IN THE COURT OF COMMON PLEAS
STATE OF OHIO, COUNTY OF WARREN
GENERAL DIVISION

CHARLES GOEBEL, et al.,	:	**CASE NO: 23 CV 95959**
Plaintiffs,	:	**JUDGE ROBERT W. PEELER** **Magistrate Carolyn C. Besl**
v.	:	
TIMOTHY HOPKINS,	:	**ORDER AND ENTRY AFTER ATTORNEY FEES HEARING**
Defendant.	:	

On October 10, 2025, a jury returned a verdict in the above-captioned case in favor of Plaintiffs Charles and Diane Goebel and against Defendant Timothy Hopkins for compensatory damages, punitive damages, and reasonable attorney fees. After the verdict was rendered, Plaintiffs moved for the appointment of a receiver, defense counsel sought and was granted leave to withdraw from this matter, and Defendant filed a series of *pro se* motions. The parties were also permitted to brief the issue of whether statutory caps should apply to the compensatory and punitive damages awarded by the jury. While Plaintiffs timely filed their memorandum, Defendant failed to do so.

The matter came before the Court for a hearing on November 20, 2025 on the award of attorney fees and a prior order awarding Plaintiffs sanctions in the form of attorney fees incurred in the prosecution of a May 16, 2025 motion to compel against Defendant. Present at the hearing were Plaintiffs, with Attorney Patrick Grote as well as Attorney Thomas Grossmann. While notified of the hearing, Defendant did not appear.

PROCEDURAL POSTURE

The protracted history of the lawsuits between these parties is as follows: Plaintiffs were the owners of two property lots located on Maxwell Drive in Mason, Warren County, Ohio. Plaintiffs built a residence on one lot and, in 2007, sold the second lot to a developer (the "Lot"), who subsequently sold the Lot to Defendant. The Lot was allegedly conveyed subject to certain permanent restrictive covenants running with the land, including that no improvement could be constructed on the lot without Plaintiffs' approval.

In May 2020, Defendant began the process of building a detached garage on the Lot without first obtaining approval from Plaintiffs. Based upon this conduct, Plaintiffs filed suit against Defendant on May 25, 2020 (the "2020 Lawsuit") raising causes of action in an amended complaint for violations of the restrictive covenants, nuisance, defamation, assault, trespass, and tortious interference. *Goebel v. Hopkins*, 20 CV 93334. Defendant counterclaimed in the 2020 Lawsuit for defamation, assault/menacing, trespass, and tortious interference with business relations. Plaintiffs subsequently filed for a civil stalking protection order against Defendant on October 6, 2020 (the "CPO Lawsuit"). *Goebel v. Hopkins*, 20 CS 3961.

Both the 2020 Lawsuit and CPO Lawsuit were settled in January 2021, with a final settlement agreement executed on March 19, 2021.[1] *Goebel v. Hopkins*, 20 CV 93334. Plaintiffs moved to enforce the Settlement Agreement in the 2020 Lawsuit on August 2, 2021 and, the next day, filed another lawsuit ("2021 Lawsuit"). *Goebel v. Hopkins*, 21 CV 94450. Within the 2021 Lawsuit, Plaintiffs raised causes of action for (1) declaratory judgment; (2) intentional infliction of emotional distress ("IIED"); (3) defamation; (4) breach of the Settlement Agreement; (5) nuisance; and (6) abuse of process. *Id.* Defendant counterclaimed for (A) abuse of process; (B) malicious prosecution; (C) fraud; (D) defamation; (E) civil conspiracy; (F) injury by criminal conduct; and (G) breach of contract. *Id.*

On March 27, 2023, Plaintiffs filed the instant lawsuit—their fourth against Defendant (the "2023 Lawsuit"). In this suit, Plaintiffs raised identical IIED and defamation causes of action as were raised in the 2021 Lawsuit. Thus, on August 19, 2025, Plaintiffs dismissed their IIED and defamation claims in the 2021 Lawsuit to proceed on those matters solely in this 2023 Lawsuit. This matter proceeded to a five-day jury trial on October 6, 2025. At trial, Plaintiffs argued Defendant published defamatory statements about them on a website titled "freepurplelambo.com," on a Facebook account under the name of Defendant's son, and in an article in the Cincinnati Enquirer. Plaintiffs claimed Defendant's statements painted Plaintiffs as criminal extortionists.

