

IN THE CIRCUIT COURT OF LEFLORE COUNTY, MISSISSIPPI

SHERIEL F. PERKINS and THE STATE
OF MISSISSIPPI ON RELATION OF
SHERIEL F. PERKINS

PLAINTIFFS

V.

CAUSE NO. 2013-0047-CI

CAROLYN MCADAMS

DEFENDANT

AMENDED MOTION FOR APPROVAL OF FEES, COSTS AND EXPENSES

COMES NOW, Lead Plaintiff Sheriel F. Perkins by and through her undersigned counsel and files this her Amended Motion for Approval of Fees, Cost and Expenses in the above referenced matter and for cause will show as follows to-wit:

1. That on July 29, 2015, the clerk entered the Opinion and Order on Defendant's Motion for clarification and Reconsideration on Defendant's Motion for Summary judgement and to strike affidavits related to the Motion for Summary Judgment.
2. The court overruled all Motions to Strike affidavits, denied the Motion to Reconsider its Order denying Summary Judgment and reaffirmed, confirmed and approved its Prior Order dated May 18, 2015, denying Motion for Summary Judgment.
3. In the court's Order dated July 28, and entered on July 29, 2015, the court ordered as follows:

"The Defendant is hereby assessed with all costs, expenses and attorney's fees incurred by Plaintiff occasioned by the Motions for Summary Judgment filed by Defendant herein".
4. That in support of her claim for fees, cost and expenses, Plaintiff Sheriel F.

Perkins submits here with the Affidavit of Willie J. Perkins, Sr. and attachments including date, nature of service and time involved for this court's approval. Also, plaintiffs submit the Affidavits of Attorneys Frederick B. Clark, Solomon C. Osborne and Willie Griffin in support of this Motion.

5. That Plaintiffs reserve the right to supplement this Motion.


6. That Plaintiffs submit the total hourly rate of \$200.00 per hour for the total number of 32 hours and 20 minutes for a total amount of \$6,440.00, and reserve the right to supplement to submit cost and expenses.

WHEREFORE PREMISES CONSIDERED, Plaintiffs move this court to approve attorneys fees in the amount of \$6,440.00 and reserves the right to submit expenses and cost for approval and any other additional information in support of this Motion.

Respectfully submitted,

SHERIEL F. PERKINS, LEAD PLAINTIFF

BY:


WILLIE J. PERKINS, SR., MSB #4122,
ATTORNEY FOR DEFENDANTS
612 West Washington Street
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Greenwood, MS 38935-8404
Telephone: 662-455-1211
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E-Mail: perkinslawofc@bellsouth.net

OF COUNSEL:

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Telecopier: 662-453-9159
E-Mail: perkinslawofc@bellsouth.net

CERTIFICATE OF SERVICE

I, Willie J. Perkins, Sr., do hereby certify that I have this day caused to be mailed, via U. S. Mail, postage prepaid , a true and correct copy of the above and foregoing Amended Motion For Approval of Fees, Costs and Expenses to:

Honorable Mark W. Garriga
Butler Snow, LLP
Post Office Box 6010
Ridgeland, MS 39158-6010

This the 10th day of August 2015.


WILLIE J. PERKINS, SR.

FILED

AUG 10 2015

ELMUE STOKES STILL, CIRCUIT CLERK
BY:  D.C.

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PLAINTIFFS

VS.

CAUSE NO. 2013-0047-CI

CAROLYN MCADAMS

DEFENDANT

AFFIDAVIT IN SUPPORT OF ATTORNEY'S
FEES AND EXPENSES OF WILLIE J. PERKINS, SR.

STATE OF MISSISSIPPI
COUNTY OF LEFLORE

WILLIE J. PERKINS, SR., after first being duly sworn,
deposes and says as follows:

I am the counsel for the Plaintiffs, in the above-styled case. I make this affidavit in support of the Plaintiffs' motion for award of attorney's fees and expenses related to Summary Judgment in this case.

1. Time and labor required. As of this date, I have invested and spent thirty-two (32) hours and twenty (20) minutes rendering legal services for the plaintiffs in the above-styled case. This number of hours is accurate to the best of my personal knowledge, records and estimation. It excludes travel time and time spent on correspondence and other costs. SEE ATTACHMENT 1, HERETO ATTORNEY FEES AND EXPENSES STATEMENT.

