

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)
)
PAUL VERNON COFFMAN, JR.,)
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Plaintiff,)
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vs.)
)
TOWN OF PORT ROYAL AND)
KIMBERLY CARTER,)
)
)
Defendants.)
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_____)

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
C/A No. 2021-CP-07-01217

ORDER AWARDING FEES AND COSTS



This matter was before the Court on December 11, 2024 by way of Plaintiff's Motion for Attorneys' Fees and Costs filed July 1, 2024.

FACTS AND PROCEDURAL HISTORY

The above-captioned case arises from an unlawful arrest following an incident that took place at the Sands Beach Boat Landing on July 6, 2020, and the subsequent investigation conducted by the Port Royal Police Department. The Plaintiff was eventually arrested by the Port Royal Police Department. The case proceeded to trial before a jury in Beaufort County beginning on June 17, 2024. The trial presided over by the Honorable H. Seven DeBerry. At trial, the parties disputed the existence of probable cause for Plaintiff's arrest and Plaintiff introduced substantial evidence into the record, with the consent of the Defendants, which clearly disputed the existence of probable cause (including, e.g., testimony for Joab Dowling, Ryan Steady, testimony from the Town of Port Royal via the 30(b)(6) deposition of Captain John Griffith, and the recorded deposition testimony of Defendant Kimberly Carter entered by consent of the parties). At the conclusion of the trial, the jury rendered a verdict awarding the Plaintiff One hundred thousand (\$100,000.00) dollars against Kimberly Carter (which included a punitive damages award of \$40,000) and Two Hundred and Fifty Thousand (\$250,000.00) dollars against the Town of Port Royal

Having carefully considered the Motion for Fees and Costs Pursuant to 42 U.S.C. § 1988 filed by the Plaintiff, the court makes the following findings and rulings;

FEES AND COSTS

Pursuant to *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714 (5th Cir. 1974), which was embraced by the Fourth Circuit in *Barber v. Kimbrell's Inc.*, 577 F.2d 216, 226 (4th Cir. 1978), the court has taken all twelve factors into consideration.

First, there is no finding that this matter was overly complicated considering the time and labor required, the novelty and difficulty of the questions involved, and the skill required to perform the legal service properly. *Johnson* at 717. Further, it is not compelling that the likelihood that the acceptance of this particular case precludes other employment by the lawyer considering the case was taken on contingency. *Id.* at 718. The fee charged as contingency is customary in the locality for similar legal services. *Id.* The time limitations imposed by the client or circumstances were also not overly burdensome. *Id.* The amount involved and the results obtained were not overly burdensome as there was a lack of experts and specialized evidence. *Id.* The experience, reputation, and ability of the lawyers performing the services is highly factually dependent as opposed to technical. *Id.* at 720. Although experienced attorneys may enjoy a higher rate for services, Plaintiff's counsel voluntarily accepted this case on a contingency basis, waiving any claim to set rates. Although Plaintiff argues the case was "undesirable," this factor weighed positively in favor of the award. *Id.* The nature and length of the professional relationship with the client was also not overly burdensome given the facts of the case. *Id.* Finally, facts as determined by the jury were in line with the verdict when compared to similar cases. *Id.*

The jury award and outcome conformed to and supported the facts of this case in the court's opinion and is complimentary of the amount involved and the results obtained.

The court therefore awards Plaintiff costs incurred in prosecution of this case that were incurred in the course of litigation per Plaintiff's Exhibit 9 to Plaintiff's Memorandum in Support of Plaintiff's Motion for Attorneys Fees and Costs. The court also awards one-third contingency on the \$100,000 portion of the verdict as related to 42 U.S.C. § 1983.

The fees and costs submitted were not reasonable given the above factors from to *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714 (5th Cir. 1974), which was embraced by the Fourth Circuit in *Barber v. Kimbrell's Inc.*, 577 F.2d 216, 226 (4th Cir. 1978).

Therefore, the court, in its discretion and after review of Plaintiff's exhibits, awards the following:

- a. Plaintiff's Costs in the amount of \$14,351.72
- b. Plaintiff's Fees in the amount of \$33,333.33

AND IT IS SO ORDERED.

H. Steven DeBerry, IV
Presiding Circuit Court Judge

Beaufort, South Carolina
January __, 2025



Beaufort Common Pleas

Case Caption: Paul Vernon Coffman Jr , plaintiff, et al VS Port Royal Town ,
defendant, et al

Case Number: 2021CP0701217

Type: Order/Attorney Fees

H. Steven DeBerry, IV

Circuit Court Judge 2771