At the close of evidence at trial, the Court founds (1) Plaintiffs are private figures; (2) the controversy between the parties is a matter of public concern; (3) the allegations involve defamation *per se*; (4) no absolute or qualified privilege applies to the statements at issue in this

[1] Plaintiffs moved to reopen the 2020 Lawsuit to enforce the Settlement Agreement, but those requests were eventually withdrawn in June 2022.

case; and (5) the statements made by the Defendant on the freepurplelambo.com website and republished on Facebook are statements of fact and not opinion. However, pursuant to Ohio Supreme Court's ruling in *American Chem. Soc. v. Leadscope, Inc.,* 2012-Ohio-4193, the statements made by Defendant in the Cincinnati Enquirer article are not defamatory, as the article contained a "balanced report of both parties' arguments and defenses." Furthermore, the statements in the article were statements of opinion and not of fact. Accordingly, the Court directed a verdict on the statements made in the Cincinnati Enquirer article in favor of Defendant and that issue was not submitted to the jury.

The jury returned a verdict in favor of Plaintiffs on their causes of action for defamation and intentional infliction of emotional distress, awarding compensatory damages in the amount of $1,500,000, punitive damages in the amount of $2,500,000, and reasonable attorney fees. The jury returned a verdict in favor of Defendant on Plaintiffs' cause of action for loss of consortium.

MOTION TO APPOINT RECEIVER

Upon review, the motion to appoint a receiver in this matter is well taken and the same is hereby **GRANTED**. Plaintiffs shall have 30 days to notify the Court of the name of an individual willing and able to take on the role of receiver. Failure to do so shall result in the motion being denied.

DEFENDANT'S OTHER FILINGS

On November 12, 2025, Defendant filed a motion for ADA accommodation, request for mistrial, and request for sanctions. On December 1, 2025, Defendant also filed two motions seeking to "advise" the Court that all deadlines in this matter are "frozen" until Plaintiff "properly services" Defendant with Plaintiffs' response to Defendant's motion for ADA accommodation and a motion to strike Plaintiff's response to Defendant's motion for ADA accommodation. On December 3, 2025, Defendant also moved for a protective order and order declaring all documents served upon him after November 12, 2025 by email are void, invalid, and legally ineffective.

Within the initial motion, Defendant makes several claims that (1) his trial attorneys engaged in misconduct, (2) his trial attorneys did not report a conflict of interest where one of the attorneys also represented the Cincinnati Enquirer, (3) Plaintiffs' counsel engaged in misconduct and intimidation tactics against Defendant, (4) a juror contacted Defendant after the trial, indicating his prior information was improperly released to the public, and (5) Defendant is a crime victim

under Marsy's Law and has suffered retaliation.[2] Many of these arguments were previously raised and rejected by the Court in prior rulings. The Court finds Defendant's allegations are unsupported by relevant law or fact, and all requests for relief within the November 12, 2025 filing are **DENIED.**

Within the December 1, 2025 and December 3, 2025 filings, Defendant takes issue with the use of email as a way of contacting Defendant. Now that he is *pro se*, the Court and opposing counsel have utilized an email address provided by Defendant earlier in these proceedings in order to communicate with him pursuant to Local Rule 3.08(A). The Court finds this is a proper form of communication and, should Defendant wish to update his email address with the Clerk of Courts or seek to communicate solely via regular mail, then Defendant must file the appropriate notice with the Clerk's Office. Accordingly, the requests made in Defendant's December 1st and 3rd filings are **DENIED.**

ATTORNEY FEES AND SANCTIONS

"Determining the reasonableness of attorney fees involves a two-step process." *First Fin. Bank, N.A. v. Lilley*, 2016-Ohio-76, ¶ 8 (12th Dist.), citing *Bergman Group v. OSI Dev., Ltd.,* 2010-Ohio-3259, ¶ 68 (12th Dist.). First, the trial court must "calculate the number of hours reasonably expended on the case multiplied by a reasonable hourly rate." *Id.* This calculation provides the trial court with an "objective, initial estimate of the value of the attorney's services." *Id.* "Unreasonably expended hours are not included in the calculation, which includes hours that are duplicative, redundant, unnecessary, or excessive." *Id.*

Secondly, the trial court may modify its initial calculation after contemplating the factors set forth in Prof.Cond.R. 1.5. *Id.* Prof.Cond.R. 1.5(a) provides the following factors:

> (1) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
>
> (2) The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;
>
> (3) The fee customarily charged in the locality for similar legal services;
>
> (4) The amount involved and the results obtained;
>
> (5) The time limitations imposed by the client or by the circumstances;

[2] As this is not a criminal case, Marsy's Law does not apply.

