



**United States Court of Appeals
for the Eleventh Circuit**

56 Forsyth Street, N.W.
Atlanta, GA 30303-2289
(404) 335-6100

**00-11644-CC
Daniel Webster v. Fulton County, Georgia**

Closed

Docket #: 00-11644-CC

Short Style: Daniel Webster v. Fulton County, Georgia

Docket Date: 04/03/2000

Lead Case:

Agency:

Nature of Suit: Civil Rights: Other

Misc. Type:

Clerk: Dixon, Eleanor

Clerk Phone: (404) 335-6172

District Information

Docket #: 96-02399-CV-TWT-1 **Judge:** Thomas W. Thrash

Dkt Date: 09/17/1996 **District:** Georgia-Northern

NOA Date: 03/27/2000 **Office:** NGA-Atlanta

Secondary Case Information

Docket #: **Judge:**

Dkt Date: / /

Case Relationships

Docket #	Short Style	Relation	Status
99-12216-CC	Daniel Webster v. Fulton County, Georgia	Related	Closed
00-11645-CC	Daniel Webster v. Fulton County, Georgia	Cross	Closed
00-15227-CC	Daniel Webster v. Fulton County, Georgia	Related	Closed

Pending Motions

No Pending Motions



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Daniel Webster v. Fulton County, Georgia

DANIEL WEBSTER,

PEGGY WEBSTER,

WEBSTER GREEN THUMB COMPANY,

and others similarly situated,

KELLY GOFF,

Plaintiffs-Appellants,

Cross-Appellees,

versus

FULTON COUNTY, GEORGIA,

Defendant-Appellee,

Cross-Appellant,

MITCH J. SKANDALAKIS,

MICHAEL HIGHTOWER,

NANCY A. BOXILL,

EMMA I. DARNELL,

GORDON L. JOYNER,

TOM LOWE, ROBERT E. FULTON,

individually and in their

official capacities as members

of the Fulton County Board of

Commissioners, FRANK BOCKMAN,

individually and in his official

capacity as Assistant Director &

Chief Engineer, et al.,

Defendants.



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Daniel Webster v. Fulton County, Georgia

Appellant	Appellant Attorney
Daniel Webster Address Not On File <i>Cross-Appellee Brief Filed filed on 08/02/2000</i> <i>Fees: Paid on //</i>	Richmond Mason Barge R. Mason Barge, Esq. 127 PEACHTREE ST NE STE 923 ATLANTA, GA 30303-1825 (404) 688-9780 Fax: (404) 688-9899 <i>No Briefing Information Found.</i>
Peggy Webster Address Not On File <i>No Briefing Information Found.</i>	
Webster Green Thumb Company Address Not On File <i>No Briefing Information Found.</i>	Richmond Mason Barge R. Mason Barge, Esq. 127 PEACHTREE ST NE STE 923 ATLANTA, GA 30303-1825 (404) 688-9780 Fax: (404) 688-9899 <i>No Briefing Information Found.</i>
Kelly Goff Address Not On File <i>No Briefing Information Found.</i>	
Appellee	Appellee Attorney
Fulton County, GA Address Not On File	Elizabeth Penn Payne Penn Payne, LLC 3586 TUXEDO PARK NW ATLANTA, GA 30305-1041 (404) 841-3295 Fax: (404) 841-3296 ppayne@pennpayne.com <i>Cross-Appellant Brief Filed filed on 07/03/2000</i>

Initial Service	
<p>Dorothy Yates Kirkley Kirkley & Hawker, LLC 999 PEACHTREE ST STE 1640 ATLANTA, GA 30309-4421 (404) 892-8781</p>	
<p>Overtis Hicks Brantley City of Atlanta Law Department 141 PRYOR ST SW STE 4038 ATLANTA, GA 30303-3468 (404) 612-0246 Fax: (404) 730-6324</p>	
<p>Keith M. Wiener Holland & Knight 1201 W PEACHTREE ST NW STE 2000 Atlanta, GA 30309-3473 (404) 817-8515 Fax: (404) 881-0470 keith.wiener@hkllaw.com</p>	
<p>Patrick W. McKee McKee & Mitchell 19 SPRING ST NEWNAN, GA 30263-2721 (770) 683-8900 Fax: (770) 683-8905 pwmckee@mckeelaw.com</p>	
<p>Penn Payne 999 PEACHTREE ST STE 2520 Atlanta, GA 30309-3915</p>	
<p>June Delores Green Office of the Fulton County Attorney 141 PRYOR ST SW STE 4038 ATLANTA, GA 30303-3468 (404) 730-7741 june.green@fultoncountyga.gov</p>	



