10/01/2025 "See News Release 043 for any Concurrences and/or Dissents."

The Supreme Court of the State of Louisiana

WILLIAM ALAN PESNELL AND DOUGLAS WADE PESNELL No. 2025-C-00513

VS.

RONNIE WILLIAMS, JR., AND STACY MCQUEARY

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IN RE: William Alan Pesnell, et al. - Applicant Plaintiff; William Alan Pesnell - Applicant Plaintiff; Douglas Wade Pesnell - Applicant Plaintiff; Applying For Writ Of Certiorari, Parish of Natchitoches, 10th Judicial District Court Number(s) C-94689, Court of Appeal, Third Circuit, Number(s) 24-328;

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October 01, 2025

Writ application granted in part. See per curiam.

PDG

JDH

WJC

JBM

JMG

CRC

Weimer, C.J., concurs in part and dissents in part and assigns reasons.

Supreme Court of Louisiana
October 01, 2025

Katie Marjanovic

Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2025-C-00513

WILLIAM ALAN PESNELL AND DOUGLAS WADE PESNELL

VS.

RONNIE WILLIAMS, JR., AND STACY MCQUEARY

On Writ of Certiorari to the Court of Appeal, Third Circuit, Parish of Natchitoches

PER CURIAM

Writ granted in part. Prevailing parties in public records suits shall be awarded attorneys' fees. La. R.S. 44:35(D)(1). This language is not limited to litigation in the trial court.[1] Prevailing parties include those who are provided with documents after filing suit but before final judgment. *Aswell v. Division of Administration*, 15-1851, p. 7 (La. App 1 Cir. 6/3/16), 196 So. 3d 90, 94.

La. R.S. 44:35(F) limits fees payable in public records suits to the maximum the Attorney General pays for outside counsel. Thus, while there is no statutory minimum, a fee award this far below the applicable statutory limit is indicative of an abuse of discretion. For attorneys with ten or more years of experience, the Attorney General pays up to $350.00 per hour. The defense does not dispute that Ronald E. Corkern Jr. has practiced law for 50 years and worked 28.3 hours on the appeal below. The court of appeal only awarded Mr. Corkern $70.00 an hour. Under these facts and considering this record, we find the amount awarded to Mr. Corkern is abusively low and increase it to a reasonable rate of $250.00 an hour for a total of $7,075.00. In all other respects the writ is denied.

REVERSED IN PART

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[1] Applicant does not request an award of fees for litigation in this Court. Therefore, none are awarded.