(6) The nature and length of the professional relationship with the client;

(7) The experience, reputation, and ability of the lawyer or lawyers performing the services;

(8) Whether the fee is fixed or contingent.

Although the lodestar is presumed to be a reasonable amount of attorney fees, the court may modify the lodestar by application of these reasonableness factors in Prof.Cond.R. 1.5(a). *Calypso Asset Mgt., LLC v. 180 Indus., LLC*, 2021-Ohio-1171, ¶ 15 (10th Dist.). "It is within the trial court's discretion to decide which of the factors listed in Prof.Cond.R. 1.5 apply and what impact those factors have on its analysis." *Lilley* at ¶ 9.

The billing records offered by an attorney must be of "sufficient detail to allow the trial court to determine the time allotted to specific tasks and the reasonableness of that time." *Calypso Asset Mgt., LLC v. 180 Indus., LLC*, 2021-Ohio-1171, ¶ 20 (10th Dist.), citing *Rose v. Volvo Constr. Equip. N. Am., Inc.*, N.D.Ohio No. 1:05CV168, 2009 WL 10715168, *4 (Feb. 6, 2009); *United Slate, Tile & Composition Roofers v. G & M Roofing*, 732 F.2d 495, 502 (6th Cir. 1984), fn. 2. Block billing is impermissible. *Calypso* at ¶ 22, citing *State ex rel. Kesterson v. Kent State Univ.*, 155 Ohio St.3d 1447, 2019-Ohio-1852, ¶ 30; *State ex rel. Harris v. Rubino*, 156 Ohio St.3d 296, 2018-Ohio-5109. Block billing involves "'lumping multiple tasks into a single time entry.'" *Calypso* at ¶ 21, citing *State ex rel. Harris v. Rubino*, 156 Ohio St.3d 296, 2018-Ohio-5109, 126 N.E.3d 1068, ¶ 6, quoting *Tridico v. Dist. of Columbia*, 235 F.Supp.3d 100, 109 (D.D.C. 2017). While block billing is not prohibited, it is disfavored because "'there is simply no way * * * to assess whether the time spent on each of those tasks was reasonable when they are lumped together[.]'" *Id.* If block-billed entries contain inadequate descriptions of the work performed, then the court "may reduce the award accordingly." *Smith v. Serv. Master Corp.*, 592 Fed.Appx. 363, 371 (6th Cir. 2014), citing *Hensley v. Eckerhart*, 461 U.S. 424, 433, 103 S.Ct. 1933, 76 L.Ed.2d 40 (1983).

As noted above, the jury found Plaintiffs were entitled to recover their attorney fees on their defamation and intentional infliction of emotional distress causes of action. First, this Court must calculate the number of hours reasonably expended on this case multiplied by a reasonable hourly rate. Plaintiffs were represented by four total attorneys over the course of this two-and-a-half-year litigation: (1) Robert Lyons, (2) Thomas Grossmann, (3) Todd McMurtry, and (4) Patrick Grote.

Attorney Lyons

Preliminarily, the Court finds that Attorney Lyons failed to submit an affidavit of fees and failed to attend the attorney fee hearing. While Attorney Grote indicated that Attorney Lyons is seeking attorney fees in the amount of $24,095 charged at a rate of $300 per house, the Court cannot say this fee and the hours expended were reasonable without an affidavit or testimony regarding the breakdown of the hours spent on this matter. Accordingly, no fees shall be awarded regarding work performed by Attorney Lyons.

Attorney Grossmann

Attorney Grossmann testified at the attorney fee hearing and submitted a fee agreement and statement of fees expended in the 2023 Lawsuit. *Ex. 1 and 2.* Attorney Grossmann testified to an hourly rate of $500 and indicated he expended 21.5 hours of work on the 2023 Lawsuit for a total expenditure of $10,750. A copy of Exhibit 2, Attorney Grossmann's fee statement, is included herein for reference:

