

Georgia State University College of Law
Reading Room

Georgia Business Court Opinions

2-29-2008

Order Regarding Uncontested Claims (LARRIE
GRANT PLYMEL)

Alice D. Bonner

Superior Court of Fulton County

Follow this and additional works at: <https://readingroom.law.gsu.edu/businesscourt>

Institutional Repository Citation

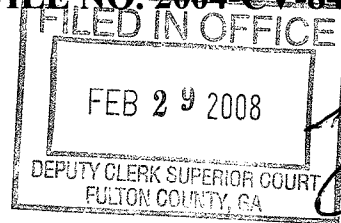
Bonner, Alice D., "Order Regarding Uncontested Claims (LARRIE GRANT PLYMEL)" (2008). *Georgia Business Court Opinions*. 4.
<https://readingroom.law.gsu.edu/businesscourt/4>

This Court Order is brought to you for free and open access by Reading Room. It has been accepted for inclusion in Georgia Business Court Opinions by an authorized administrator of Reading Room. For more information, please contact mbutler@gsu.edu.

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

LARRIE GRANT PLYMEL, *et al.*,)
)
 Plaintiffs,)
)
 v.)
)
 TEACHERS RETIREMENT SYSTEM)
 OF GEORGIA, *et al.*,)
)
 Defendants.)
)
 _____)

CIVIL ACTION
FILE NO. 2004-CV-84312



CLASS ACTION

ORDER REGARDING UNCONTESTED CLAIMS

This Court makes the following order to govern the parties if there is an appeal from the Final order and Judgment entered simultaneously herewith:

1.

Defendants sought to have this Court order that the applicable statute of limitations concerning Plaintiffs' claims is the six year limitation set forth in O.C.G.A. § 9-3-24 for actions on simple written contracts, and that such limitation commences to run on the dates of class members' retirements. Defendants do not challenge the claims of class members for whom past benefits and future adjustments are owed (to retirees, their TRS beneficiaries, or the estates of either, if applicable) for any claims resulting from the retirements of class member

retirees beginning April 8, 1998, being six (6) years from the filing date of the complaint, on April 8, 2004, (the “uncontested claims”).

2.

Therefore, if there is an appeal by any party from the Final Order and Judgment, Defendants are enjoined and ordered to comply with the terms of the Final Order and Judgment with respect to all uncontested claims. Should any appeal include a challenge to an award of interest as provided in the Final Order and Judgment, Defendants shall apply and pay interest at the rate of 4 ½% per annum, that being the rate claimed to be owed by Defendants. Payments of interest will be adjusted, if necessary to comply with the judgment on remittitur following appeal.

3.

In addition to the foregoing, Defendants shall comply with the provisions of the Final Order and Judgment with respect to incentive payments to the named Plaintiffs and with respect to payment of costs and attorneys’ fees as to each class member to whom payment is made, notwithstanding any appeal.

SO ORDERED, this 29 day of February, 2008.

Alice D. Bonner
Alice D. Bonner, Senior Judge
Superior Court of Fulton County

Prepared by:

Counsel for Plaintiffs:

HARDY GREGORY, JR., Of Counsel
Georgia Bar No. 310100
DAVID A. FOREHAND, JR.
Georgia Bar No. 006860
Davis, Forehand & Lawson
P. O. Box 5005
Cordele, GA 31010
(229) 271-9323

BOBBY LEE COOK
Georgia Bar No. 183100
Cook & Connelly
9899 South Commerce Street
P. O. Box 370
Summerville, Georgia 30747
(706) 857-3421

RICHARD H. SINKFIELD
Georgia Bar No. 649100
Rogers & Hardin LLP
2700 International Tower, Peachtree Ctr.
229 Peachtree Street, N.E.
Atlanta, GA 30303-1602
(404) 420-4605