

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

FAIR FIGHT, INC., JOCELYN  
HEREDIA, SCOTT BERSON, and  
JANE DOE,

Plaintiffs,

v.

TRUE THE VOTE, INC., CATHERINE  
ENGELBRECHT, DEREK  
SOMERVILLE, MARK DAVIS,  
MARK WILLIAMS, RON JOHNSON,  
and JAMES COOPER,

Defendants.

Civil Action No.  
2:20-cv-00302-SCJ

**JOINT MOTION TO ENTER FEE AWARD AND VACATE HEARING**

Plaintiffs and Defendants (the “Parties”) jointly move this Court to enter an agreed-upon fee award for Plaintiffs of \$15,000 for the discovery violations set forth in this Court’s January 2, 2024 Order. ECF No. 333. Because this agreement resolves any potential dispute over Plaintiffs’ fee award, the Parties further request that the Court vacate its hearing on Plaintiffs’ Notice of Fee Request scheduled for February 26, 2024. In support of this motion, the Parties state as follows:

In January 2022, Plaintiffs deposed both Gregg Phillips and Defendant Catherine Engelbrecht. In each of these depositions, Plaintiffs alleged that

Defendants' former counsel committed several discovery rule violations, including instructing both witnesses not to answer questions about non-privileged topics and interrupting the deposition to confer with or coach the witnesses several times while questions were pending. Plaintiffs subsequently filed a Motion for Discovery Sanctions and requested that Defendants pay the attorneys' fees and costs incurred from the sanctions motion. ECF No. 242-1.

On January 2, 2024, the Court granted in part Plaintiffs' Motion for Discovery Sanctions and awarded Plaintiffs the attorneys' fees and costs incurred in preparing their motion. ECF No. 333 at 17. Plaintiffs filed documentation of their compensable fees, which totaled \$19,880. ECF No. 337. The Court subsequently scheduled a hearing on Plaintiffs' fee request on February 26, 2024. ECF No. 338.

To minimize the additional expense of conducting a contested hearing, the Parties negotiated an award that is agreeable to both sides. Plaintiffs have accepted Defendants' offer to pay \$15,000 in attorneys' fees and costs. The Parties now jointly request that the Court enter an order awarding Plaintiffs this agreed-upon sum, to be paid within 30 days, and vacate as moot the hearing scheduled for February 26.

Respectfully submitted, this 22nd day of February, 2024.

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**CERTIFICATE OF SERVICE**

I hereby certify that I have on this date caused to be electronically filed a copy of the foregoing *Joint Motion to Enter Fee Award and Vacate Hearing* with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to counsel of record.

Dated: February 22, 2024

/s/ Uzoma N. Nkwonta  
*Counsel for Plaintiffs*

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