

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

CRAIG CUNNINGHAM,

Plaintiff,

v.

YAKIM JORDAN, MJ MINISTRIES  
SPREADING THE GOSPEL, INC., MJ  
MINISTRIES, LLC, STEVEN SLEDGE,  
AARON JORDAN, NAOMI COOK,  
LUTHER MCKINSTY, FRANK  
JULIANO, JONATHAN FOREMAN,  
JESSE SPENCER, WARREN TAYLOR,  
SERVING HANDS COMMUNITY  
DEVELOPMENT CORPORATION, and  
JOHN/JANE DOES 1-5,

Defendants.

CIVIL ACTION NO.  
1:22-cv-01419-WMR

**ORDER**

This matter is before the Court on Defendants’<sup>1</sup> Emergency Motion to Quash Plaintiff’s Third-Party Subpoenas and for Contempt and Sanctions. [Doc. 58]. Based on the record and the party’s briefings on the issue, it is hereby ORDERED that the Motion is **GRANTED** in the amount of \$11,467.50.

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<sup>1</sup> This motion was filed by Defendants MJ Ministries Spreading the Gospel, Inc., Steven Sledge, Aaron Jordan, Naomi Cook, Luther McKinstry, and Wayne Taylor.

## I. Background

In August 2023, the Court granted Defendants' Motion for Summary Judgment. [Doc. 48]. Then, in November 2023, the Court considered Plaintiff's Motion for Extension of Time to Complete Discovery. [Doc. 45]. Plaintiff's Motion requested that the Court order the Clerk to issue Plaintiff ten subpoenas so that he could obtain evidence from third-party phone service providers, which he claimed was information he needed to challenge the earlier grant of summary judgment. [*Id.* at 1–6]. The Court granted Plaintiff's Motion and directed the Clerk to make available ten subpoenas for Plaintiff to serve *specifically* on the third-party phone service providers. [Doc. 55]. The Court's Order gave Plaintiff 90 days to issue his subpoenas, and if he developed evidence indicating that Defendants made the phone calls as he claimed, he would have the option to file a motion asking the Court to reconsider its entry of summary judgment in Defendants' favor. [*Id.* at 2].

Defendants then filed an Emergency Motion to Quash Plaintiff's Third-Party Subpoenas and for Contempt and Sanctions. [Doc. 58]. Defendants asserted that Plaintiff had served the subpoenas on financial institutions and requested bank records rather than on the third-party phone service providers as instructed by this Court in its previous Order. Additionally, Defendants stated that Plaintiff issued these subpoenas without notice to the Defendants, in violation of Federal Rule of Civil Procedure 45(a)(4). Due to the Plaintiff's failure to comply with both the

Court's Order and the Rules of Civil Procedure, Defendants moved to hold Plaintiff in contempt and to sanction him.

This matter appeared before the Court for a hearing on April 2, 2024. At the hearing, the Court granted sanctions against Plaintiff for his intentional failure to comply with the Court's Order and the Federal Rules of Civil Procedure when he served subpoenas on improper parties and without notice. [Doc. 67]. The Court instructed the Defendants to submit detailed billing information related to the pursuit and preparation of this Motion, and allowed Plaintiff time to respond and Defendants the ability to reply to that response. [*Id.*].

Defendants timely filed a Detailed Specification and Itemization of Requested Attorney Fees [Doc. 69], and although Plaintiff's Motion for Extension of Time [Doc. 72] to respond was granted [Doc. 73], no response was filed.

## **II. Discussion**

“The initial estimate of a reasonable attorney's fee is properly calculated by multiplying the number of hours reasonably expended on the litigation times a reasonable hourly rate. Adjustments to that fee then may be made as necessary in the particular case.” *Blum v. Stenson*, 465 U.S. 886, 888 (1984). “When a district court finds the number of hours claimed is unreasonably high, the court has two choices: it may conduct an hour-by-hour analysis or it may reduce the requested hours with an across-the-board cut.” *Bivins v. Wrap It Up, Inc.*, 548 F.3d 1348, 1350

(11th Cir. 2008). “[I]t is sufficient for the court to provide a concise but clear explanation of its reasons for the reduction.” *Loranger v. Stierheim*, 10 F.3d 776, 783 (11th Cir. 1994). To determine whether a fee is reasonable, the Eleventh Circuit has held that courts must consider the following factors:

- 1) the time and labor required; 2) the novelty and difficulty of the questions;
- 3) the skill requisite to perform the legal service properly; 4) the preclusion of other employment by the attorney due to the acceptance of the case; 5) the customary fee; 6) whether the fee is fixed or contingent; 7) time limitations imposed by the client or the circumstances; 8) the amount involved and the results obtained; 9) the experience, reputation and ability of the attorneys; 10) the “undesirability” of the case; 11) the nature and length of the professional relationship with the client; and 12) awards in similar cases.

*Cable/Home Commc’n Corp. v. Network Prods., Inc.*, 902 F.2d 829, 853 n.37 (11th Cir. 1990).

In consideration of those factors, the Court finds that the proposed hourly rates are reasonable but that the attorneys spent more time than was reasonably necessary to pursue this motion. Defendants’ Motion did not involve an extensive amount of time and labor, nor did it require a high level of skill to bring before the Court. It is unclear to the Court why litigating this issue required four attorneys to spend 61.2 combined hours. *See Norman v. Housing Authority of Montgomery*, 836 F.2d 1292, 1302 (11th Cir. 1988) (“There is nothing inherently unreasonable about a client having multiple attorneys, and they may all be compensated if they are not unreasonably doing the same work and are being compensated for the distinct contribution of each lawyer.”). The attorneys are only entitled to reasonable fees

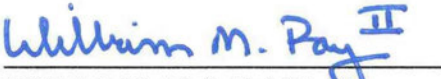
related to the preparation and pursuit of this specific motion. [Doc. 67]. Such preparation and pursuit include drafting a motion with only nine substantive pages, preparing for the hearing, brief travel time, and participating in the hearing which lasted less than two hours. [*Id.*].

Accordingly, the Court strikes the redundant hours, reduces the remaining time spent by the attorneys by about 66%, and finds an appropriate amount of time to have spent on this matter to be 20 hours (i.e., about 61.2 hours \*0.327). That breaks down to awarding Attorney Watstein a total of \$3,225.00 for 4.3 hours at a rate of \$750 per hour and awarding Attorney Keilson a total of \$8,242.50 for 15.7 hours at a rate of \$525.

### **III. Conclusion**

The Court hereby ORDERS Plaintiff to pay Defendants a total of \$11,467.50 in attorneys' fees, to be paid within thirty (30) days of the date herein.

IT IS SO ORDERED, this 1st day of November, 2024.

  
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WILLIAM M. RAY, II  
UNITED STATES DISTRICT JUDGE