

IN THE CIRCUIT COURT OF CONWAY COUNTY, ARKANSAS  
CIVIL DIVISION

ELMER PHILPOT

PLAINTIFF

VS.

CASE NO.: CV-2012-114

FILED  
DARLENE MASSINGILL  
CIRCUIT CLERK  
CONWAY COUNTY

HANKOOK TIRE CO., LTD; and HANKOOK  
TIRE AMERICA CORP., a subsidiary of HANKOOK  
TIRE CO., LTD; and KENNETH R. HEDRICK d/b/a  
HEDRICK TRUCKING; and TOMMY NEW

JUL 23 2015  
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DEFENDANTS

ORDER AWARDING ATTORNEYS FEES  
FOR DISCOVERY OBSTRUCTION

Comes to be heard, the parties' arguments regarding the Court's award of attorneys fees, the Plaintiff appearing in person and by and through counsel, Jerry Kelly, KELLY LAW FIRM, P.A., KASTER LYNCH FARRAR & BALL, LLP, and Ben Caruth, GORDON, CARUTH & VIRDEN, PLC, the Defendants, Hankook Tire Co., LTD and Hankook Tire America Corp. appearing by and through counsel, Pat Goss, ROSE LAW FIRM, and Kirkman Dougherty, HARDIN, JESSON & TERRY, PLC, and from the pleadings filed herein, together with the arguments of counsel, the Court doth find and order:

1. That this Court has found that the Defendants' conduct in obstructing discovery has been egregious.
2. That, as a result of the foregoing conduct of the Defendants, this Court has Ordered the Defendants to pay reasonable attorneys fees to deter further such obstruction of discovery in this matter.
3. That, upon reviewing the Plaintiff's Motion, the Defendants' Response thereto, and the Plaintiff's Reply, the Court finds that KELLY LAW FIRM, P.A., KASTER LYNCH FARRAR

& BALL, LLP, and GORDON, CARUTH & VIRDEN, PLC are each entitled to attorneys fees at the rate of \$250.00 per hour.

4. The attorneys fee request of KELLY LAW FIRM, P.A. is reduced from 106.8 hours to 75.15 hours, which computed at \$250.00 per hour equals a reasonable attorney fee award of \$18,787.50.

5. The attorneys fee request of KASTER LYNCH FARRAR & BALL, LLP is reduced from 102 hours, to 68.5 hours which computed at \$250.00 per hour equals a reasonable attorney fee award of \$17,125.00.

6. The attorneys fee request of GORDON, CARUTH & VIRDEN, PLC is reduced from 53.65 hours to 28.45 hours, which computed at \$250.00 per hour equals a reasonable attorney fee award of \$7,112.50.

7. The foregoing award of \$43,025.00 in reasonable attorneys fees is much less than the \$75,812.50 requested. However, such fee is the largest this Court has ever ordered regarding sanctions and this Court finds that it is justified under the circumstances.

8. The foregoing award of Attorneys Fees shall be paid no later than ~~\_\_\_\_\_~~

9. This Order is a final Order for purposes of appeal.

IT IS SO ORDERED.

  
\_\_\_\_\_  
CIRCUIT JUDGE

12/20/15  
\_\_\_\_\_  
DATE


APPROVED BY:

  
\_\_\_\_\_  
JERRY KELLY  
ATTORNEY FOR PLAINTIFF

**RULE 54(b) CERTIFICATE**

Upon the basis of the foregoing factual findings, the Court hereby certifies, in accordance with Rule 54(b)(1), Ark. R. Civ. P., and it has determined that there is no just reason for delay of the entry of a final judgment and that the Court has and does hereby direct that the judgment shall be a final judgment for all purposes.

CERTIFIED this 23 day of July, 2015.

  
\_\_\_\_\_  
HONORABLE TERRY M. SULLIVAN  
CIRCUIT JUDGE