

MASSACHUSETTS SUPERIOR COURT

Brett-Ashleigh George and Committee for Public Counsel Services v. Massachusetts State Police

George v. Massachusetts State Police · No. 2484CV02975-C · Decided January 5, 2026

SUMMARY

The Massachusetts Superior Court considered Plaintiffs' motion for attorney's fees and costs under the Massachusetts Public Records Law after they obtained most of the records requested from the Massachusetts State Police. The court found Plaintiffs substantially prevailed and awarded fees, but reduced the amount attributable to the parties' prolonged post-production dispute over fees. The court ordered the Massachusetts State Police to pay \$29,641 within ten days.

CASE DETAILS

COURT	Massachusetts Superior Court
WRITING FOR THE COURT	Robert B. Gordon
JURISDICTION	Massachusetts Superior Court
DECIDED	January 5, 2026
DOCKET	2484CV02975-C
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs, prevailing requesters in an action under the Massachusetts Public Records Law, moved for an award of attorney's fees and litigation costs.
STANDARD OF REVIEW	The court exercised discretion under G.L. c. 66, § 10A(d)(2), and reviewed the reasonableness of the requested fees under the lodestar method.
PRECEDENTIAL VALUE	published
PARTIES	Brett-Ashleigh George, Committee for Public Counsel Services v. Massachusetts State Police

TOPICS

attorney fees costs administrative law statutory interpretation civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiffs were prevailing parties entitled to an award of reasonable attorney's fees and costs under the Massachusetts Public Records Law.
2. Whether the fees and costs requested were reasonable under the lodestar method.
3. Whether fees incurred in negotiating and litigating the fee application should be reduced as excessive and unreasonable.
4. Whether the Massachusetts State Police's lack of resources and volume of public-records requests excused or reduced its fee liability under the Public Records Law.

HOLDINGS

1. Plaintiffs were prevailing parties because they obtained substantially all of the requested records only after filing suit, and the court therefore had discretionary authority to award reasonable attorney's fees and costs under G.L. c. 66, § 10A(d)(2).
2. The lodestar method generally governs the determination of reasonable attorney's fees under fee-shifting statutes, subject to adjustment based on the circumstances of the case.
3. The attorney's fees and costs incurred through February 13, 2025, totaling \$17,845.50, were reasonable and should be awarded.
4. The \$23,591 in fees incurred after February 13, 2025 in documenting and demanding additional attorney's fees was excessive and unreasonable; the court awarded one-half of that amount, or \$11,795.50.
5. The Massachusetts State Police's lack of resources and high volume of records requests did not excuse its material noncompliance with the Public Records Law or eliminate fee liability.

KEY QUOTATIONS

"The lodestar method is generally used for calculating attorney's fees under fee-shifting statutes." (2)

"What the government cannot do, however, is violate the PRL in material respects, and then ask the Court to look the other way when prevailing plaintiffs present their bill." (8)

FACTUAL BACKGROUND

Plaintiffs requested records concerning the on-duty practices of a Massachusetts State Police trooper involved in the search and arrest of Plaintiffs' criminal-defense client. The State Police initially delayed and resisted production, but after Plaintiffs commenced litigation it produced 37 additional reports totaling 319 pages, representing approximately 95% of the documents and 99% of the pages ultimately produced. Plaintiffs then sought \$41,437 in fees and costs, including substantial fees incurred during an eight-month dispute over the fee application itself.

PROCEDURAL HISTORY

Plaintiffs sought public records from the Massachusetts State Police concerning an on-duty trooper involved in the search and arrest of Plaintiffs' criminal-defense client. After the agency failed to provide a timely and adequate response, Plaintiffs appealed to the Supervisor of Public Records and then commenced a Public Records Law action. The agency ultimately produced most of the requested records, after which the substantive dispute ended and the parties litigated the amount of attorney's fees and costs. The Superior Court allowed the fee application in part and denied it in part.

DISPOSITION

other

CASES CITED

- Sutton v. Jordan's Furniture, Inc., 493 Mass. 728, 742 (2024)
- Killeen v. Westban Hotel Venture, L.P., 69 Mass. App. Ct. 784, 790 (2007)
- Fontaine v. Ebtec Corp., 415 Mass. 309, 325-326 (1993)
- Commonwealth v. Santos, 99 Mass. App. Ct. 360, 366-367 (2021)
- Brady v. Citizens Union Savings Bank, 91 Mass. App. Ct. 160, 161 n.7 (2017)
- Stratos v. Department of Public Welfare, 387 Mass. 312, 322 (1982)
- Haddad v. Wal-Mart Stores, Inc., 455 Mass. 1024, 1025 (2010)
- Rass Corp. v. Travelers, Inc., 90 Mass. App. Ct. 643, 658 (2016)
- Beninati v. Borghi, 90 Mass. App. Ct. 556, 568 (2016)
- Strand v. Hubbard, 31 Mass. App. Ct. 914, 915 (1991)
- Friedman v. Division of Administrative Law Appeals, 103 Mass. App. Ct. 806, 814 (2024)
- Commonwealth v. Augustine, 470 Mass. 837, 842 (2015)