

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JU'ZEMA MARIE GOLDRING,

Plaintiff,

v.

VLADIMIR HENRY and JUAN
RESTREPO, Atlanta Police Department
Officers, in their individual capacities,

Defendants.

CIVIL ACTION NO.

1:18-cv-01191-WMR

ORDER

Before the Court are two motions for attorney's fees in this case: (1) Plaintiff Ju'Zema Goldring's motion for attorney's fees [Doc. 155], and (2) Defendants Investigator Vladimir Henry and Officer Juan Restrepo's motion for attorney's fees [Doc. 156]. The Court held a hearing on the motions on June 8, 2022. [Doc. 178.] After careful consideration of the parties' arguments, the applicable law, and the relevant parts of the record, and for the reasons discussed herein and at the hearing, the Court grants Ms. Goldring's motion and denies Defendants' motion.

I. Background

In March 2018, Ms. Goldring filed this civil rights action and asserted claims against each Defendant for malicious prosecution under Georgia law and malicious

prosecution under 42 U.S.C. § 1983 for a pedestrian in the roadway charge and for a trafficking in cocaine charge. [Doc. 1; Doc. 13 at 9–11.] The Court denied Defendants’ motion for summary judgment because “issues of fact still remain[ed],” and a panel of the Eleventh Circuit unanimously affirmed the Court’s denial of summary judgment. [Doc. 69 at 1; Doc. 103 at 2.] The case thus proceeded to a trial.

During the trial, Ms. Goldring voluntarily dismissed her state-law claims for malicious prosecution. [Doc. 136.] At the close of the trial, the jury returned a verdict in favor of Ms. Goldring on her malicious prosecution claim for the trafficking in cocaine charge under Section 1983 against Investigator Henry only and awarded her \$1,500,000 in compensatory damages. [Doc. 139 at 1–2.] The jury returned a verdict in favor of Investigator Henry on the malicious prosecution claim for the pedestrian in the roadway charge under Section 1983 and returned a complete defense verdict in favor of Officer Restrepo. [*Id.* at 1.]

The parties subsequently filed the present motions for attorney’s fees under 42 U.S.C. § 1988. [Docs. 155, 156.] Both motions are opposed. [Docs. 158, 163.]

II. Discussion

The Court addresses the two motions for attorney’s fees separately.

A. Ms. Goldring's Motion for Attorney's Fees

The Court, “in its discretion,” may award reasonable attorney’s fees to the prevailing party in a Section 1983 action. 42 U.S.C. § 1988(b). The Court’s award of attorney’s fees is entitled to “substantial deference.” *Fox v. Vice*, 563 U.S. 826, 838 (2011). In determining the award, the Court multiplies the reasonable hours expended by a reasonable hourly rate to compute what is often called the “lodestar.” *See Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983); *see also Norman v. Hous. Auth. of City of Montgomery*, 836 F.2d 1292, 1302 (11th Cir. 1988) (stating “the lodestar is determined by multiplication of a reasonable hourly rate times hours reasonably expended”). “[T]here is a strong presumption that the lodestar figure is reasonable.” *Perdue v. Kenny A. ex rel. Winn*, 559 U.S. 542, 554 (2010). Even so, the lodestar can be adjusted “upward or downward” based on the “results obtained.” *Hensley*, 461 U.S. at 434.

Ms. Goldring argues that her lawyers are entitled to reasonable attorney’s fees totaling \$608,715 based on the reasonable hours expended multiplied by the reasonable hourly rate. [Doc. 155 at 1–2, 17.] In opposing the requested attorney’s fees, Investigator Henry does not contend that the hours expended nor the hourly rates are unreasonable. [See generally Doc. 163.] Instead, he asserts only that the Court should reduce the award of attorney’s fees because Ms. Goldring “obtained only limited success” in her action. [*Id.* at 1, 4.] Although not contested by

Investigator Henry, the Court nonetheless starts by discussing the hours expended and the hourly rates. The Court then addresses whether to adjust the lodestar based on Ms. Goldring's purported limited success in this action.

i. Hours Expended

The Court first finds that the hours expended in this litigation by Ms. Goldring's counsel were reasonable. Her counsel seeks attorney's fees for 1,351.9 hours and has provided sworn testimony that the itemized work was in fact performed. [Doc. 155 at 17; *see also* Docs. 155-1, 155-2, 155-3.] This is a reasonable amount of time and labor required to prosecute this case from its inception and through a motion to dismiss, discovery, summary judgment, an appeal to the Eleventh Circuit, and a weeklong trial.

