

STATE OF SOUTH CAROLINA  
 COURT OF COMMON PLEAS FOR COUNTY OF AIKEN  
 THE SECOND JUDICIAL CIRCUIT

Herman Perry Holcomb, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 City of North Augusta and )  
 Mayor and City Council of North )  
 Augusta )  
 )  
 Defendants. )  
 )

CIVIL ACTION FILE NO: 2018-CP-02-02705

**RECEIVED**  
 ORDER  
 JAN 21 2020  
 SC Court of Appeals

Date of Hearing:	December 5, 2019
Presiding Judge:	The Honorable Clifton B. Newman
Plaintiff's Attorney:	Dionè C. Carroll, Esq.
Defendants' Attorneys:	Danny C. Crowe, Esq.
	Kelly F. Zier, Esq.
Court Reporter:	Maryann Nevers

THIS action came before the Court upon the Motion of the Defendants filed on October 18, 2019 for Alteration and Amendment of Findings and Judgment or, Alternatively, for a new Trial, Pursuant to Rules 52 and 59(a)(2) and (e), SCRCP. On October 31, 2019, Plaintiff filed a Memorandum in Opposition of Defendants' Motion. The Court concludes as follows:

**PROCEDURAL HISTORY**

A final Order in the matter was filed on October 8, 2019, which replaced an order inadvertently e-filed in error on October 7, 2019. In the October 8 Order, this Court held in favor of Plaintiff and declared the conduct of Defendants in amending a document represented to the public as a regular agenda to add an item, without adequate process, to be in violation of the Freedom of Information Act ("FOIA"), S.C. Code § 30-4-10 et seq. This Court also enjoined

Defendants from future similar violations, and awarded Plaintiff reasonable attorney's fees and costs.

On October 18, 2019, Plaintiff filed a Motion to Determine the Amount of Attorney's Fees and Costs. Plaintiff requested a Judgment from the Court awarding him attorney's fees in the amount of \$10,518.00; costs in the amount of \$699.92; and any other relief the Court deemed appropriate, just and proper.

On October 18, 2019, Defendants also filed a Motion for Alteration and Amendment of Findings and Judgment or, Alternatively, for a new Trial, Pursuant to Rules 52 and 59(a)(2) and (e), SCRCF, which included argument as to the appropriateness of the award of fees and costs. On October 31, 2019, Plaintiff filed a Memorandum in Opposition of Defendants' Motion.

This Court held a hearing on December 5, 2019 and addressed both outstanding motions. The Plaintiff was present and represented by his above-referenced attorney. The Defendants were represented by the above referenced attorneys. Counsel for both parties make argument for the Court's consideration with respect to the Defendants' Motion for Alteration and Amendment of Findings and Judgment or, Alternatively, for a new Trial, Pursuant to Rules 52 and 59(a)(2) and (e), SCRCF., and with respect to the appropriateness of the award of attorney's fees and costs, including issues raised by Plaintiff's Motion to Determine the Amount of Attorney's Fee and Costs.

The Court has jurisdiction over the parties and the subject matter of this action. The Defendants were properly served with the Summons, Complaint and Amended Complaint and associated documents, notices of hearing and any other subsequent papers. The parties were properly served with the date, time, and place of the Hearing.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Based upon an examination of the file, evidence presented, legal arguments and applicable law, I make the following findings of fact and conclusions of law:

1. Defendants' Motion for Alteration and Amendment of Findings and Judgment or Alternatively, for a new Trial, Pursuant to Rules 52 and 59(a)(2) and (e), SCRCF is hereby denied;
2. This Court did not abuse its discretion in making the October 8, 2019 Order;
3. The October 8 final Order of the Court is based on evidence in the record and contains no error of law;
4. The Order entered into by the Court on October 8, 2019 continues to be the order of the Court;
5. Plaintiff is awarded his attorney's fees in the amount of \$10,518.00;
6. Plaintiff is awarded his costs in the amount of \$699.92;
7. Attorney's fees and costs are reasonable and appropriate;
8. Plaintiff's fees and costs shall be paid by Defendants within 30 days of entry of this Order.

IT IS SO ORDERED.

\_\_\_\_\_, 2019  
Aiken, South Carolina

\_\_\_\_\_  
The Honorable Clifton B. Newman  
Circuit Court Judge



Aiken Common Pleas

**Case Caption:** Herman Perry Holcomb VS North Augusta City Of , defendant, et al

**Case Number:** 2018CP0202705

**Type:** Order/Other

So Ordered

s/ Clifton B. Newman, 2127