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4-27-2011

Order on Schklar, Wright & Hernderson, LLC's  
Motion for Attorneys' Fees and Litigation Expenses

Alice D. Bonner  
*Superior Court of FULTON County*

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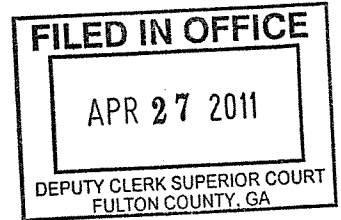
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IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA



HYPERDYNAMICS CORPORATION, )  
Plaintiff, )  
v. )  
J.P. CAREY SECURITIES, INC., J.P. )  
CAREY ASSET MANAGEMENT LLC, )  
JOSEPH C. CANOUSE, JOHN C. )  
CANOUSE, JAMES P. CANOUSE, JEFFREY )  
CANOUSE, CACHE CAPITAL )  
(USA), L.P., CARPE DIEM, CARPE DIEM )  
LTD., STEPHEN HICKS a/k/a STEVE )  
HICKS, SOUTHRIDGE CAPITAL )  
MANAGEMENT LLC, DAVID SIMS, )  
NAVIGATOR MANAGEMENT LTD., )  
FALCON SECRETARIES, LTD., )  
MINGLEWOOD CAPITAL, LLC, )  
WELLINGTON, LLC, MARK )  
VALENTINE, THOMSON KERNAGHAN )  
& CO., LIMITED, SOVEREIGN )  
PARTNERS, L.P., DOMINION CAPITAL )  
FUND LTD., CANADIAN ADVANTAGE )  
LIMITED PARTNERSHIP, VMH )  
LIMITED, TERRAPIN TRADING, LLC, )  
BEACON CAPITAL MANAGEMENT LTD., )  
and LIVINGSTONE ASSET )  
MANAGEMENT LTD., )  
Defendants. )

Civil Action File No.  
2001-CV-44988

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WELLINGTON, LLC, )  
Counterclaim/Third-Party )  
Plaintiff, )  
v. )  
HYPERDYNAMICS CORPORATION, )  
KENT WATTS, MICHAEL WATTS, )  
ROBERT HILL, HARRY J. BRIERS, DJX, )  
LTD., and DOES 1-10 )  
Counterclaim/Third-Party )  
Defendants. )

**ORDER ON SCHKLAR, WRIGHT & HERNDERSON, LLC'S MOTION FOR  
ATTORNEYS' FEES AND LITIGATION EXPENSES**

This matter is before the Court on Schklar, Wright & Henderson, LLC's Motion for Attorneys' Fees and Litigation Expenses filed on August 31, 2005 (the "Motion"). In its Motion, Schklar, Wright & Henderson, LLC ("Schklar") moves the Court, on its own behalf, pursuant to O.C.G.A. § 9-15-14 for attorneys' fees and expenses from the Southridge and Sims Defendants based on allegations made in a similar motion filed by the Southridge and Sims Defendants that Schklar made false statements to the Court, which induced the Court to order jurisdictional discovery. Schklar contends that the motion of the Southridge and Sims Defendants was filed in bad faith without reasonable support in law or fact, and therefore, it is entitled to an award of attorneys' fees under O.C.G.A. § 9-15-14.

At the time the instant Motion was filed, Schklar was no longer counsel for Plaintiffs or any party in this action, nor was Schklar, itself, a party to this action. On March 10, 2011, the parties filed a joint dismissal with prejudice of all claims, counterclaims and third party claims asserted or that could be asserted in this case. Nevertheless, Schklar has indicated to the Court, at least informally, that it does not consider its "claim" for attorneys' fees dismissed.<sup>1</sup>

O.C.G.A. § 9-15-14 permits the recovery by a party of reasonable and necessary attorneys' fees and expenses against whom another party has asserted a claim or defense lacking substantial justification. O.C.G.A. § 9-15-14(a) (emphasis added); see also Ramos v. Vourtsanis, 187 Ga. App. 69 (1988) (holding that the post-judgment remedy provided by O.C.G.A. § 9-15-14 is only available to parties and does not embrace a non-party's claim for deposition fees). Because there is no dispute that

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<sup>1</sup> While a dismissal generally operates to deprive a court of jurisdiction to enter additional orders, O.C.G.A. § 9-15-14 expressly permits a Court to enter awards for attorneys' fees following dismissal. See O.C.G.A. § 9-15-14(e); Gallagher v. Fiderion Group, LLC, 300 Ga.App. 434, 436 (2009).

Schklar was not a party to this action and did not represent any party to this action when the Motion was filed, the Court finds that Schklar lacks standing to move for relief or be awarded such relief under the plain language of O.C.G.A. § 9-15-14. Accordingly, the Motion is **DENIED**.

**SO ORDERED** this 27 day of April, 2011.

*Alice D. Bonner*  
 ALICE D. BONNER, SENIOR JUDGE  
 Superior Court of Fulton County  
 Atlanta Judicial Circuit

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