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File Date	Entry	Party	Pending
04/04/2000	Civil Appeal Statement Form		No
04/06/2000	Staff Attorney Jurisdiction (& X-appeal)		No
04/06/2000	DKT2 (Docketing - Regular Notice) issued. cc: Thomas, Luther D. cc: Kirkley, Dorothy Yates cc: Brantley, Overtis Hicks cc: Wiener, Keith M. cc: Payne, Elizabeth Penn		No
04/06/2000	DKT2 (Docketing - Regular Notice) issued. cc: Thomas, Luther D. cc: Kirkley, Dorothy Yates cc: Brantley, Overtis Hicks cc: Wiener, Keith M. cc: Payne, Elizabeth Penn cc: McKee, Patrick W. cc: Barge, Richmond Mason		No
04/12/2000	Probable Jurisdiction Noted (main & x-appeal)		No
04/17/2000	Transcript Order Form		No
04/17/2000	Civil Appeal Statement Form		No
04/20/2000	Court Reporter Acknowledgement		No
04/20/2000	Court Reporter Financial Arrangements (Trans. on file)		No
04/25/2000	Transcript Order Form		No
05/01/2000	Briefing Notice Issued		No
05/01/2000	BR1CIV (Brief Letter 1) issued. cc: Kirkley, Dorothy Yates cc: Brantley, Overtis Hicks cc: Wiener, Keith M. cc: Payne, Elizabeth Penn cc: McKee, Patrick W. cc: Barge, Richmond Mason cc: Payne, Penn		No
05/30/2000	Record Excerpts		No
05/30/2000	Appellant's Brief Filed: Appellant-Webster, Daniel: signed Mason Barge		No
06/02/2000	Appellee/Cross-Appellant's Motion to File Excess Pages		No
06/22/2000	Notice of filing letter to "Withdraw Motion for Leave to File Excess Pages"		No
07/03/2000	Appellee/Cross-Appellant Record Excerpts:		No
07/03/2000	Appellee/Cross-Appellant Brief: Appellee-Fulton County, Georgia,	Fulton County, GA	No
08/02/2000	Appellant/Cross-Appellee Brief: Appellant-Webster, Daniel	Daniel Webster	No
08/21/2000	Reply Brief Filed signed by Penn Payne, Dorothy Kirkley & Overtis Brantley		No
09/11/2000	Motion to Amend Reply Brief		No

10/03/2000	Appellee's motion to file a corrected reply brief is GRANTED. SHB/j/		No
10/03/2000	Corrected Reply Brief Filed: Appellee/Cross-Appellant-Fulton County, Georgia (signed by Penn Payne)		No
10/03/2000	MOT2 (Motion - Court Action) issued. cc: Kirkley, Dorothy Yates cc: Brantley, Overtis Hicks cc: Wiener, Keith M. cc: Payne, Elizabeth Penn cc: McKee, Patrick W. cc: Barge, Richmond Mason cc: Payne, Penn		No
10/30/2000	Appearance Form Submitted: Elizabeth Penn Payne	Elizabeth Penn Payne	No
12/26/2000	Certificate of Readiness		No
01/12/2001	Amended Certificate of Readiness		No
01/22/2001	Appearance Form Submitted: Richmond Mason Barge	Richmond Mason Barge	No
02/01/2001	Exhibits (also filed in 00-15227)		No
02/01/2001	Record on Appeal (also filed in 00-15227)		No
08/29/2001	Argument Scheduled: 08/29/01		No
09/04/2001	Richmond Mason Barge argued for Appellant; Elizabeth Penn Payne argued for Appellee		No
09/12/2001	NOTIFICATION TO THE ORAL ARGUMENT PANEL: per directions of the oral argument panel, filing Fulton County's letter to the court regarding the dollar amount in attorneys fees to which the County would concede.(j)		No
02/28/2002	OPIN1A (Opinion - Issuance with Costs) issued. each party bears their own costs on appeal. cc: Barge, Richmond Mason cc: Payne, Elizabeth Penn cc: Paul, Maurice M. cc: Thrash, Thomas W.		No
02/28/2002	Opinion Issued AFFIRMED in pt/REVERSED in pt& REMANDED as to 00-11644; 00-11645x AFFIRMED. Also filed in 00-15227 which is AFFIRMED.		No
02/28/2002	Judgment Entered		No
03/01/2002	Attorney Changed for: Daniel Webster From: To: Barge, Richmond Mason.	Daniel Webster	No
03/01/2002	Attorney Changed for: Fulton County, Georgia From: To: Payne, Elizabeth Penn.	Fulton County, GA	No
03/08/2002	WRAP-1 (Wrappers w/ addresses) issued. cc: Paul, Maurice M.		No
03/14/2002	Petition for Attorney's Fees: Appellant-Webster Green Thumb Company, (Atty: Richmond Mason Barge)	Webster Green Thumb	No

