

FILED IN CLERK'S OFFICE
FEB 18 2003

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

LUTHER D. THOMAS, Clerk
By: [Signature] Deputy Clerk

CHEP USA, a New York Partnership,)
)
Plaintiff,)
)
vs.)
)
MOCK PALLET COMPANY,)
A Georgia Corporation,)
)
Defendant.)

Case No. 02-CV-2053-BBM

MOTION FOR ATTORNEYS FEES AND
BRIEF IN SUPPORT THEREOF

COMES NOW, Mock Pallet Company and shows the Court the following:

1.

Defendant filed a Motion to Compel Discovery.

2.

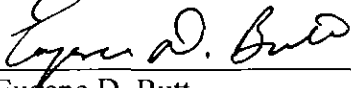
In the event said Motion is granted, FRCP 37(a)4 provides the Court can assess reasonable expenses including attorneys fees against the party whose conduct necessitated the Motion.

3.

Defendant submits that attorneys fees should be awarded in the amount set forth in the Affidavit attached hereto as Exhibit "A".

This 18th day of February, 2003.

BALLARD, STEPHENSON & WATERS, LLP
Attorneys for Defendant

By: 
Eugene D. Butt
Georgia Bar No. 099987

1148 Washington Street
P. O. Box 29
Covington, Georgia 30015
(770) 786-8123

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CHEP USA, a New York Partnership,)	
)	
Plaintiff,)	Case No. 02-CV-2053-BBM
)	
vs.)	
)	
MOCK PALLET COMPANY,)	
A Georgia Corporation,)	
)	
Defendant.)	

AFFIDAVIT OF COUNSEL IN SUPPORT OF MOTION TO COMPEL DISCOVERY

I, Eugene D. Butt, declare as follows:

1. I am an attorney, duly licensed to practice law in all Courts within the State of Georgia. I am the attorney of record for the Defendant, Mock Pallet Company. This affidavit is sworn in support of the attached Motion for Attorneys Fees, resulting from Defendant filing a Motion to Compel in this case.

2. Because the Defendant has been unable to receive the requested discovery, it was necessary to prepare the instant Motion. Preparation of the of the Motion to Compel necessitated 8.5 hours at my normal hourly rate of \$150.00. This included 4.2 hours of research, 3.6 hours to draft the Motion and communicating with counsel for Plaintiff, and .7 hours to revise and edit the Motion.

3. I have practiced law in the State of Georgia since 1978, and aver that \$150.00 per hour is a reasonable and customary rate for this type of legal work.

4. I declare that I have firsthand knowledge of the foregoing facts, and if called as a witness I could testify competently thereto.

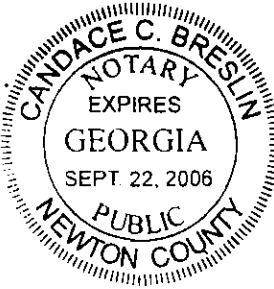
5. Thus, it is submitted that attorneys fees of \$1,275.00 should be awarded for the prosecution of this Motion to Compel.

This the 18th day of Feb, 2003.

By: Eugene D. Butt
Eugene D. Butt
Georgia Bar No. 099987

Sworn to and subscribed before me
this 18th day of February, 2003.

Candace C. Breslin
Notary Public



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CHEP USA, a New York partnership,)	
)	
Plaintiff,)	Civil Action File
)	No. 02-CV-2053
vs.)	
)	
MOCK PALLET COMPANY,)	
a Georgia Corporation)	
)	
Defendant.)	
)	

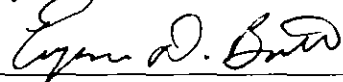
CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing MOTION FOR ATTORNEYS FEES AND BRIEF IN SUPPORT THEREOF upon counsel by depositing a copy of same in the United States Mail in a properly addressed envelope with adequate postage thereon to:

KING & SPALDING
Chilton Davis Varner
W. Randall Bassett
191 Peachtree Street
Atlanta, Georgia 30303-1763

This 18th day of February, 2003.

BALLARD, STEPHENSON & WATERS, LLP
Attorney for Defendant

By: 
Eugene D. Butt
Georgia Bar No. 099987

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