

8/31

# NOTIFY

22-248 B

Eric Mack  
Office of the DA for Bristol County

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## ORDER

After hearing, review of the parties' pleadings and the case file, this Court Allows Plaintiff Eric Mack's ("Eric Mack") motion requesting that defendant Bristol County District Attorney's Office ("Bristol County D.A.") pay reasonable attorney's fees and costs pursuant to M.G.L. c. 66 § 10A(d)(2). I find that plaintiff is entitled to reasonable compensation for his lawyer's work in seeking the public records denied to him by the Bristol County D.A.'s Office. In reaching this conclusion, I find that none of the statutory exceptions apply here. See § 10A (d)(2).

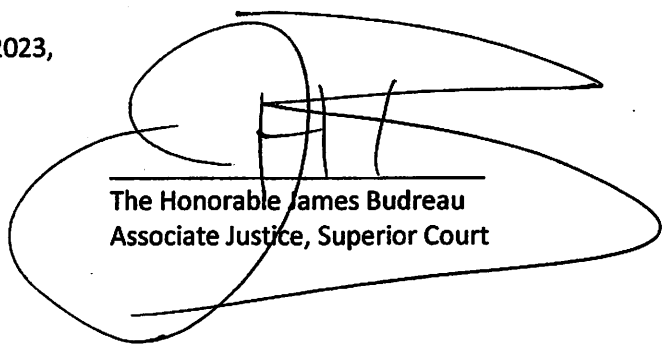
After a review of the bills submitted by Mack's lawyers, I conclude that his lawyer and paralegal rates and time were necessary and reasonable except as noted below. I applied the loadstar method in calculating these fees. See *Fontaine v. Ebtac*, 415 Mass. 309, 325 (1993)

Based upon this review, this Court orders that Bristol County D.A. pay Eric Mack attorneys fees and costs in the amount of \$44,094.50 and \$381.10 respectively pursuant to M.G.L. c. 66 § 10A(d)(2). This award excludes the amounts identified by the Bristol D.A. as unnecessary and unreasonable. This Court accepts the reasoning identified in defendant's Opposition at pp 20-21 for exclusion of those amounts.

This Court does find that punitive damages are required here for withholding the names of the police officers. This was an investigation into police misconduct and the identities of the officers involved should not have been shielded and certainly did not fall into any privacy exception. The fact that this may have been a longstanding practice is not a reasonable excuse. In recognition that the Bristol D.A.'s Office did provide substantial relevant documents within a reasonable period of time of the request and completion of the investigation, this Court imposes punitive damages in the amount of \$1000.00, which is at the lowest end of that required by statute under these circumstances.

As this Court's original summary judgment decision is on appeal, defendant's motion to stay this award until final resolution of that appeal is **Granted**.

So Ordered on this 30<sup>th</sup> day of August 2023,



The Honorable James Budreau  
Associate Justice, Superior Court

8/31/23  
Notice sent  
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