
WPSD-TV, LLC

PLAINTIFF

v.

MURRAY STATE UNIVERSITY

DEFENDANTS

**WPSD-TV, LLC’S MOTION FOR ATTORNEY’S FEES
AND STATUTORY PENALTIES**

Please take notice that on Wednesday March 6, 2024 at 9:00 the Plaintiff, WPSD-TV, LLC (“WPSD”), will move his Court to award attorneys’ fees and statutory penalties against Murray State University (“MSU”) under KRS 61.882(5).

MOTION

This Court fully granted WPSD’s Motion for Summary Judgment that requested both injunctive relief ordering MSU to produce the requested public records at issue and a finding that MSU willfully defied the Open Records Act, entitling WPSD to an award of statutory fees and penalties. *See* KRS 61.882(5). The Court “adopted” WPSD’s arguments, finding MSU “misused or misapplied the attorney client privilege, the personal privacy privilege, the preliminary records exemption” and implemented “a near categorical redaction scheme at odds with existing law.” Summary Judgment Order, p. 1. The only remaining question is the amount of costs and fees to be awarded.

The Open Records Act allows for an individual who prevails against an agency in an Open Records Act case to “be awarded costs, including reasonable attorney’s fees,” if “the records were willfully withheld.” KRS 61.882(5). The Act grants the court discretion “to award the person an amount not to exceed twenty-five dollars (\$25) for each day that he was

denied the right to inspect, or copy said public record.” KRS 61.882(5). Courts may award fees on a per-record, rather than per request, basis. *See Cabinet for Health & Fam. Servs. v. Courier-Journal, Inc.*, 493 S.W.3d 375, 387 (Ky. App. 2016).

WPSD is entitled to reasonable attorney’s fees under the Open Records Act. *See* KRS 61.882(5). Such an award “should consist of the product of counsel’s reasonable hours, multiplied by a reasonable hourly rate.” *Meyers v. Chapman Printing Co.*, 840 S.W.2d 814, 826 (Ky. 1992). The attached affidavit of undersigned counsel details the hours worked on this case by attorneys at Kaplan Johnson Abate & Bird. The affidavit also sets forth rates for those services. Numerous courts have held that undersigned counsel billed reasonable rates in prior cases in this very context. *See e.g., The Courier Journal v. The University of Louisville*, Jefferson Cir. Ct. No. 21-CI-6789; *Cabinet for Health & Family Servs. v. Courier-Journal, Inc.*, 493 S.W.3d 375, 388 (Ky. App. 2016) (“CHFS”); *Lexington H-L Services, Inc. et al. v. Commonwealth of Kentucky et al.*, Franklin Cir. Ct. No. 09-CI-1742 (Nov. 1, 2010, Order), *aff’d* 382 S.W.3d 875; *Todd County Standard v. Cabinet for Health and Family Services*, Franklin Cir. Ct. No. 11-CI-1051 (Jan. 18, 2012). As detailed in the attached affidavit, WPSD requests a total award of fees in the amount of \$39,963.00 It also requests reimbursement of case expenses in the amount of \$465.45, for a combined total of \$40,428.45.

This Court should also award WPSD \$374,850 in statutory penalties. Although that is a substantial amount, it is far less than the maximum allowed under the Act, which permits up to \$25 per day, per record, from the moment MSU willfully denied WPSD’s request. KRS 61.882(5). Here, the maximum award allowed by the Act far exceeds \$1 million dollars. A

\$372,000 award represents the 105 improperly withheld and/or redacted records¹ MSU maintained after WPSD prevailed in its OAG appeal, at \$10 per improperly withheld and/or redacted record, multiplied by 357 days—the number of days elapsed between the filing of WPSD’s Complaint and the filing of this motion. That award is consistent with previous sanctions imposed for similar violations of the Act. *See e.g., CHFS*, 493 S.W.3d at 386-88 (affirming awarding of \$10 per day for 140 improperly withheld records for 540 days for the Cabinet’s “unnecessary delay in the release of these documents, [and] the fact that the Cabinet failed to conduct a good faith review of these records on a case-by-case basis.... rather the Cabinet unilaterally adopted a protocol that called for wholesale redactions.” (quoting circuit court order)).