FEE STATEMENT FOR HOPKINS v. GOËBEL, WARREN COUNTY CASE NO. 23CV95959

1. 4/2/22 Review Hopkins' Postings on Facebook and FreePurpleLambo.com and conference with Dr. Goebel on same 2 hours
2. 4/27/22 Review Hopkins' postings on Facebook and conference with Dr. Goebel on same. 1.8 hours
3. 4/28/2022 Review Hopkins Facebook Posts on Goebels and conference with Dr. Goebels on same 1 hour.
4. 7/10-11/22 Review Enquirer Article and conference with Goebels on same. 1.5 hours
5. 7/19-21/22 Research on statute of limitations for defamation and infliction of emotional distress. Review and research on case law and Weidman v. Hildebrant. 4.5 hours
6. 10/26/22 Email and conference with Dr. Goebel on hiring Rob Lyons 1.2 hours
7. 11/30/22 Conference call with Rob Lyons 1.7 hours
8. 1/4/23 Email and calls on Rob Lyons and communications about him entering case and bringing action for defamation and infliction of emotional distress. .4 hours
9. 1/6/23 Call with Rob Lyons. .6 hours
10. 1/17/23 Rob Lyons enters appearance and files motion to amend complaint. .3 hours.
11. 1/30/23 Magistrate denies motion to amend complaint and conference with Dr. Goebel. 1.1 hours
12. 3/27/23 23CV95959 Case Filed and review with Rob Lyons and Dr. Goebel. .7 hours.
13. 6/22/23 Review motion to dismiss and for a more definite statement and conference with Dr. Goebel on same. 1.2 hours
14. 6/27/23 Consult on response to motion to dismiss and for a more definitive statement. .8 hours
15. 7/3/23 Review Defendant's reply on motion to dismiss and consult with Dr. Goebel on same. 1 hour
16. 7/12/23 Review denial of motion to dismiss and consult with Dr. Goebel. .5 hours
17. 7/28/23 Review answer of Hopkins and consult with Dr. Goebel on same. 1.2 hours
18. Total hours 21.5 x $500 per hour = $10,750.00 —

The Court finds Attorney Grossmann's hourly rate to be reasonable though slightly high based upon this geographic region and Attorney Grossmann's general experience. The Court finds that line items 1, 2, 3, 4, 13, 15, 16, and 17 are all block billed time, as Attorney Grossmann lumps multiple tasks into a single entry. For example, on Line Item 1, Attorney Gross does not explain which portion of the two hours billed were spent reviewing Facebook posts and which were spent conferring with Plaintiff Charles Goebel. The Court further finds, even if the majority of these line items were not block billed, the hours expended under line items 1,2, 3, 4, 10, 11, 13 15, 16, and 17 are unreasonable given the early stages of the case and the general simplicity of a defamation case.[3] For example, line items 1, 2, and 3 indicate that, in the course of one month, Attorney Grossmann reviewed the defamatory statements published on Facebook and the freepurplelambo.com website and discussed these posts with Plaintiff Charles Goebel for 4.8 hours. Testimony at the trial in this case indicated Attorney Grossmann's repeated and lengthy communications with Plaintiff Charles Goebel negatively exacerbated this matter, and the Court finds an award of attorney fees for this conduct is not warranted.

The Court finds 9.9 hours of Attorney Grossmann's services was reasonably expended in this suit, at a reasonable rate of $500 per hour. In turning to the factors to consider under Prof.Cond.R. 1.5(a), the Court finds defamation and intentional infliction of emotional distress claims are not novel legal issues, but do require some specialized professional skills to litigate. No evidence was presented that Attorney Grossmann was prevented from accepting other cases or encumbered with burdensome time limitations in this case. However, the Court does find the work involved in this matter due to the conduct of the parties in this case was greater than other defamation and intentional infliction of emotional distress cases this Court has previously addressed, but the testimony at the trial convinces this Court that the attorneys involved in various stages of this proceeding hindered rather than helped the contentious nature of all involved parties.

Upon review, the Court finds an award of attorney fees for Attorney Grossmann's involvement in this matter in the amount of $4,950, evidencing 9.9 hours of work performed at a rate of $500 per hour is appropriate in this case.

[3] Line Item 4 also addresses the Cincinnati Enquirer article and, as this Court directed a verdict on that issue, attorney fees specific to the article are not proper.

