# Sheppard Mullin is Proud to Support the First Amendment Coalition

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A Santa Clara Superior Court judge has awarded nearly $100,000 in attorneys fees to lawyers representing the First Amendment Coalition (FAC) in its successful California Public Records Act lawsuit against the city of Milpitas.

Recognizing that FAC's suit promoted a "significant public interest...in understanding whether high-ranking city officials were acting improperly," Judge Sunil R. Kulkarni ordered Milpitas to pay the organization's lawyers over $92,000 in attorneys fees and $1,260 in court costs. Former city manager Tom Williams, who was at the center of the lawsuit, also must pay FAC's attorneys $7,750 in attorneys fees and costs, for a total of $99,760.

The order comes after over a year of litigation against both Milpitas and Williams. FAC prevailed in its lawsuit on May 25, when Judge Kulkarni ordered the city to release documents relating to allegations of serious misconduct by Williams. The city originally withheld the documents in part based on a "reverse California Public Record Act" lawsuit filed by Williams in 2017. In that lawsuit, Williams obtained a court order temporarily preventing the city from releasing records about himself.

"Judge Kulkarni's order awarding FAC's attorneys fees is further confirmation that the city should never have withheld these important records—and that Mr. Williams' effort to prevent their release was misguided," said FAC Executive Director David Snyder. "We are grateful the court got it right here, and that the lawyers who so capably represented FAC's—and the public's—interest will be compensated for bringing to light records about misconduct at the highest level of city government."

FAC was represented in the litigation by James Chadwick and Julie Bauman of the Sheppard Mullin law firm.

Under the California Public Records Act, when government agencies refuse to release records but are later forced to do so as a result of a lawsuit, the agency must pay the records requesters' "reasonable attorneys fees." This "fee-shifting provision" reverses the ordinary rule of litigation, which is that each party must pay its own attorneys. It provides important incentives and protections for the public and public-interest organizations like FAC to bring lawsuits to enforce the state's open-records law.

FAC originally sued on June 2, 2017 to challenge Williams' "reverse CPRA" lawsuit and force Milpitas to release the records. The previous month, FAC had requested records relating to accusations of poor performance and misconduct by Williams, including allegations that he used a city credit card to pay personal legal bills. (Williams has denied these charges.)

You can read Judge Kulkarni's order awarding FAC its attorneys fees here.