

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO. 16-CP-40-01651

Sisters of Charity Providence Hospitals,
Plaintiff,

ORDER GRANTING PLAINTIFF
ATTORNEY'S FEES

v.

Palmetto Health,
Defendant.

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NOV 28 2017
SC Court of Appeals

ANNETTE W. MCGRIDE
C.C.P. & G.S.
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1. This Freedom of Information Act (FOIA) enforcement action came before the Court for a bench trial on February 7, 2017.
2. "If a person or entity seeking such [FOIA] relief prevails, he or it may be awarded reasonable attorney fees and other costs of litigation." S.C. Code Ann. § 30-4-100(b).
3. On July 5, 2017, this Court entered an Order enforcing FOIA and ruling that Plaintiff should be granted its attorney's fees and costs pursuant to S.C. Code Ann. § 30-4-100(b), directing Plaintiff to submit an affidavit of attorney's fees and costs.
4. The Plaintiff has submitted its council's affidavit as directed, claiming attorney's fees for time spent and litigation costs totaled \$45,502.10 from May of 2015 through June 30, 2017.
5. At the hearing on attorney's fees held August 30, 2017, in Florence, South Carolina, Plaintiff conceded it was not owed fees for four hours and thirty minutes that it billed its client at a rate of \$300-\$400 per hour regarding non-spoliation letters and a FOIA request. The Court will not consider or award those fees.

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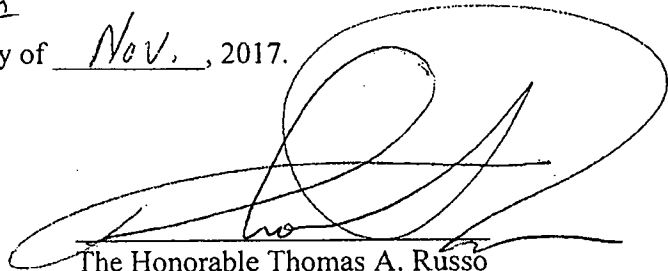
6. The Court agrees with Defendant that Plaintiff should not have billed its client for work on a motion for partial summary judgment in January of 2017 because there was no motion for partial summary judgment in this case. The Court will not consider or award those fees.
7. As to an award for the remaining fees requested, this Court considered the following:
 - a. The nature, extent, and difficulty of the case: The Court finds that the Freedom of Information Act and related matters are complex, heavily regulated, and can present numerous legal issues, thus justifying the fees charged.
 - b. The time necessarily devoted to the case: The Court finds that the articulated time entries are reasonable.
 - c. Professional standing of counsel: This Court is familiar with the work of the Plaintiff's attorneys, and knows them to be well-respected and experienced attorneys in this state.
 - d. Contingency of compensation: Contingency of compensation is not relevant because this was not a contingency fee case.
 - e. Beneficial results obtained: Plaintiff sought a declaration that Defendant was a public body and that Plaintiff should be awarded documents under FOIA; it fully prevailed on both counts.
 - f. Customary legal fees for similar services: The Court also finds that the legal fees charged were appropriate and customary for similar services.
8. The Court has afforded Defendants an opportunity to object and has considered any objections.

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9. The Court finds that the requested attorney's fees and costs were reasonable and that Plaintiffs are entitled to an award of attorney's fees and costs of \$43,102.10 for work from May of 2015 through June 30, 2017.

AND IT IS SO ORDERED, this 8th day of Nov., 2017.



The Honorable Thomas A. Russo
Presiding Judge

Florence, South Carolina

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McNair Law Firm, P.A.