

From: Columbia Christians for Life

Sent: 12/14/2014 3:18:11 PM

To:

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Subject: (Press Release) SC Federal Judge orders over \$197,000 attorney's fees, costs awarded to Christian pro-life missionary represented by National Legal Foundation legal team in 2005 Greenwood graphic 'abortion' signs case - Dec 1, 2014

Columbia <<http://www.christianlifeandliberty.net/>> Christians for Life

<<http://www.christianlifeandliberty.net/>> (CCL <<http://www.christianlifeandliberty.net/>>)

Columbia, South Carolina

December 14, 2014

**SC Federal Judge orders  
<<http://christianlifeandliberty.net/2014-12-09-US-District-Court-Opinion-&-Order-Greenwood-case-Dec-1-2014.pdf>> over \$197,000 attorney's fees, costs awarded  
to Christian pro-life missionary represented  
by [National Legal Foundation <http://nlf.net/>](http://nlf.net/)  
legal team in 2005 Greenwood graphic  
'abortion' signs case - Dec 1, 2014**

**PRESS RELEASE <[http://christianlifeandliberty.net/2014-12-14-SC-Federal-Judge-orders-\\$197000-attys-fees-costs-Greenwood-SC-case-Dec-1-2014.doc](http://christianlifeandliberty.net/2014-12-14-SC-Federal-Judge-orders-$197000-attys-fees-costs-Greenwood-SC-case-Dec-1-2014.doc)>** FOR

RELEASE: December 14, 2014

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NOTE: This PR with hyperlinks is posted at:  
[www.ChristianLifeandLiberty.net](http://www.ChristianLifeandLiberty.net) <<http://www.ChristianLifeandLiberty.net/>>, on  
the News (2011-2014) <<http://christianlifeandliberty.net/News2011.htm>>  
page.

[COLUMBIA] – Senior US District Court Judge Henry Herlong, Jr. <<http://www.scd.uscourts.gov/Judges/distjudge.asp>> issued his Opinion & Order <<http://christianlifeandliberty.net/2014-12-09-US-District-Court-Opinion-&-Order-Greenwood-case-Dec-1-2014.pdf>> awarding \$197,849.89

in attorney's fees and costs to Christian pro-life missionary Steve Lefemine, director of Columbia Christians for Life <<http://christianlifeandliberty.net/>>, on December 1, 2014. Lefemine has been very ably represented for years by the [National Legal Foundation <http://nlf.net/>](http://nlf.net/) (NLF), whose President is Steven Fitschen. This case has been adjudicated two different times by a three-judge panel of the Fourth Circuit Court of Appeals [ 2012, 2014 <<http://www.ca4.uscourts.gov/Opinions/Published/131629.P.pdf> ], and once by the United States Supreme Court [ 2012 <<http://nlf.net/Activities/litigation/Lefemine%20Supreme%20Court%20Opinion.pdf>>, *per curiam* <<http://christianlifeandliberty.net/2013-04-27-SupremeCourtGreenwood2012.pdf>>, Lefemine v. Wideman, 133 S. Ct. 9 (2012) ]. As of this release, neither side has declared an intent to appeal.

The federal lawsuit originated from an incident which occurred over nine years ago in Greenwood, South Carolina on November 3, 2005 during a Columbia Christians for Life (CCL) 'Show the Truth <<http://christianlifeandliberty.net/TOUR05-17.doc>>' [Tour <http://christianlifeandliberty.net/TOUR05-17.doc>](http://christianlifeandliberty.net/TOUR05-17.doc), in which about 20 men, women, and young adults were presenting a Christian pro-life witness at a busy intersection in Greenwood County.

The Greenwood County Sheriff's Office <<http://www.greenwoodsc.gov/countywebsite/index.aspx?page=529>> *unconstitutionally* forced CCL ministry team participants to cease displaying graphic pictures of babies [ children ] murdered by 'abortion' from the sidewalk or along the public right-of-way, both of which are traditional public forums for free speech and peaceable assembly, under the threat of being ticketed for breach of peace. The [Title 42 <http://www.law.cornell.edu/uscode/text/42/1983>](http://www.law.cornell.edu/uscode/text/42/1983) lawsuit was filed October 31, 2008, and the US District Court (SC) Opinion & Order <<http://christianlifeandliberty.net/Opinion%207-8-10.pdf>> was issued July 8, 2010. As the same judge repeated in his December 1, 2014 Opinion & Order <<http://christianlifeandliberty.net/2014-12-09-US-District-Court-Opinion-&-Order-Greenwood-case-Dec-1-2014.pdf>> [ p. 2 ], referring

to his July 8, 2010 ruling, **“This court held that the Defendants had infringed Lefemine’s rights of free speech, peaceable assembly, and free exercise of religion.”** And so, **“The court permanently enjoined the Defendants from “engaging in content-based restrictions on Plaintiff’s display of graphic signs without narrowly tailoring its restriction to serve a compelling state interest.””** However, **“The court denied Lefemine’s request for attorney’s fees, ...”** ( Lefemine v. Davis, 732 F. Supp. 2d 624-25, 627 ).

So the Christian pro-life position **prevailed** in the trial court's July 8, 2010 Opinion & Order <<http://christianlifeandliberty.net/Opinion%207-8-10.pdf>> on the substantive issue of the constitutionally-protected right to display the graphic 'abortion' signs, however the US District Court (SC) refused to award Lefemine's legal representation by the National Legal Foundation its due in attorney's fees !

This anti-attorney's fees ruling was upheld by the Fourth Circuit Court of Appeals [ 2012 ], but then reversed by the United States Supreme Court [ SCOTUS ] on November 5, 2012 <<http://nlf.net/Activities/litigation/Lefemine%20Supreme%20Court%20Opinion.pdf>> *per curiam* <<http://christianlifeandliberty.net/2013-04-27-SupremeCourtGreenwood2012.pdf>> [ NLF Press Release <<http://nlf.net/Activities/litigation/Lefemine%20Press%20Release.pdf>> ], in which the SCOTUS ruled ( without dissent from any of the nine US Supreme Court Justices ! ) that Lefemine was legally a "**prevailing party**" in this case, and so attorney's fees should ordinarily be recoverable unless there were "special circumstances" ( Lefemine v. Wideman, 133 S. Ct. 11 ). [ emphasis added ]

The case was remanded to the Fourth Circuit; and then to the US District Court (SC); the latter court ruling [ 2013 ] there were special circumstances, again disallowing attorney's fees. However, finally, on appeal, the Fourth Circuit reversed the District Court's finding of special circumstances, remanded the case again to the District Court, this time ordering attorneys' fees be awarded to Lefemine, "a prevailing civil rights plaintiff." [ July 11, 2014 Opinion <<http://www.ca4.uscourts.gov/Opinions/Published/131629.P.pdf>>, p. 20 ].

Steven Fitschen, NLF, says of the case, "We were so grateful to have vindicated Steve Lefemine's constitutional rights of free speech, peaceable assembly, and free exercise of religion back in 2010. And now, over four years later, we are grateful to finally have been awarded fees. These fees will send a message to law enforcement all across the country that when the rights of pro-life protesters are trampled upon, serious consequences follow."

"Glory to God for His Almighty Hand in this case," says Steve Lefemine. "May He be pleased to use this case to encourage Christians in standing for truth in the public square as witnesses