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CLERK STATE COURT
GWINNETT COUNTY, GA

IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

2019 AUG -9 PM 1:44

RICHARD ALEXANDER, CLERK

ANDY BLIMLINE,)	
Plaintiff,)	
)	CIVIL ACTION
vs.)	FILE NO.: 17-C-05623-S5
)	
MARSHA I. BALDWIN,)	
Defendant.)	

JUDGMENT FOR PLAINTIFF

THIS MATTER came before the Court on August 01, 2019 for trial on damages. Plaintiff and Defendant appeared, both with counsel. The parties agreed to try the issue before the Court, without a jury. Having received evidence, having heard the argument of counsel, and having considered all matters of record and the applicable and controlling law, the Court finds as follows.

On September 16, 2016 Officer Blimline (Plaintiff) lawfully arrested Defendant Marsha I. Baldwin for a traffic offense. Incident to the arrest, Plaintiff performed a limited pat down search. Plaintiff did not touch Defendant inappropriately.

Thereafter, on September 23, 2016, Defendant filed a false complaint with the Lilburn Police Department. In her complaint, Defendant falsely and maliciously claimed that Plaintiff touched Defendant's genitals during the September 16, 2016 arrest.

The investigation of Defendant's complaint revealed that Defendant lied. Video of the arrest showed that Plaintiff did not touch Defendant inappropriately. Ultimately, the investigation exonerated Plaintiff and led the grand jury to indict Defendant for the felony offenses of False Statements and False Report of a Crime.

Plaintiff credibly testified about the facts, above. And Defendant admitted many of the facts *in judicio*. Defendant wilfully disregarded Plaintiff's requests for discovery, and she disregarded the Court's Order compelling discovery. As a result of Defendant's willful disregard of her discovery obligations, the Court struck Defendant's answer. Additionally, Defendant admitted many of the facts above pursuant to O.C.G.A. § 9-11-36, and Defendant failed to show the admissions should be withdrawn.

Considering the evidence it is clear that Defendant slandered Plaintiff by intentionally making false statements about him. Defendant falsely accused Plaintiff of felony criminal offenses. Defendant made false statements about Plaintiff's conduct as a police officer, with the intent to injure Plaintiff in his profession. Defendant's intentional and malicious acts damaged Plaintiff.

Plaintiff credibly testified about how Defendant's slander impacted him. Even though he has been exonerated, Defendant's false accusations will forever tarnish his record. He testified that he could not even imagine a dollar amount he would pay to undo what Defendant did to him.

Defendant on the other hand offered absolutely no contrition. In her testimony, she was unapologetic and took no responsibility for slandering Plaintiff. Defendant refused to acknowledge her conduct, or the damage that her conduct caused.

The clear and convincing evidence shows that Defendant acted willfully and with malice. And given Defendant's utter failure to take responsibility for her actions, punitive damages are proper to penalize Defendant and to deter her from ever doing something like this again. Considering all the relevant circumstances, punitive damages against Defendant in the sum of \$25,000.00 is proper.

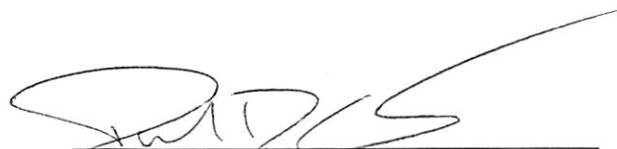
Defendant's slander also damaged Plaintiff. Defendant maliciously tarnished Plaintiff's reputation. Considering all the facts and circumstances of this case, the general damages caused by Defendant's slander shall be fixed in the amount of \$72,000.00, a sum that is reasonable, fair and just in this action.

Finally, Plaintiff suffered special damages. Pursuant to O.C.G.A. § 13-6-11, Plaintiff is entitled to recover his expenses of litigation. In that regard, Plaintiff presented evidence that he incurred \$2,090.89 in litigation expenses. Further, the evidence showed that Plaintiff incurred reasonable attorney's fees based on a customary, reasonable and discounted one-third contingency fee arrangement. Plaintiff's reasonably incurred attorney's fees therefore total \$32,333.00.

Based on all of the foregoing, it is ORDERED that Plaintiff ANDY BLIMLINE shall have JUDGMENT against Defendant MARSHA I. BALDWIN for punitive damages in the sum of \$25,000.00, general damages in the sum of \$72,000.00, plus attorney's fees in the sum of

\$32,333.00, and expenses in the sum of \$2,090.89, together with costs of court and post-judgment interest at the legal rate.

SO ORDERED this 9th day of August, 2019.



PAMELA D. SOUTH, Chief Judge
State Court of Gwinnett County

Copies:

Plaintiff
Defendant