

COURT OF APPEALS OF GEORGIA

Larry Johnson v. Shimshon Wexler

Johnson v. Wexler, A26A0395 (Ga. Ct. App. June 4, 2026) · No. A26A0395 · Decided June 4, 2026

SUMMARY

The Georgia Court of Appeals affirmed an attorney-fee award against Larry Johnson under Georgia’s anti-SLAPP statute after Johnson’s defamation and related claims against Shimshon Wexler were previously stricken. The court rejected Johnson’s arguments that the fee award was barred by the law-of-the-case doctrine or preempted by the federal Fair Debt Collection Practices Act. It also held that Wexler could recover fees for his own work defending the action.

CASE DETAILS

COURT	Court of Appeals of Georgia
WRITING FOR THE COURT	Senior Judge Fuller; Doyle, P. J.; Davis, J.
JURISDICTION	Georgia Court of Appeals
DECIDED	June 4, 2026
DOCKET	A26A0395
DISPOSITION	affirmed
PROCEDURAL POSTURE	Johnson appealed from the trial court's order awarding Wexler attorney fees under Georgia's anti-SLAPP statute after the trial court struck Johnson's defamation and related claims.
STANDARD OF REVIEW	De novo review applies to whether federal law preempts state law claims. An abuse-of-discretion standard applies to a decision to award or deny attorney fees.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Larry Johnson v. Shimshon Wexler

TOPICS

- attorney fees
- civil procedure
- appellate procedure
- consumer protection
- deceptive trade practices

PRACTICE AREAS

- civil procedure
- appellate procedure
- consumer protection
- attorney fees
- preemption

QUESTIONS PRESENTED

1. Whether Johnson's claim that his state-law claims were preempted by the FDCPA was established as law of the case by an earlier appellate decision.
2. Whether the FDCPA preempted Wexler's request for attorney fees under Georgia's anti-SLAPP statute.
3. Whether the trial court abused its discretion by awarding Wexler attorney fees for work he performed while representing himself.

HOLDINGS

1. The law-of-the-case doctrine did not establish that Johnson's claims were preempted by the FDCPA because the earlier appellate decision did not explicitly decide preemption.
2. The FDCPA did not preempt Wexler's request for attorney fees under OCGA § 9-11-11.1(b.1).
3. The trial court did not abuse its discretion by awarding Wexler attorney fees for work he performed while defending himself.

KEY QUOTATIONS

“Importantly, an award of fees is mandatory where the moving party prevails on its motion to strike.” (at 4)

“And pretermittting — for the moment — whether the preemption of Johnson’s stricken claims would have any bearing on Wexler’s ability to recover attorney fees under the anti-SLAPP statute, the law-of-the-case rule encompasses only our explicit holdings.” (at 7)

“For these reasons, Johnson has failed to persuasively point to any conflict between the FDCPA and Wexler’s request for attorney fees, and we decline to find any preemption under these circumstances.” (at 9)

FACTUAL BACKGROUND

Johnson, an attorney representing a creditor, sent a debt-collection letter to debtor Cordtz and Cordtz's attorney, Alembik, demanding payment and warning of liability for Johnson's fees. After consulting Wexler, Alembik sent Johnson a letter alleging violations of the federal Fair Debt Collection Practices Act, and Wexler later filed a federal action against Johnson asserting those violations. Johnson then filed state-law claims against Wexler, Cordtz, and Alembik, which were struck under Georgia's anti-SLAPP statute. Wexler represented himself for part of the litigation, performed legal research, and assisted outside counsel without duplicating that counsel's work.

PROCEDURAL HISTORY

Johnson sued Wexler, Cordtz, and Alembik for defamation, intentional infliction of emotional distress, conspiracy, and tortious interference with business relations. The trial court granted Wexler's anti-SLAPP motion and struck Johnson's claims, and the Court of Appeals previously affirmed that order. Wexler then sought attorney fees under OCGA § 9-11-11.1(b.1); the trial court awarded \$71,610 for Wexler's and Webb's trial-court work and \$87,817 for appellate counsel. Johnson appealed the fee award, and the Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Johnson v. Cordtz, 366 Ga. App. 87, 90-92 (878 SE2d 603) (2022)
- Suarez v. Halbert, 246 Ga. App. 822, 824 (1) (543 SE2d 733) (2000)
- Azizan v. Hajianbarzi, 372 Ga. App. 396, 399 (2) (903 SE2d 677) (2024)
- PNC Fin. Servs. Group v. Gibson, 371 Ga. App. 660, 666 (2)(b)(ii) (901 SE2d 331) (2024)
- Rosser v. Clyatt, 364 Ga. App. 101, 103-05 (2) (874 SE2d 140) (2022)
- Reis v. OOIDA Risk Retention Group, Inc., 303 Ga. 659, 660 (814 SE2d 338) (2018)
- CSX Transp., Inc. v. Easterwood, 507 U.S. 658, 663 (I) (113 S.Ct. 1732, 123 L.Ed.2d 387) (1993)
- Smith v. Hi-Tech Pharm., Inc., 364 Ga. App. 476, 478-79 (1) (875 SE2d 454) (2022)
- Hicks v. McGee, 289 Ga. 573, 577-79 (2) (713 SE2d 841) (2011)
- Knapp v. Cross, 279 Ga. App. 632, 635 (1) (632 SE2d 157) (2006)
- Morrison v. Morrison, 299 Ga. App. 758, 760 (1) (683 SE2d 696) (2009)
- Parks v. State Farm Gen. Ins. Co., 238 Ga. App. 814, 815 (1) (520 SE2d 494) (1999)
- Fox v. Norfolk S. Corp., 342 Ga. App. 38, 43-46 (1) (802 SE2d 319) (2017)
- Matos v. Bus. Law Group, P.A., No. 6:18-cv-1105-GAP-DCI, 2024 WL 6957594 (M.D. Fla. Oct. 25, 2024)
- Harkleroad v. Stringer, 231 Ga. App. 464, 466-68 (1) (499 SE2d 379) (1998)