Attorneys McMurtry and Grote

Attorneys McMurtry and Grote work at the firm of Hemmer Wessels McMurtry PLLC (the "Hemmer Firm"). The Hemmer Firm began working on the 2023 Lawsuit in May 2024 and continued to the present. McMurtry, a partner, has an hourly rate of $300 while Grote, an associate, has an hourly rate of $225. The Hemmer Firm also relied upon the assistance of other attorneys, clerks, and administrative staff who had varying hourly rates, all included in the affidavit submitted by Attorney Grote on November 7, 2025.[4] In total, the Hemmer Firm expended 699.95 hours on both the 2021 and 2023 Lawsuits. Attorney Grote explained that the Hemmer Firm had not been able to split the two cases for billing purposes but argued that 88% or 616 hours were expended on the 2023 Lawsuit. Thus, the Hemmer Firm requests $147,705.80 in attorney fees and $6,154.88 in costs. At the hearing, Attorney Grote requested $5,131.21 additional fees since the Hemmer Firm submitted their affidavit on November 7, 2025. This figure evidenced additional work performed since the affidavit, including preparation for the attorney fee hearing. However, because a supplemental affidavit was not provided setting forth the specific hours and work conducted, the Court declines to award this additional sum.

The Court finds Attorney McMurtry and Attorney Grote's hourly rates of $225 and $300 are reasonable based upon this geographic region and the attorneys' general experience. The Court further finds that the following line items from the attached sealed affidavit are block billed or address the Cincinnati Enquirer claim, about which this Court directed a verdict and for which Plaintiffs are not entitled to an award of fees:

INVOICE NUMBER	ENTRY DATE	HOURS EXPENDED	REASON FOR EXCLUSION
103759	10/1/2024, LINE 1	.5 ($40)	CINCINNATI ENQUIRER
104649	4/23/2025, LINE 1	1.6 ($480)	BLOCK BILLING
104649	4/24/2025, LINE 1	2.8 ($840)	BLOCK BILLING
104649	4/29/25, LINE 1	5.5 ($1,650)	BLOCK BILLING
104826	5/5/2025, LINE 2	3.4 ($765)	BLOCK BILLING
105097	7/2/2025, LINE 2	6.0 ($1,350)	BLOCK BILLING
105097	7/10/2025, LINE 1	1.1 ($247.50)	BLOCK BILLING
105097	7/29/2025, LINE 1	1.5 ($450)	BLOCK BILLING

[4] A copy of the unredacted affidavit is admitted into the record as Court's Exhibit I.

105097	7/29/2025, LINE 2	1.2 ($270)	BLOCK BILLING
105317	8/20/2025, LINE 1	5.75 ($1,293.75)	BLOCK BILLING
105317	8/21/2025, LINE 1	7.10 ($1,597.50)	BLOCK BILLING
105455	9/30/2025, LINE 1	3.7 ($832.50)	BLOCK BILLING
105529	10/9/2025, LINE 1	1.8 ($540)	BLOCK BILLING
	TOTAL	**41.95 HOURS ($10,356.25)**	

The Court finds 574.05 hours of the Hemmer Firm's services were reasonably expended in this suit, at reasonable rates of $100, $225, and $300 per hour. In turning to the factors to consider under Prof.Cond.R. 1.5(a), as mentioned about, defamation and intentional infliction of emotional distress claims are not novel legal issues, but do require some specialized professional skills to litigate. No evidence was presented that the Hemmer Firm was prevented from accepting other cases or encumbered with burdensome time limitations due to this case. However, the work involved in this matter due to the conduct of the parties in this case was greater than other defamation and intentional infliction of emotional distress cases this Court has previously addressed.

Upon review, the Court finds an award of attorney fees for the Hemmer Firm's involvement in this matter in the amount of $137,349.55, evidencing 574.05 hours of work performed at varying reasonable hourly rates is appropriate in this case. Further, the Court finds the Hemmer Firm is entitled to an award of $6,154.88 in costs. No additional costs are warranted in this matter, though Plaintiffs sought reimbursement for an additional $10,983.29 in printing costs and supplies born by Plaintiff Charles Goebel individually. The Court finds additional sanctions pursuant to this Court's July 3, 2025 order are not necessary, as this attorney fee award covers those fees incurred in filing the motion to compel.

Accordingly, Plaintiffs are entitled to an award of attorney fees and litigation expenses totaling $148,454.43 ($142,299.55 in attorney fees and $6,154.88 in litigation expenses).

IMPOSITION OF COMPENSATORY DAMAGES CAPS

This Court next turns to the issue of whether a compensatory damages caps under R.C. 2315.18 should apply in this matter. As noted above, the jury awarded compensatory damages in the amount of $1,500,000 to Plaintiffs.

