

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA

MAUREEN TOFFOLONI, )  
as Administrarix and Personal )  
Representative of the )  
ESTATE OF NANCY E. BENOIT, )  
 )  
Plaintiff, )

v. )

CIVIL ACTION  
FILE NO. 1:08-CV-0421-TWT

LFP PUBLISHING GROUP, LLC, )  
d/b/a Hustler Magazine, )  
MARK SAMANSKY, an Individual, )  
and other distributors and sellers of, )  
Hustler Magazine, as )  
Defendants X, Y, and Z, )  
 )  
Defendants. )

**EXPERT REPORT**  
**F. EDWIN HALLMAN, JR.**

The following is the report of F. Edwin Hallman, Jr., Plaintiff's expert witness regarding Plaintiff's claim for attorneys' fees and expenses of litigation incurred in this case. This report is submitted pursuant to F.R.C.P. Rule 26.

**1. STATEMENT OF OPINIONS**

Mr. Hallman intends to testify that Plaintiff's counsel's claim for attorneys' fees and expenses of litigation under Georgia law are reasonable and necessary. In particular, Mr. Hallman intends to testify that:

- (a) the total hours spent by Plaintiff's counsel pursuing this case against *Hustler Magazine* were reasonable and necessary;
- (b) the hourly rate of \$350 per hour is reasonable and in line with the rates charged by attorneys with the skill and experience of Plaintiff's attorney; and
- (c) the expenses incurred by Plaintiff are reasonable for a case of this type.

**2. DATA CONSIDERED**

In arriving at his opinions, Mr. Hallman has reviewed the time records and expense records of Plaintiff's counsel, and the contingent fee agreement.

**3. EXHIBITS**

There are no exhibits to demonstrate Mr. Hallman's testimony. Mr. Hallman is aware that Plaintiff's counsel's time and expense records will be

introduced into evidence and redacted copies of same have been furnished to Defendant's counsel.

**4. QUALIFICATIONS**

Mr. Hallman is a member in good standing of the State Bar of Georgia, has been a member of the State Bar of Georgia since June of 1971, is admitted to numerous state and federal courts, including the United States Claims Court and the United States Supreme Court, and is thus qualified to express an opinion regarding the reasonableness of attorneys' fees and expenses of litigation under Georgia law. Mr. Hallman's curriculum vitae is attached to this report as Exhibit 1 and is incorporated herein by reference.

**5. OTHER TESTIMONY**

Mr Hallman has testified in other cases as an expert witness on attorneys' fees and expenses of litigation under Georgia Law as follows:

(a) *The Dow Chemical Company v. Ogletree, Deakins, Nash, Smoak & Stewart*, Superior Court of Fulton County, Georgia, Civil Action File No. E-21398.

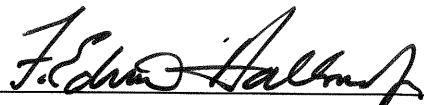
(b) Baxter v. Professional Registered Nursing Pool, Inc., United States District Court, Northern District of Georgia, Civil Action File No. 3:07-CV-056-JTC.

(c) Cross v. Stafford Hospitality Inc., United States District Court, Middle District of Georgia, Civil Action File No. 7:07-CV-80.

**6. COMPENSATION**

Mr. Hallman is being paid \$350 per hour as an expert witness for his work in this case.

Respectfully submitted May 28, 2010.

  
\_\_\_\_\_  
F. EDWIN HALLMAN, JR.  
State Bar of Georgia #319800

For HALLMAN & WINGATE, LLC

166 Anderson Street, S.E.  
Suite 210  
Marietta, Georgia 30060  
(404) 588-2530

## **F. Edwin Hallman, Jr.**

Ed Hallman is admitted to practice in Georgia and numerous federal courts. Mr. Hallman represents a myriad of clients, including large national and international companies who need representation throughout the United States concerning a multitude of business and environmental issues.

Mr. Hallman has practiced business, litigation, and environmental law for more than 37 years, with significant experience in litigation, including furnishing the environmental component of real estate and business transactions, representing companies as "potentially responsible parties" for state and federal Superfund sites, underground storage tanks, and litigation relating to such matters. Mr. Hallman has achieved unusual or unique accomplishments in his practice, including leading the way in many areas of environmental law and saving millions of dollars for corporate clients in Superfund and RCRA liability settlements.

Mr. Hallman's educational and professional background include a B.A. in political science from Wake Forest University (1968); J.D. from University of Georgia School of Law (1971); and numerous continuing legal education activities as an attendee and presenter. Prior to private practice, Mr. Hallman was the Assistant Attorney General for Georgia and Regional Counsel and Chief Enforcement attorney for the United States Department of Energy, Region 4. Personal and civic affiliations include Chattahoochee Riverkeepers; Atlanta Bar Association; Georgia Bar Association, Environmental and Real Estate Sections; American Bar Association, Environmental Law Section.

### **Services**

Business Consultation and Litigation  
Environmental  
Real Estate  
Indoor Air Quality  
Environmental Litigation

### **Education**

Law: University of Georgia School of Law, J.D. (1971)

Undergraduate: Wake Forest University, B.A. (1968)

### **Bar Admissions**

All Georgia Courts  
Numerous Federal Courts United  
States Court of Claims United States  
Supreme Court