

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION

GERALD B. NELSON, III,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	3:10cv1005-MHT
)	(WO)
RUSSELL COUNTY BOARD OF)	
EDUCATION, et al.,)	
)	
Defendants.)	

OPINION AND ORDER

This cause is now before the court on defendants Russell County Board of Education's and WTVM Channel 9's motions for attorney's fees. This issue arose because plaintiff Gerald B. Nelson, III, moved to file an untimely response to summary judgment. In granting this motion, the court ordered that Nelson could file a response only "on the condition that plaintiff Nelson's counsel pay 50 % of the reasonable attorney's fees and expenses" that defendants Russell County, WTVM Channel 9, and Ramsey incurred in connection with the extension motion. Order (Doc. No. 82) at 5. Plaintiff's counsel

now objects to paying these fees, but she ignores the condition set by this court to file her opposition brief (Doc. No. 84). As such, plaintiff's counsel has waived any objection to paying these attorney's fees.

During an on-the-record pretrial conference held on June 8, 2012, defense counsel made representations under oath about their fee requests. In light of these representations, following a review of the documentary evidence submitted by the defendants, and guided by the twelve factors set out in Johnson v. Georgia Highway Express, Inc., 488 F.2d 714, 717-19 (5th Cir. 1974), the court finds the defendants requests for attorney's fees to be fair and reasonable.

Accordingly, it is ORDERED that defendant Russell County Board of Education's and defendant WTVM Channel 9's motions for attorney's fees (Doc. Nos. 91 & 98) are

granted and that attorney's fees in the amount of \$ 297 and \$ 563.75 are awarded to defendants Russell County Board of Education and WTVM Channel 9, respectively, and are to be paid by counsel for plaintiff Gerald B. Nelson, III, to these defendants within 14 days from the date of this order.

DONE, this the 11th day of June, 2012.

 /s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE