



with Butler Wooten (the "Arbitration") regarding the parties' dispute.<sup>1</sup> (A true and correct copy of the Contract is attached as Exhibit 1 to the Petition to Vacate Arbitration Award [Unredacted] ("Unredacted Petition"), which Contract is incorporated herein by reference.) Cheeley petitions this Court to vacate the award entered in the Arbitration [REDACTED]

[REDACTED] on the grounds that Cheeley's rights were prejudiced by the arbitrator's manifest disregard of the law. (True and correct copies of the orders that comprise the Award are attached respectively as Exhibits 2 and 3 to the Unredacted Petition). The Award [REDACTED]

[REDACTED] disregards Georgia law and public policies, including without limitation, for the following reasons:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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<sup>1</sup> Petitioner files this Redacted Application pursuant to Unif. Super. Ct. R. 21.6(C). The Redacted Petition has been redacted in keeping with the parties' agreement regarding the confidentiality of the arbitration proceeding. After this Redacted Petition is filed on the Court's public docket, Petitioner will submit directly to the Court a motion requesting leave to file the Petition to Vacate Arbitration Award [Unredacted] ("Unredacted Petition") under seal.



this Petition through its Managing Partner, Joel O. Wooten, Butler, Wooten & Peak, LLP, 2719 Buford Highway, NE, Atlanta, Georgia 31902.

3.

Venue for this Petition is proper in this Court pursuant to O.C.G.A. § 9-9-4(b)(3): “Venue for applications to the court shall lie: [i]n the county where any party resides or does business.”

### **FACTUAL BACKGROUND**

4.

Cheeley, a founding member of the Butler Wooten law firm in 1988, rejoined Butler Wooten in 2014.

5.

Cheeley rejoined Butler Wooten [REDACTED]

[REDACTED]

6.

On or about June 25, 2014, Cheeley signed the Partnership Contract, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7.

On or about April 26, 2015, Megan Richards entered into a Fee Agreement with Butler Wooten, [REDACTED]

[REDACTED]

A true and correct copy of Megan Richards' Contract for Representation and Fee Agreement is attached as Exhibit 4 to the Unredacted Petition.

8.

[REDACTED] Cammy and Michael Marchetti [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

9.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

10.

[REDACTED]  
[REDACTED]

[REDACTED]

11.

As a result, Cheeley resigned from Butler Wooten [REDACTED]

[REDACTED]

[REDACTED]

12.

In June 2016, Megan Richards and the Marchettis each terminated their respective attorney-client relationship with Butler Wooten in favor of representation by Cheeley.

13.

In the case of *Bibbs v. Toyota Motor Corp.*, No. 1:15-cv-2607-RWS (N.D. Ga.), [REDACTED]

[REDACTED], the Bibbs also terminated their attorney-client relationship with Butler Wooten in favor of representation by Bob Cheeley.

14.

Butler Wooten seeks [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

15.

On September 14, 2016, Ms. Richards directed [REDACTED]

[REDACTED]

A true and correct copy of her September 14, 2016 letter is attached as Exhibit 6 to the Unredacted Petition.

16.

Butler Wooten [REDACTED]

[REDACTED]

17.

In January 2017, Cheeley obtained a \$15 million jury verdict in favor of Ms. Richards in *Richards v. Total Transp. of Ms., LLC.*, No. 2015-V-174 (Bryan Super.). Parties to that case had agreed to a confidential high-low settlement while the jury

was deliberating. The settling parties have always refused to waive the confidentiality of the terms of their settlement.

18.

After the *Richards* trial concluded, Butler Wooten asserted a lien for attorneys' fees and expenses for that case. A true and correct copy of the Stone letter of February 3, 2017 claiming such is attached as Exhibit 7 to the Unredacted Petition.

19.

Thereafter, Butler Wooten released its lien: [REDACTED]

[REDACTED] A true and correct copy of the Release is attached as Exhibit 8 to the Unredacted Petition.

20.

On February 17, 2017, the Superior Court of Bryan County entered an Order in *Richards* stating in pertinent part: "That Release resolves any issue raised by the [Butler Wooten] lien...." A true and correct copy of the Order is attached as Exhibit 9 to the Unredacted Petition.

21.

Butler Wooten [REDACTED]



[REDACTED]

22.

The Award states in part that [REDACTED]

[REDACTED]

[REDACTED]

23.

While the Arbitration remained pending, Cheeley informed the Bibbs family and the Marchettis (separately) that Cheeley would have to withdraw from representing them [REDACTED]

[REDACTED]

24.

Butler Wooten [REDACTED]

[REDACTED]

**CHEELEY'S RIGHTS WERE PREJUDICED BY THE ARBITRATOR'S  
MANIFEST DISREGARD OF THE LAW**

25.

The Award [REDACTED]

[REDACTED] evinces a manifest disregard of Georgia law and public policies under O.C.G.A. § 9-9-13(b)(5), which law and policies include, without limitation:

- A client's right to select his or her counsel of choice,

- Georgia Rules of Professional Conduct 1.5, 1.7, 1.16 and 5.6,
- The prohibition against attorneys' putting personal and financial interests ahead of interests of their former clients,
- The prevention of unreasonable restrictions on an attorney's right to practice law,
- The enforceability of an attorney's contract with its former client,
- The lack of enforceability of a contractual penalty clause,
- A party's right to procedural due process during the arbitration,
- *AFLAC, Inc. v. Williams*, 264 Ga. 351, 444 S.E.2d 314 (1994),
- *Kirschmer & Venker, P.C. v. Taylor & Martino, P.C.*, 277 Ga. App. 512, 627 S.E.2d 112 (2006), and
- *Eichholz Law Firm, P.C., v. Tate Law Group, LLC*, 310 Ga. App. 848, 714 S.E.2d 413 (2011).

WHEREFORE, Petitioner Robert Cheeley respectfully prays that the Award be vacated.

[SIGNATURE ON FOLLOWING PAGE]

Respectfully submitted this 15<sup>th</sup> day of August, 2018,

**BARNES LAW GROUP, LLC**

/s/ Roy E. Barnes

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Georgia Bar No.039000

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