SEVEN HUNDRED AND SEVENTY-THREE DOLLARS AND THREE CENTS (\$116,773.03), which is inclusive of all Defendant's compensable claims for attorney's fees, costs, and expenses incurred through November 30, 2023.

Because the information contained in Exhibit #2, Attachment B of the Defendant's

motion is privileged, *see Los Angeles Cty. Bd. of Supervisors v. Superior Ct.*, 386 P.3d 773, 781 (Cal. 2016), it is further ORDERED that that portion of the Defendant's motion—and only that portion—shall be maintained by the Clerk under seal.

IT IS SO ORDERED.

ENTERED this the 2 day of April, 2024.



HON. ADRIENNE FRY
CIRCUIT COURT JUDGE PART 1

APPROVED FOR ENTRY:

By: /s/ Daniel A. Horwitz
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CERTIFICATE OF SERVICE

I hereby certify that on this the 12th day of March, 2024, a copy of the foregoing was transmitted via hand-delivery, via the Court's electronic filing system, via USPS mail, and/or via email to the following parties or their counsel:

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