

CAPITAL JUDICIAL CENTER
AUGUSTA COURTS
1 COURT STREET, SUITE 101
AUGUSTA, MAINE 04330

FIRST-CLASS



US POSTAGE^{IMI}PITNEY BOWES



ZIP 04330 \$ 000.63⁰
02 7H
0006088209 JAN 16 2024

Carol Garvin, Esq
PO Box 7860
Portland, ME 04112

0411287860 5219



STATE OF MAINE
Kennebec, SS

SUPERIOR COURT
CIVIL ACTION
DOCK. NO. AUGSC-CV-2021-131

HUMAN RIGHTS DEFENSE CENTER,)

Plaintiff,)

v.)

PROPOSED ORDER

MAINE COUNTY COMMISSIONERS)
ASSOCIATION SELF-FUNDED RISK)
MANAGEMENT POOL,)

Defendant.)

Pursuant to M. R. Civ. P. 54 and this Court's December 1, 2022 Order, Plaintiff has moved this Court for an award of \$127,127.33 in attorney fees and \$3,472.69 in costs and expenses. For the reasons discussed below, Plaintiff's motion is hereby GRANTED.

DISCUSSION

In this case, the Court was called upon to resolve two related questions: whether Defendant, the Maine County Commissioners Association Self-Funded Risk Management Pool ("Risk Pool") unlawfully withheld documents responsive to a Freedom of Access Act request made by Plaintiff Human Rights Defense Center; and, whether the refusal to produce these documents was made in bad faith.

On December 1, 2022, the Court answered both of these questions in the affirmative. The Court's Order was affirmed by the Law Court on August 22,

2023. Both this Court and the Law Court concluded that the Risk Pool's response constituted a bad-faith refusal. And, both this Court and the Law Court acknowledged that this was the first application of the Freedom of Access Act attorney fee provision. The results in this case, therefore, served not only to clarify and enforce the law for the parties themselves but also to provide guidance to all people in Maine who might hold, or might seek, public records.

After reviewing the submissions of the parties, cited cases, and recent federal cases from the District of Maine, the Court finds the following hourly rates are reasonable, given the qualifications, skill, and experience of the attorneys:

Zachary L. Heiden: \$400

Carol Garvan: \$350

Anahita Sotoohi: \$220

Plaintiff seeks reimbursement for 328 hours of legal work, supported by detailed time records. The Court finds that this was a reasonable number of hours to expend, given the complexity of the issues, the intransigence of the Defendant, and the public interest at stake.

Plaintiff seeks an additional \$3,472.69 in litigation costs and expenses. The Court finds that this was a reasonable, and compensable, amount.

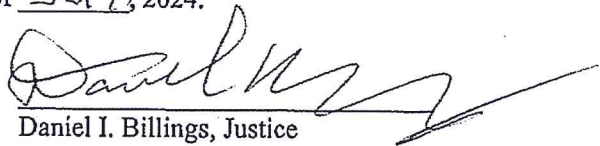
Given the public interest involved in this case; the time and hours consumed before resolution; the difficulty of the case; the significance of the

result; and the quality of the attorneys' services, the Court finds that a 1.15 lodestar enhancement in this case is appropriate.

It is hereby ORDERED:

Defendant Maine County Commissioners Association Self-Funded Risk Management Pool shall furnish Plaintiff with a check for \$130,600.02, payable to "American Civil Liberties Union of Maine Foundation."

Dated at Augusta, Maine this 16th day of July, 2024.



Daniel I. Billings, Justice
Maine Superior Court