Similarly, MSU’s original sin was the gross over-redaction of these records at the outset of this case. It had a years’ worth of opportunity to voluntarily remedy that error, but instead it forced WPSD to engage in drawn-out, expensive negotiations to obtain public records it should have received in 5 days. MSU’s slow-drip production was certainly done “without plausible justification” and in “conscious disregard” of WPSD’s rights under the Act. *City of Fort Thomas v. Cincinnati Enquirer*, 406 S.W.3d 842, 854 (Ky. 2013); *Cabinet for Health and Family Services v. Todd County Standard, Inc.*, 488 S.W.3d 1 (Ky. App. 2015).

MSU’s initial responses to WPSD’s request were willfully inadequate and ensured that production of these public records would be long delayed and obtained at significant cost to WPSD. MSU invoked the First Amendment against a news organization and accused *WPSD*

¹ *See* Summary Judgment Exhibits 5, 6, & 8. These logs indicate that MSU redacted 105 records 108 times. The Open Records Act permits awards “not to exceed twenty-five dollars (\$25) for each day that he was denied the right to inspect, or copy said **public record**.” KRS 61.882(5) (emphasis added). In other words, statutory penalties are determined by the number of records, rather than the number of redactions.

of interfering with WKMS' news-gathering process when the record now shows the opposite to be true: WPSD sought public records bearing on whether *MSU* and its leadership pressured WKMS reporters to kill negative reporting about politically powerful individuals. Indeed, MSU refused to even search for responsive records and, instead, attempted to withhold hundreds of responsive documents with broad "speculation" (23-ORD-024, MSJ Ex. 11) that the records could be privileged or somehow exempt from production.

Yet, MSU's willful defiance of the Act continued for months after WPSD prevailed in its appeal to the OAG. Even then, MSU refused to attempt to undertake the required steps to properly invoke the Act's preliminary records and personal privacy exemptions. Instead, MSU asserted the kind of broad categorical exemptions that have always been rejected under the Act. *See, e.g., City of Fort Thomas*, 406 S.W.3d at 855 (rejecting blanket denial of police investigatory file); *Com. Cabinet for Health & Fam. Servs. v. Lexington H-L Servs., Inc.*, 382 S.W.3d 875 (Ky. App. 2012) (rejecting blanket denial of child abuse records); *Kentucky New Era, Inc. v. City of Hopkinsville*, 415 S.W.3d 76 (Ky. 2013) ("the Act forbids blanket denials of ORA requests"). MSU's categorical rule to redact all information related faculty employment has long been "at odds with existing law." Summary Judgment Order, p. 1; *Cape Publications v. City of Louisville*, 191 S.W.3d 10, 14 (Ky. App. 2006). So too was its decision to blanketly withhold all information "in which opinions are expressed or policies formulated or recommended." Ex. 4, pp. 2-4.

MSU slowly abandoned many of these redactions after extensive negotiations between counsel, at significant cost to WPSD, and serious delay to their reporting an important story in the community. This process only revealed the extent of MSU's willfulness when it initially denied WPSD's request. It is now apparent that MSU never had any plausible justification

for most of its redactions. It used barebones “boilerplate, multiple grounds exemptions... for every single document” it redacted. *Kernel Press*, 620 S.W.3d at 55. “Simply put. This is not how the ORA process works.” *Kernel Press*, 620 S.W.3d at 55. Indeed, the public records produced by MSU since the Court issued its Judgment reveal MSU continued to baselessly maintain improper redactions (sometimes of clearly unexempt, benign material) until the bitter end of this litigation.

MSU’s willful defiance of its transparency obligations deserves serious sanction from this Court. As the Court of Appeals noted in affirming a substantial penalty award in *CHFS*, “[p]ublic entities must permit inspection of public records as required or risk meaningful punishment for noncompliance.” 493 S.W.3d at 389. MSU’s initial categorical redaction and its year-long, stubborn refusal to abandon many of those redactions “reveals a culture of secrecy” within MSU reflecting a “misguided belief that the Open Records Act is merely an ideal—a suggestion to be taken when it is convenient and flagrantly disregarded when it is not.” *Id.* Only “meaningful” statutory penalties can pierce that culture of secrecy and put MSU on notice that its willful defiance of the Open Records Act will not be countenanced by Kentucky’s courts.

CONCLUSION

For the reasons stated herein, the Court should award WPSD its \$40,428.45 in attorney’s fees and costs and \$374,850 of statutory penalties.

Respectfully submitted,

/s/ Michael P. Abate
 Michael P. Abate
 Wm. R. (Rick) Adams
 Kaplan Johnson Abate & Bird LLP
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CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2024 I filed this Motion using the Court's electronic filing system, which caused a copy to be served on all counsel of record.