Moreover, this was a legally and factually complex case, as it implicated new case law from the Eleventh Circuit on malicious prosecution claims, *e.g.*, *Williams v. Aguirre*, 965 F.3d 1147 (11th Cir. 2020), and involved a great deal contradictory testimony [*e.g.*, Doc. 180 at 176–79]. Finally, there is no dispute that Ms. Goldring's counsel have significant skill and expertise, maintained accurate and contemporaneous time records, exercised prudent billing judgment, and avoided block billing.

ii. *Hourly Rates*

The Court next finds that the hourly rates charged by Ms. Goldring's counsel were reasonable. "A reasonable hourly rate is the prevailing market rate in the relevant legal community for similar services by lawyers of reasonably comparable skills, experience, and reputation." *Norman*, 836 F.2d at 1299. The relevant legal community in this case is the Atlanta Division of the Northern District of Georgia. In addition, the Court "is itself an expert" as to the reasonableness of hourly rates and "may consider its own knowledge and experience concerning reasonable and proper fees." *Loranger v. Stierheim*, 10 F.3d 776, 781 (11th Cir. 1994).

Here, Ms. Goldring's counsel seek the following rates: (1) \$500 per hour for Mr. Filipovits; (2) \$500 per hour for Mr. Dominguez; and (3) \$400 per hour for Mr. Greenamyre. [Doc. 155 at 17.] Ms. Goldring has submitted evidence that these rates are "well within the range of rates available for attorneys of their skills and experience in the Atlanta-metro area, for generally similar work." [Doc. 155-4 at 6.] Beyond that, other judges on this Court have found that similar rates are "commensurate with the prevailing Atlanta market rates." *Common Cause Ga. v. Raffensperger*, 2020 WL 12948010, at *9–10 (N.D. Ga. May 29, 2020). The Court thus finds that the rates were consistent with the customary prevailing market rates in the Atlanta Division of the Northern District of Georgia.

iii. Adjustment of the Lodestar

Finally, the Court considers whether to adjust the lodestar. Investigator Henry argues that the Court should reduce the award of attorney's fees because Ms. Goldring supposedly "obtained only limited success" in this action. [Doc. 163 at 1, 4.] Specifically, Investigator Henry contends that Ms. Goldring's recovery of \$1,500,000 was less than what she requested from the jury, she prevailed on only one of several claims, and the jury found that she was not entitled to punitive damages. [*Id.* at 4.]

The Court rejects Investigator Henry's argument and thus declines to adjust the lodestar downward. For starters, the \$1,500,000 verdict itself was far from limited success. The verdict in this case is "the largest reported verdict in [Westlaw's Georgia Jury Verdicts & Settlements] database of any malicious prosecution case in any state or federal court" in Georgia and appears to be "the largest verdict in the database involving the City of Atlanta for any police misconduct claim." [Doc. 168-1 ¶¶ 15–18.]

In addition, while the \$1,500,000 verdict was less than the amount Ms. Goldring's counsel requested in closing arguments, their higher ask to the jury was intended to "target[] a damages award in the range of \$500,000 and \$3,000,000," which Ms. Goldring ultimately received. [*Id.* ¶¶ 12–13.] The \$1,500,000 verdict also exceeded Ms. Goldring's opening offer to settle this litigation, which was

“significantly higher than how [her counsel] valued the case at that juncture, consistent with general attorney practice to make an opening demand with significant room to negotiate.” [*Id.* ¶¶ 2–3.]