R.C. 2315.18 describes how compensatory damages may be awarded in tort claims for economic loss and noneconomic loss. *Brandt v. Pompa*, 2022-Ohio-4525, ¶ 24. Relevant here is noneconomic loss, which includes "pain and suffering, loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, or education, disfigurement, mental anguish, and any other intangible loss." R.C. 2315.18(A)(4). R.C. 2315.18(B)(2) provides that the amount of compensatory damages for noneconomic loss is capped and "shall not exceed the greater of [$250,000] or an amount that is equal to three times the economic loss, as determined by the trier of fact, of the plaintiff in that tort action to a maximum of [$350,000] for each plaintiff in that tort action or a maximum of [$500,000] *for each occurrence* that is the basis of that tort action." (Emphasis added). An "occurrence" is defined by R.C. 2315.18(A)(2)(c)(5) as "all claims resulting from or arising out of any one person's bodily injury," though the Supreme Court of Ohio has rejected any argument that defamation falls outside this cap due to the use of the phrase "bodily injury" in the statute. *See Wayt v. DHSC, L.L.C.*, 2018-Ohio-4822, ¶ 21-22.

Here, Plaintiffs request this Court find that two occurrences of defamation took place: first, the creation of the freepurplelambo.com website, and second, the publishing of the website on Facebook. As these are two distinct occurrences of conduct found by the jury to be defamatory, Plaintiffs seek a $250,000 cap per occurrence, per individual plaintiff for a total compensatory damages award of $500,000. In support, Plaintiffs rely upon factors discussed by the Ohio Supreme Court in *Simpkins v. Grace Brethren Church of Delaware, Ohio* (1) the period of time between the occurrences; (2) the location of the occurrences; (3) whether there are any intervening factors to consider; and (4) any evidence that the separate occurrences affected the plaintiff differently. 2016-Ohio-8118, ¶ 57 (finding one occurrence of oral penetration and one occurrence of vaginal penetration within a short period of time, in a confined space, without intervening factors, and without evidence that the victim was affected differently by the two penetrations).

Upon review, the Court finds Defendant's actions of creating the freepurplelambo.com website and publishing that website on Facebook are two separate occurrences of defamation. While the events generally occurred in a short period of time, they occurred on two different internet platforms (the freepurplelambo.com website and Facebook) and reached two different audiences. Accordingly, each plaintiff is entitled to their own compensatory damages for each act of

defamation for a total compensatory damages award of $1,000,000, representing $500,000 per plaintiff ($250,000 per incident for two incidents as to each plaintiff).

IMPOSITION OF PUNITIVE DAMAGES CAP

Finally, this Court must address whether R.C. 2315.21 limits Plaintiffs' recovery for punitive damages. The jury awarded Plaintiffs the sum of $2,500,000 in punitive damages at trial. Pursuant to R.C. 2315.21(D)(2), punitive damages are limited to "two times the amount of the compensatory damages awarded to the plaintiff from that defendant," which is "calculated based upon the total, uncapped compensatory damages the jury awarded against [the defendant]." *Faieta v. World Harvest Church*, 2008-Ohio-6959, ¶ 87 (10th Dist.). Plaintiffs invite this Court to also include the attorney fees award as part of the uncapped amount of compensatory damages that may be doubled for a punitive damages award, but this Court declines that invitation based upon a lack of case law in support of that argument.

Accordingly, the amount of punitive damages Plaintiffs could recover in applying R.C. 2315.21(D)(2) is two times the uncapped amount of compensatory damages, which, in this case, is $1,500,000. As the jury's punitive damages award was below this number, the cap does not apply here.

CONCLUSION

Based upon the foregoing, the Court hereby finds Plaintiffs are entitled to compensatory damages capped at $1,000,000, punitive damages of $2,500,000, and attorney fees and costs totaling $148,454.43.

Counsel for Plaintiffs shall prepare a final judgment entry for the Court's review and signature within 30 days from the date of this decision. Failure to do so shall result in dismissal of this action for lack of prosecution.

IT IS SO ORDERED.

JUDGE ROBERT W. PEELER

Dist: Todd V. McMurtry, Esq., *counsel for Plaintiffs*
Robert H. Lyons, Esq., *counsel for Plaintiffs*
Patrick N. Grote, Esq., *counsel for Plaintiffs*
Timothy J. Hopkins, *pro se Defendant*