/s/ William R. Adams
William R. Adams

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Comes now the Affiant, Michael P. Abate, and after being duly sworn states as follows:

1. I am an attorney at the law firm Kaplan Johnson Abate & Bird, and I have had responsibility as counsel for WPSD-TV, LLC in the above-captioned action.
2. I have reviewed our records as to fees and expenses in the above-captioned lawsuit. Following are the total attorney and paralegal hours expended on this lawsuit.

Attorney	Hours	Hourly Rate	Total
Michael P. Abate	8	\$425.00	\$3,400
Rick Adams	129.5	\$290.00	\$36,293
Greta Maas	1.8	\$150.00	\$270

3. The rates for attorneys who rendered services in this action are reasonable and within prevailing market rates in the area for services performed. However, the rate charged for my time represents a discount off my normal billing rates. Because of the

nature of the case and the important public issues involved, we consider the services rendered in this case to be, at least in part, on behalf of the public interest.

4. In addition, we incurred \$465.45 in expenses related to this matter.

5. The total fees and expenses incurred to date are \$40,428.45.

6. Attached hereto as Exhibit A and incorporated herein by reference is a computer-generated report setting forth in detail the dates of the services rendered in this case, the exact nature of the services rendered on each date, the corresponding names of the persons who rendered the services, the number of hours, and the out-of-pocket expenses incurred.

I declare under penalty of perjury that the foregoing information is true and correct.

Dated: February 26, 2024

/s/ Michael P. Abate
Michael P. Abate

Matter Summary

Date Run: 02/22/2024 | Date Start: 11/1/2022 | Date End: 2/22/2024 | Clients: WPSD TV | Matters: | Users: All | Account Managers: All