However, even assuming the \$1,500,000 verdict was only some modest amount, Investigator Henry’s argument also ignores the fact that the verdict in this civil rights case has benefitted the public more broadly. “Because damages awards do not reflect fully the public benefit advanced by civil rights litigation, Congress did not intend for fees in civil rights cases, unlike most private law cases, to depend on obtaining substantial monetary relief.” *City of Riverside v. Rivera*, 477 U.S. 561, 575 (1989). Indeed, a civil rights plaintiff’s success “cannot be valued solely in monetary terms,” as the plaintiff “often secures important social benefits” and “contributes significantly to the deterrence of civil rights violations in the future.” *Id.* at 574–75. Here, Ms. Goldring’s case has had significant success in calling attention to problematic policing policies in the City of Atlanta, which has likely benefitted the community as a whole and will likely deter future constitutional violations. [See Doc. 140; Doc. 168-1 ¶ 14.] See also, e.g., Alexis Stevens, *Transgender Woman Awarded \$1.5M for Atlanta Officer’s False Drug Arrest*, Atlanta J.-Const. (Feb. 21, 2022).

That Ms. Goldring did not succeed on every claim for relief or obtain punitive damages is not a basis on its own to reduce the award of attorney’s fees. As the

Eleventh Circuit has cautioned, “[w]hen the results achieved are excellent, ‘the fee award should not be reduced simply because the plaintiff failed to prevail on every contention raised in the lawsuit.’” *Villano v. City of Boynton Beach*, 254 F.3d 1302, 1308 (11th Cir. 2001); *see also Hensley*, 461 U.S. at 435 (“[T]he court’s rejection of or failure to reach certain grounds is not a sufficient reason for reducing a fee.”). In light of the excellent results achieved by Ms. Goldring’s counsel in this case, a reduction in attorney’s fees is not warranted simply because she did not prevail on all claims.

And, in any event, the claims in this case “involve[d] a common core of facts” and were “based on related legal theories,” which makes “it difficult to divide the hours expended on a claim-by-claim basis.” *Hensley*, 461 U.S. at 435. Ms. Goldring’s claims against both Investigator Henry and Officer Restrepo arose out of the same events, and the malicious prosecution claims for both charges under Section 1983 and Georgia law were virtually identical. As such, the Court cannot view this case as a “series of discrete claims” and instead must “focus on the significance of the overall relief obtained by the plaintiff in relation to the hours reasonably expended on the litigation.” *Id.* Under those considerations, and for the reasons discussed, the requested attorney’s fees in this case are reasonable.

B. Defendants' Motion for Attorney's Fees


Although this Court generally awards reasonable attorney's fees to the prevailing party in a Section 1983 action, *see* 42 U.S.C. § 1988(b), this Court may award attorney's fees to a prevailing *defendant* in a Section 1983 action only upon a finding that a plaintiff's claims were "frivolous, unreasonable, or without foundation." *Sullivan v. Sch. Bd. of Pinellas Cnty.*, 773 F.2d 1182, 1188 (11th Cir. 1985). While Defendants argue that Ms. Goldring's unsuccessful claims were frivolous, such that Defendants are entitled to attorney's fees [*see* Doc. 156 at 5–6], the Court disagrees.

"In cases where the plaintiffs introduced evidence sufficient to support their claims, findings of frivolity typically do not stand." *Sullivan*, 773 F.2d at 1189. Here, this Court found there was sufficient evidence for all of the claims to go to the jury [Doc. 69 at 1], and a unanimous panel of the Eleventh Circuit agreed in affirming the Court's order denying summary judgment [Doc. 103 at 2]. In light of this sufficient evidence to support Ms. Goldring's claims, the Court refuses to find that the claims were frivolous, unreasonable, or without foundation.

III. Conclusion

Accordingly, Ms. Goldring's motion for attorney's fees in the amount of \$608,715 [Doc. 155] is **GRANTED**, and Defendants' motion for attorney's fees [Doc. 156] is **DENIED**.

IT IS SO ORDERED, this 22nd day of July, 2022.



WILLIAM M. RAY, II
UNITED STATES DISTRICT JUDGE