2. The novelty and difficulty of the questions. Summary

Judgments are rarely granted in Election Contest Cases. It is due to the various issues, violations and irregularities which occurred or maybe evidenced during a trial. Also, Election Contest Cases are time sensitive and require immediate hearings. Needless to say, regular discovery proceedings are foregone during these type of cases.

3. The skill requisite to perform the legal service.

Plaintiffs had to prepare a defense in opposition to the initial Motion to Summary Judgment. Plaintiffs submitted at least two affidavits and other documents in Opposition to the Motion. Plaintiffs prepared and appeared for a hearing on the Motion in Rankin County and in Leflore County and prepared and appeared for a hearing on the Motion for Reconsideration in Leflore County. Election challenges require a high degree of legal skills and expertise to present the issues and Plaintiffs' claims in a proper manner.

4. The preclusion of other employment by the attorney due to the acceptance of the case. I am the owner of a small law firm with no associate attorney. As a legislator, I am out of my office during January to the first week of April of each year. During this period, I accumulate a substantial backlog of cases. Also, during the Summer and Fall months, I spent an extraordinary number of days in Special Legislative Session or performing other

legislative functions at the State Capitol or attending various legislative conferences or seminars. Acceptance of this case was a major undertaking, involving work on a fairly continuous and rapid basis from June 2013 to present. During this period, because of the amount of time spent on this case, I was precluded from taking on some new cases in which court awards of attorney's fees might have been awarded

5. The customary fee. The standard and prevailing hourly rate charged by attorneys with my qualifications and thirty-seven years plus legal experience and in representing election challengers in Trial Courts for the State of Mississippi for the period covered by this motion is \$250.00 to \$300.00 per hour. See also, the Affidavit of Fredrick B. Clark, the Affidavit of Solomon C. Osborne, and Attorney Willie Griffin, attached to the motion simultaneously filed herein which set forth the customary or prevailing market rate.

6. Whether the fee is fixed or contingent. I have a fixed hourly rate of \$200.00 to \$300.00 for Election Contests and Voter Rights Cases litigation.

7. The limitation imposed by the client or the circumstances. This case has been a priority case and has preempted other work in my office.

8. The amount involved and the results obtained. As to the

Motion For Summary Judgment and the Motion for Clarification and Reconsideration of the Order Denying Motion For Summary Judgment, the Plaintiffs were successful.

9. The experience, reputation, and ability of the attorney.

I graduated from the University of Mississippi School of Law on May 14, 1978 and was licensed and admitted to practice as a member of the Mississippi bar on May 25, 1978. I am authorized to practice law before the Mississippi Supreme Court, Court of Appeals and all courts in the State of Mississippi. I am also admitted to practice in the United States Supreme Court, the Court of Appeals for the Fifth Circuit, and the District Court for the Northern and Southern Districts of Mississippi.

I am the owner and senior attorney in The Perkins Firm, PLLC in Greenwood, Mississippi.

I am a specialist in the field of governmental law, civil rights and voting and election rights and have special skills, expertise, and experience in these areas. From May 1978 to February 19, 1985, I was an attorney with North Mississippi Rural Legal Services. From February 19, 1985 to present, I have been engaged in private practice. My combined experience as a legal service attorney and as a private practitioner involves my engagement in a variety of cases in the areas of voting rights and civil rights and other complex cases, including challenges to

at-large municipal elections, election contests, challenges to election irregularities, county and congressional reapportionment or redistricting, employment discrimination, police misconduct, constitutional rights, etc. Also, I have represented several public governing bodies including cities, counties, school districts, etc., and has served as one of several attorneys representing and defending Philip Morris, a tobacco corporation in several major and complex lawsuits; and defended several nursing homes and lending institutions in complex litigation.

10. The "undesirability" of the case. This case involves a substantial amount of work. The nature of the case demands immediate attention and requires attorneys to forego other cases and causes them to get behind on their current case loads. For these and many reasons, this is not a desirable case and is not one attorneys generally will accept.

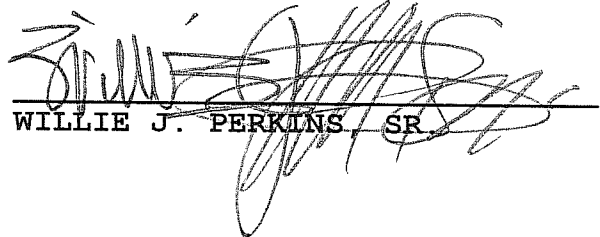
11. The nature and length of the professional relationship with the client. The client is my spouse.