Date	User	Description	Rate/ Unit Price	Billable Time/ Cost Price	Bill Amt/ Sell Price
11/09/2022	Michael Abate	Call with B. Evans and P. Boxx to discuss open records appeal	\$425.00	0.50	\$212.50
11/10/2022	Rick Adams	Research and draft open records act appeal letter.	\$290.00	2.90	\$841.00
11/11/2022	Rick Adams	Research and draft Open Records Act appeal	\$290.00	2.50	\$725.00
11/12/2022	Rick Adams	Research and draft open records appeal letter	\$290.00	3.50	\$1,015.00
11/14/2022	Rick Adams	Research and draft OAG appeal letter	\$290.00	6.20	\$1,798.00
11/15/2022	Rick Adams	Review emails responsive to Open Records Request provided by P. Boxx, review new open records request. Review M. Abate comments to open records appeal letter.	\$290.00	0.40	\$116.00
11/15/2022	Michael Abate	Revise draft AG appeal letter and review new draft ORA request.	\$425.00	0.90	\$382.50
11/16/2022	Rick Adams	Edit OAG appeal letter	\$290.00	1.00	\$290.00
11/16/2022	Michael Abate	Revising MSU letter and second ORA request.	\$425.00	0.70	\$297.50
11/17/2022	Rick Adams	Edit, finalize, and file OAG appeal letter	\$290.00	1.00	\$290.00
11/22/2022	Michael Abate	Review response from MSU counsel.	\$425.00	0.30	\$127.50
11/28/2022	Rick Adams	Review Murray State Response to Open Records Appeal	\$290.00	0.30	\$87.00
11/30/2022	Rick Adams	Review MSU's response to second open records request.	\$290.00	0.20	\$58.00
12/19/2022	Rick Adams	Review Attorney General's Office's Notice of Extension	\$290.00	0.10	\$29.00
01/05/2023	Rick Adams	Review open records request to MSU and denial sent by P. Boxx. Email client.	\$290.00	0.80	\$232.00
01/06/2023	Rick Adams	Draft letter to Murray State University General Counsel	\$290.00	1.80	\$522.00
01/08/2023	Rick Adams	Research and draft letter in response to Murray State's partial denial of open records request	\$290.00	3.80	\$1,102.00
01/09/2023	Michael Abate	Review draft letter to MSU counsel	\$425.00	0.20	\$85.00
01/10/2023	Rick Adams	Call with Perry Boxx	\$290.00	0.40	\$116.00
01/10/2023	Rick Adams	Edit, finalize, and send letter to MSU	\$290.00	0.30	\$87.00
01/10/2023	Rick Adams	Review MSU production. Email client	\$290.00	0.20	\$58.00
01/11/2023	Rick Adams	Respond to client email	\$290.00	0.10	\$29.00
01/12/2023	Rick Adams	Research and draft response to Robert Miller	\$290.00	1.20	\$348.00
02/02/2023	Rick Adams	Review Attorney General Opinion	\$290.00	0.30	\$87.00
02/02/2023	Rick Adams	Call with Perry Boxx and Bill Evans	\$290.00	0.40	\$116.00
02/02/2023	Rick Adams	Email Robert Miller at MSU for records ordered to be produced by the Attorney General	\$290.00	0.20	\$58.00
02/02/2023	Michael Abate	Call with P. Boxx and B. Evans to discuss next steps in AG process following OAG decision.	\$425.00	0.40	\$170.00
02/03/2023	Rick Adams	Research and draft response to Robert Miller	\$290.00	0.80	\$232.00
02/07/2023	Rick Adams	Review MSU's production sent by client	\$290.00	0.20	\$58.00
02/20/2023	Rick Adams	Call with Perry Boxx	\$290.00	0.10	\$29.00
02/23/2023	Rick Adams	Call with Perry Boxx	\$290.00	0.30	\$87.00
02/28/2023	Rick Adams	Correspondence with P. Boxx	\$290.00	0.10	\$29.00
03/01/2023	Rick Adams	Call with Robert Miller at MSU	\$290.00	0.30	\$87.00
03/01/2023	Rick Adams	Review MSU production and draft memorandum	\$290.00	4.50	\$1,305.00
03/02/2023	Rick Adams	Review production. Call with Perry Boxx	\$290.00	0.80	\$232.00
03/02/2023	Rick Adams	Review example redactions provided by P. Boxx. Email P. Boxx	\$290.00	0.60	\$174.00
03/02/2023	Rick Adams	Call with P. Boxx and B. Evans	\$290.00	0.60	\$174.00
03/03/2023	Rick Adams	Draft complaint	\$290.00	3.00	\$870.00
03/06/2023	Rick Adams	Research and draft complaint	\$290.00	0.60	\$174.00
03/06/2023	Rick Adams	Edit WPSD complaint	\$290.00	0.50	\$145.00
03/06/2023	Rick Adams	edit, finalize, and file Complaint	\$290.00	0.60	\$174.00
03/06/2023	Rick Adams	Call with P. Boxx	\$290.00	0.20	\$58.00
03/28/2023	Rick Adams	Review P. Boxx's 3/28 Open Records Request to MSU	\$290.00	0.10	\$29.00
03/30/2023	Rick Adams	Review MSU's answer. Email P. Boxx	\$290.00	0.40	\$116.00
04/20/2023	Rick Adams	Review Pleadings. Meet with M. Abate about discovery requests. Email P. Boxx	\$290.00	0.50	\$145.00
04/21/2023	Rick Adams	Research and draft interrogatories	\$290.00	1.20	\$348.00
04/25/2023	Rick Adams	Respond to email regarding new open records request	\$290.00	0.10	\$29.00
04/28/2023	Rick Adams	Research and draft letter requesting Vaughn Index. Draft proposed agreed scheduling order	\$290.00	2.20	\$638.00
05/01/2023	Michael Abate	Revising draft letter to opposing counsel.	\$425.00	0.40	\$170.00
05/02/2023	Rick Adams	Edit, finalize, and send Vaughn Index Letter and Proposed Scheduling Order	\$290.00	0.40	\$116.00
05/03/2023	Rick Adams	Client's correspondence regarding Judge Atkins recusal	\$290.00	0.10	\$29.00
05/03/2023	Rick Adams	Schedule call with opposing counsel	\$290.00	0.10	\$29.00
05/04/2023	Rick Adams	Meet & Confer with opposing counsel to discuss Vaughn index and discovery	\$290.00	0.40	\$116.00
05/10/2023	Rick Adams	Review production logs provided by opposing counsel	\$290.00	0.30	\$87.00
05/11/2023	Rick Adams	Meet with M. Abate regarding MSU's production log	\$290.00	0.40	\$116.00
06/01/2023	Rick Adams	Review MSU's productions to assess redactions	\$290.00	2.60	\$754.00

