

IN THE STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF HORRY)	
)
Justin Shane Fulmer,)	Civil Action No.: 2021-CP-26-06975
)
Plaintiff,)	
)
vs.)	AWARD OF ATTORNEYS FEES
)
Melissa Emery Buckhannon, Esq.,)	
Frazier Law Firm, P.C., SC House Calls,)	
Inc., Anna Coggeshall, Bryan Coggeshall,)	
Katherine Coggeshall, Lauren Trent)	
Fulmer, and Thomas Buckhannon.)	
)
Defendants.)	
_____)	

Pursuant to the Homeland Security Act, attorney’s fees are recoverable and shall be awarded in this case. However, only attorney’s fees which are “**reasonable**” may be recovered. In determining the reasonableness of attorneys fees, the court is to consider the following eight factors: (1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly; (2) the likelihood that the acceptance of a particular employment will preclude other employment by the lawyer; (3) the fee customarily charged in the locality for similar legal services; (4) the amount involved and the results obtained; (5) the time limitations imposed by the client or by the circumstances; (6) the nature and length of the professional relationship with the client; (7) the experience, reputation, and ability of the lawyer(s) performing the services; and (8) whether the fee is fixed or contingent. (SCRPC 1.5)

As to the reasonableness of attorney’s fees in this case, starting with the first factor, the Court agrees this case was novel, however, it was not overly complex. In regard to the second factor, the Court finds this factor is inapplicable to the case at hand.

In regard to the third factor, after conducting some research, the Court concludes that in the Fifteenth Circuit a strong hourly rate for complex medical malpractice and construction cases is approximately \$250.00. Therefore, the Court hereby limits the hourly rate to \$250 per hour in this case, as both Mr. Whiting and Mr. Abrams demonstrated their ability to handle complex cases as well.

As to the fourth factor, Mr. Abrams's affidavit of attorney's fees indicates 67 hours were spent preparing and working on this case. Mr. Whiting's affidavit of attorney's fees indicates 224 were spent preparing and working on this case. Together, the Plaintiff's attorneys spent a total of 291 hours on this case and jointly requested attorney's fees in the amount of \$163,125.09.

Based on the reasonable hourly rate in the Fifteenth Circuit and the hours spent working on the case, the Court finds the Plaintiff's attorneys are entitled to an award of attorney's fees in the amount of \$72,750.00. Mr. Abrams is entitled to an award of attorney's fees in the amount of \$16,750.00 ($\250×67 hours) and Mr. Whiting is entitled to an award in the amount of \$56,000.00 ($\250×224 hours).

Although after the reduction, the attorney's fees are still substantially close to the amount of the jury award, the Court believes the award of \$72,750.00 is appropriate, especially considering the time both attorneys spent on the case and the amount of attorney's fees originally requested.

The fifth factor concerning time sensitivity is inapplicable to the case at hand. As to the sixth factor, regarding the length and nature of the attorney's professional relationship with the client, the Court expects this was a one-time employment and neither Mr. Abrams nor Mr. Whiting have a lengthy professional relationship with the Plaintiff.

As to the seventh factor, it is obvious that both Mr. Abrams and Mr. Whiting are successful and seasoned attorneys with excellent reputations. Both attorneys exhibited impeccable advocacy and courtroom professionalism throughout the entirety of the trial for which this Court is extremely appreciative.

Lastly, this was a fixed fee case. Therefore, the Court considered attorneys fees based on an hourly rate.

In conclusion, this Court finds an award of attorney's fees in the amount of \$56,000.00 to Mr. Whiting and \$16,750.00 to Mr. Abrams to be both reasonable and appropriate in this case.



Horry Common Pleas

Case Caption: Justin Shayne Fulmer VS Melissa Emery Buckhannon , defendant, et al

Case Number: 2021CP2606975

Type: Order/Attorney Fees

IT IS SO ORDERED

s/ The Honorable William H. Seals Jr. #2157