12. Awards in similar cases. I believe the award requested in this case is consistent with awards made in similar litigation in this and other districts.

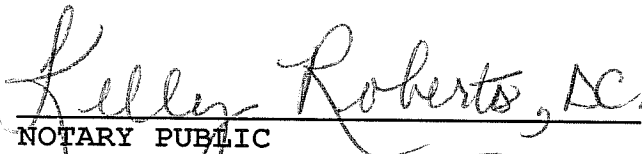

13. Litigation expenses. I reserve the right to submit litigation services for postage, envelopes and copying necessarily incurred in the litigation of this matter related to

the Summary Judgment Motions.

I certify that the foregoing hours are correct and were necessarily incurred in this action and that the services for which hours and expenses were listed were actually and necessarily performed.


WILLIE J. PERKINS, SR.

Sworn to and subscribed before me
this 10th day of August 2015.


NOTARY PUBLIC
ELMUS STOCKSTILL
CIRCUIT CLERK




My Commission Expires Jan. 4, 2016

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ATTORNEY FEES & EXPENSE STATEMENT

<u>DATE</u>	<u>SERVICE</u>	<u>TIME</u>
12/24/14	___ Received and reviewed Defendant's Motion for Summary Judgment, Exhibits, Stipulation of facts and <u>Brief</u> :	3.0 hrs
12/31/14	___ Prepared and filed Plaintiff's Response in Opposition to Motion for Summary Judgement with Exhibits and Affidavits and <u>Memo Brief</u> ?	6.0 hrs
01/06/15	___ Received and reviewed Rebuttal Memo in further support of Defendant's Motion for Summary Judgment	1.0 hrs
01/07/15	___ Received and reviewed Defendant's Motion to Strike Affidavits	.50 hrs
04/13/15	___ Prepared and filed Plaintiff's Response in Opposition to Motion to Strike Affidavits	1.50hrs
04/16/15	___ Preparation for hearing	3.0 hrs
04/17/15	___ Prepared and filed Plaintiff's Supplement to Response in Opposition to Motion for Summary Judgement with Supplement Exhibit Affidavits	1.0 hrs
04/17/15	___ Received and reviewed Defendant's Supplement to the Summary Judgment record with Supplement Exhibit Affidavit	.50 hr
04/17/15	___ Hearing on Summary Judgment Motion and Motion to Strike Affidavits	3.0 hrs

04/23/15	___ Prepared and Submitted Plaintiff's Supplement Memorandum Letter to Special Judge	1.0 hr
04/28/15	___ Received and reviewed Defendant's supplement to Motion to Strike Affidavits with Exhibits	1.0 hr
05/04/15	___ Prepared and filed Plaintiff's Motion to Strike Affidavits with Authorities and Exhibit; and	1.0 hr
05/04/15	___ Copy of Plaintiff's 5/1/15 letter of Memo to Judge	1.0 hr
05/12/15	___ Received and Reviewed Defendant's Response in Opposition to Motion to Strike Affidavit with Exhibits	.50 hr
05/12/15	___ Received and reviewed Defendant's Rebuttal in further support Of Supplement to Motion to Strike Affidavits	.50 hr
05/20/15	___ Received and reviewed Order overruling Defendant's Motion For Summary Judgment	.10 min.
06/01/15	___ Received and reviewed Motion for Clarification, Reconsideration, And Ruling on Defendant's pending Motions	.50 hr
06/19/15	___ Reply in further support of Motion for Clarification, Reconsideration, and Ruling on Defendant's pending Motions and Response in Opposition to Motion for Sanction Opposition to Motion for Sanction	.50 hr
07/16/15	___ Preparation for hearing	2.0 hrs
07/17/15	___ Hearing on Defendant's Motion for Clarification, Reconsideration, and Ruling on Defendant's Pending Motions	2.0 hrs
07/29/15	___ Received and reviewed Opinion and Order on Defendant's Motion for Clarification and Reconsideration denying all relief to Defendant's and awarding attorney fees, cost and expenses in favor Plaintiff	.20 mins
08/06/15	___ Preparation of Motion for Approval of Fees, Costs & Expenses	2.0 hrs

TOTAL HOURS WORKED = 32 HRS 20 MINS.

RATE PER HOUR = \$200.00 PER HOUR

TOTAL AMOUNT DUE & PAYABLE = \$6,440.00