06/08/2023	Rick Adams	Review MSU's productions for improper redactions and redaction log provided by Dinsmore & Shohl	\$290.00	2.70	\$783.00
06/08/2023	Rick Adams	Review June 8 Open Records Request Production from MSU	\$290.00	0.30	\$87.00
06/09/2023	Rick Adams	Review documents produced by MSU and make counter-log contesting explanations for redactions	\$290.00	1.90	\$551.00
06/13/2023	Rick Adams	Review Murray State redactions and create table of improper redactions	\$290.00	2.30	\$667.00
06/14/2023	Rick Adams	Review MSU productions and create table of improper redactions	\$290.00	4.00	\$1,160.00
06/15/2023	Rick Adams	Finalize logs contesting MSU's redactions. Email to opposing counsel	\$290.00	0.90	\$261.00
07/10/2023	Rick Adams	Email Dinsmore attorneys to set up meeting regarding MSU's redactions	\$290.00	0.20	\$58.00
07/10/2023	Rick Adams	Create virtual meeting room for redaction discussion	\$290.00	0.10	\$29.00
07/12/2023	Rick Adams	Review MSU redaction logs to prepare for call with MSU's counsel	\$290.00	0.20	\$58.00
07/12/2023	Rick Adams	Call with MSU's counsel to discuss redaction log	\$290.00	0.30	\$87.00
07/12/2023	Michael Abate	Meet with opposing counsel to discuss streamlining records in dispute and additional information we need.	\$425.00	0.30	\$127.50
07/18/2023	Rick Adams	Email P. Boxx	\$290.00	0.10	\$29.00
07/28/2023	Rick Adams	Email Suzanne Marino regarding Vaughn Index production	\$290.00	0.10	\$29.00
07/31/2023	Rick Adams	Review MSU's revised redactions and update redaction log. Email redactions to P. Boxx	\$290.00	2.10	\$609.00
08/04/2023	Rick Adams	Email S. Marino at Dinsmore re: explanations of preliminary redactions	\$290.00	0.20	\$58.00
08/10/2023	Rick Adams	Review MSU's updated production and create new redaction log. Email P. Boxx	\$290.00	1.70	\$493.00
08/21/2023	Rick Adams	Review MSU's A/C Privilege log and A/C privilege redactions. Update notes on MSU's productions log and email client	\$290.00	2.10	\$609.00
08/21/2023	Rick Adams	Email MSU attorney's to set up call to discuss MSU's redactions	\$290.00	0.10	\$29.00
08/22/2023	Rick Adams	Call with P. Boxx and B. Evans to discuss moving forward with briefing schedule	\$290.00	0.20	\$58.00
08/22/2023	Rick Adams	Research Title IX Due Process Bill and Vote History	\$290.00	0.20	\$58.00
08/24/2023	Rick Adams	Call with Dinsmore to discuss final round of redactions before filing legal briefs	\$290.00	0.40	\$116.00
08/24/2023	Michael Abate	Meet with counsel for Murray State to discuss litigation	\$425.00	0.50	\$212.50
09/11/2023	Rick Adams	Review MSU's productions for final pass at documents that need to be unredacted	\$290.00	1.40	\$406.00
09/15/2023	Rick Adams	Review P. Boxx's annotations to final pass redactions by MSU. Email MSU's attorneys regarding redactions	\$290.00	0.80	\$232.00
09/29/2023	Rick Adams	Research and draft motion for summary judgment	\$290.00	1.10	\$319.00
10/09/2023	Rick Adams	Review MSU's production and redactions, email P. Boxx	\$290.00	1.00	\$290.00
10/26/2023	Rick Adams	Research and draft motion for summary judgment	\$290.00	1.40	\$406.00
10/30/2023	Rick Adams	Research and draft motion for summary judgment	\$290.00	2.00	\$580.00
10/31/2023	Rick Adams	Research and draft motion for summary judgment	\$290.00	2.70	\$783.00
11/01/2023	Rick Adams	Create illustrative exhibit combining all MSU production spreadsheets to include only those redactions and records that remain in dispute at summary judgment stage.	\$290.00	1.90	\$551.00
11/01/2023	Rick Adams	Research and draft motion for summary judgment	\$290.00	2.60	\$754.00
11/02/2023	Rick Adams	Research and draft motion for summary judgment	\$290.00	6.40	\$1,856.00
11/06/2023	Rick Adams	Research and draft motion for summary judgement	\$290.00	5.20	\$1,508.00
11/06/2023	Rick Adams	Create Summary Judgment Exhibits	\$290.00	2.90	\$841.00
11/07/2023	Michael Abate	Revising draft MSJ on ORA issues.	\$290.00	1.40	\$406.00
11/08/2023	Rick Adams	Edit draft of Motion for Summary Judgment and email P. Boxx	\$290.00	1.20	\$348.00
11/09/2023	Rick Adams	Format and finalize exhibits for filing	\$290.00	0.30	\$87.00
11/09/2023	Greta Maas	Prepare exhibits for MSJ.	\$150.00	1.80	\$270.00
11/09/2023	Rick Adams	Edit and finalize motion for summary judgment and exhibits. Call with Court secretary	\$290.00	1.20	\$348.00
11/13/2023	Rick Adams	Edit, finalize, and file Motion for Summary Judgment	\$290.00	1.10	\$319.00
11/14/2023	Rick Adams	Email A. Klimkina at Dinsmore to agree on motion for summary judgment briefing schedule	\$290.00	0.20	\$58.00
11/14/2023	Rick Adams	Draft agreed scheduling order and coordinate with MSU attorney's to find suitable argument date	\$290.00	0.50	\$145.00
11/16/2023	Rick Adams	Correspondence with Court to schedule oral argument	\$290.00	0.20	\$58.00
11/17/2023	Rick Adams	Call with Judge Atkins clerk to schedule hearing date	\$290.00	0.20	\$58.00
11/20/2023	Rick Adams	Call with Judge Atkins' chambers to schedule oral argument	\$290.00	0.20	\$58.00
11/21/2023	Rick Adams	Finalize and file agreed scheduling order	\$290.00	0.20	\$58.00
12/11/2023	Rick Adams	Review MSU's response to motion for summary judgment and email P. Boxx	\$290.00	0.90	\$261.00
12/29/2023	Rick Adams	Research and draft reply in support of motion for summary judgment	\$290.00	7.60	\$2,204.00
01/01/2024	Rick Adams	Research and draft reply in support of motion for summary judgment	\$290.00	3.70	\$1,073.00
01/02/2024	Rick Adams	Edit, finalize, and file reply in support of motion for summary judgment	\$290.00	0.70	\$203.00
01/02/2024	Michael Abate	Revising reply ISO summary judgment.	\$425.00	0.50	\$212.50
01/23/2024	Michael Abate	Strategize with R. Adams re: oral argument.	\$425.00	0.30	\$127.50
01/23/2024	Rick Adams	Prepare for oral argument on motion for summary judgment	\$290.00	4.60	\$1,334.00
01/24/2024	Rick Adams	Prepare for summary judgment argument	\$290.00	1.10	\$319.00
01/24/2024	Rick Adams	Summary judgment argument	\$290.00	0.60	\$174.00
01/25/2024	Rick Adams	Draft email updating client on results of summary judgment argument	\$290.00	0.20	\$58.00
01/29/2024	Rick Adams	Respond to MSU's correspondence submitting redacted documents to the court for in camera r	\$290.00	0.30	\$87.00
02/16/2024	Rick Adams	Review Court's Summary Judgment Order and Email Perry Boxx	\$290.00	0.40	\$116.00
02/19/2024	Rick Adams	Call with P. Boxx to discuss settlement offer and email opposing counsel	\$290.00	0.60	\$174.00

