

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

BYRON W. TURNER

PLAINTIFF

v.

Case No. 2:12-CV-02114

GRAPHIC PACKAGING INTERNATIONAL, INC.

DEFENDANT

**ORDER**

Currently before the Court is Defendant Graphic Packaging International, Inc.'s ("Graphic Packaging") motion for attorney fees (Doc. 20) and Plaintiff Byron W. Turner's response (Doc. 21). Attached to Graphic Packaging's motion is an affidavit filed by Graphic Packaging's counsel pursuant to the Court's previous order (Doc. 19) denying Graphic Packaging's motion to compel (Doc. 18) as moot but directing briefing on the issue of whether Graphic Packaging should be awarded its attorneys' fees incurred in bringing the motion.

Graphic Packaging requests \$2,152.00 for fees incurred in bringing its motion to compel. Turner responds that fees should not be awarded as Graphic Packaging was seeking Court intervention for an informal discovery request. Turner argues that, although he ultimately complied with Graphic Packaging's request following the filing of the motion to compel, an award of fees is not warranted in this instance. The Court also notes that Turner is proceeding *in forma pauperis* in this case and would not appear to have the means to pay an award of fees to Graphic Packaging.

Because it appears that Turner's objection to disclosure may have been substantially justified and because the Court finds that other circumstances make an award of expenses unjust, the Court declines to award fees to Graphic Packaging in this instance.

IT IS THEREFORE ORDERED that Graphic Packaging's motion for attorney fees (Doc. 20)

is DENIED.

IT IS SO ORDERED this 22nd day of July, 2013.

*/s/ P. K. Holmes, III*

P.K. HOLMES, III  
CHIEF U.S. DISTRICT JUDGE