		Company	
03/18/2002	Attorney Changed for: Webster Green Thumb Company From: To: Barge, Richmond Mason.	Webster Green Thumb Company	No
03/18/2002	MOT1 (Motion - 10 Day Letter) issued. cc: Barge, Richmond Mason cc: Payne, Elizabeth Penn cc: Kirkley, Dorothy Yates cc: Brantley, Overtis Hicks cc: Wiener, Keith M. cc: McKee, Patrick W. cc: Payne, Penn		No
03/21/2002	Petition for Rehearing En Banc: Appellee-Fulton County, Georgia, (Atty: Elizabeth Penn Payne)	Fulton County, GA	No
03/22/2002	WRAP-1 (Wrappers w/ addresses) issued. To: Paul, Maurice M.		No
03/27/2002	Response to Motion for Attorneys Fees: Appellee-Fulton County, Georgia, (Atty: Elizabeth Penn Payne)	Fulton County, GA	No
03/27/2002	Motion to Stay Payment of Appellate Attorneys' Fees: Appellee-Fulton County, Georgia, (Atty: Elizabeth Penn Payne)	Fulton County, GA	No
04/11/2002	Response to Motion to Stay Payment: Appellant-Webster Green Thumb Company, (Atty: Richmond Mason Barge)	Webster Green Thumb Company	No
04/25/2002	Fulton County's "motion to stay payment of appellate attorneys' fees', which is construed as a motion to stay consideration of the attorneys' fees motion...is GRANTED. (see file for complete text) JLE/j/		No
04/25/2002	MOT2 (Motion - Court Action) issued. cc: Barge, Richmond Mason cc: Payne, Elizabeth Penn cc: Kirkley, Dorothy Yates cc: Brantley, Overtis Hicks cc: Wiener, Keith M. cc: McKee, Patrick W. cc: Payne, Penn		No
06/24/2002	The Petition(s) for Rehearing are DENIED and no Judge in regular active service on the Court having requested that the Court be polled on rehearing en banc, the Petition(s) for Rehearing En Banc are DENIED.		No
06/24/2002	REHG1 (Rehearing - Transmittal) issued. cc: Barge, Richmond Mason cc: Payne, Elizabeth Penn cc: Kirkley, Dorothy Yates cc: Brantley, Overtis Hicks cc: Wiener, Keith M. cc: McKee, Patrick W. cc: Payne, Penn		No
07/01/2002	Motion to Stay Mandate and Motion for Attorneys' Fees: Appellee-Fulton County, Georgia, (Atty: Elizabeth Penn Payne)	Fulton County, GA	No
09/20/2002	Notice of filing to Clerk of the Court of the Filing of a	Fulton	No

	Petition for Writ of Certiorari: Appellee-Fulton County, Georgia, (Atty: Elizabeth Penn Payne)	County, GA	
09/30/2002	Notice of Filing Certiorari-SC# 02-477: Appellee-Fulton County, Georgia, (Atty: Elizabeth Penn Payne)	Fulton County, GA	No
11/19/2002	Agreement of parties, the mtns to stay mandate are GRANTED. Mtn to stay consideration of mtn for attys fees are GRANTED. By agreement of the parties Fulton is ordered to pay Greenthumb's attys (\$500K)...any fee shall be reduced to 500K..(JLE/CRW/PAUL)		No
11/19/2002	MOT2 (Motion - Court Action) issued. cc: Barge, Richmond Mason cc: Payne, Elizabeth Penn cc: Kirkley, Dorothy Yates cc: Brantley, Overtis Hicks cc: Wiener, Keith M. cc: McKee, Patrick W. cc: Payne, Penn cc: Green, June Delores		No
12/05/2002	Certiorari Denied: Appellee-Fulton County, Georgia, (Atty: Elizabeth Penn Payne) #02-477	Fulton County, GA	No
02/25/2003	Apts-Cross-Appellee's motion for atty's fees in 00-11644 is GRANTED IN PART. Apts-Cross-Appellees are awarded \$8,175.00 in 00-11644. Appellees' motion for atty's fees in 00-15227 is GRANTED IN PART. Appellees are awarded \$20,625 for 00-15227. JLE/CRW/MP		No
02/25/2003	MOT2 (Motion - Court Action) issued. cc: Barge, Richmond Mason cc: Payne, Elizabeth Penn		No
03/06/2003	CASE CLOSED-Mandate Issued		No
03/06/2003	Mandate Issued		No
03/06/2003	MDT1 (Mandate - Issuance) issued. cc: Barge, Richmond Mason cc: Payne, Elizabeth Penn To: Luther D. Thomas		No