02/20/2024	Rick Adams	Review final production of records after Summary Judgment Order	\$290.00	0.60	\$174.00
02/21/2024	Rick Adams	Respond to P. Boxx's email regarding production of documents in response to Court's order	\$290.00	0.10	\$29.00
02/23/2024	Michael Abate	Revising fee motion and exhibits	\$425.00	1.60	\$680.00
02/24/2024	Rick Adams	Finalize and file fee motion and exhibits	\$290.00		\$0.00
Total Labor For Murray State ORA				135.60	\$39,963.00

03/06/2023	Rick Adams	Filing fee	\$254.20		\$254.20
01/25/2024	Rick Adams	Mileage to attend hearing	\$211.25		\$211.25
Total Expense For Murray State ORA				\$211.25	\$465.45

Total For WPSD TV Murray State ORA **\$40,428.45**

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PROPOSED ORDER

The Court, having considered WPSD-TV, LLC's Motion for Attorney's Fees and Statutory Penalties, all responses thereto, and being otherwise sufficiently advised, hereby GRANTS WPSD-TV's motion. WPSD is awarded \$40,438.45 in attorney's fees and costs and \$374,850 in statutory penalties for Murray State University's willful violation of the Open Records Act. *See* KRS 61.882(5).

Dated: _____

JUDGE JOHN ATKINS