

STATE OF NORTH CAROLINA
COUNTY OF DURHAM

IN THE GENERAL COURT OF
JUSTICE
SUPERIOR COURT DIVISION
22-CVS-3533

DANIEL GREEN, individually and
on behalf of herself and all others)
similarly situated,)

Plaintiff)

v.)

EMERGEORTHO, P.A.,)

Defendant.)
)

**MEMORANDUM IN SUPPORT OF
MOTION FOR ATTORNEYS' FEES,
EXPENSES, AND SERVICE
AWARDS**

Plaintiff, Daniel Green (“Plaintiff”), individually and on behalf of all others similarly situated, submits the following memorandum and exhibits in support of their motion for attorneys’ fees, expenses, and service award.

I. INTRODUCTION

On February 23, 2024, this Court preliminarily approved a proposed class action settlement between Plaintiff and Defendant EmergeOrtho, P.A. (“Defendant”). The Settlement creates a \$550,000 non-reversionary Settlement Fund from which will be paid: Settlement Costs, cash payments to and credit monitoring for Settlement Class Members, Administrative Costs, a Service Award to Plaintiff, and Attorneys’ Fees and Expenses. From the Settlement Fund, Class Members may claim two years of three-bureau credit monitoring, including \$1 million of identity theft insurance; documented out of pocket losses up to \$10,000; up to six (6) hours of lost time spent dealing with issues arising out of the Data Incident, calculated at a rate of \$25 per hour (\$150 in total); and a pro rata cash payment which will be distributed to all Settlement Class Members who submit a Valid Claim for a pro rata cash payment after the distribution of attorneys’ fees, Class Counsel’s Litigation Expenses,

Administrative Fees, Service Awards, Compensation for Out-of-Pocket Expenses and Lost Time, and distribution of credit monitoring codes. These are substantial, tangible benefits to the Class Members.

Settlement Class Counsel has zealously prosecuted Plaintiff's claims. Settlement Class Counsel achieved the Settlement Agreement only after an extensive investigation and prolonged arms' length negotiations, including a formal mediation overseen by the Hon. Wayne Andersen (Ret.) of JAMS, a highly sought after and accomplished mediator with a plethora of experience mediating data breach cases. The Parties engaged in formal discovery which included exchanging multiple rounds of document requests, interrogatories, and requests for admissions and a deposition of Plaintiff. Even after reaching an agreement to settle, Settlement Class Counsel worked for weeks to finalize the Settlement Agreement and associated exhibits pertaining to notice, preliminary approval, and final approval.

As compensation for the substantial benefit conferred upon the Settlement Class and for Settlement Class Counsel's extensive efforts, Settlement Class Counsel respectfully moves the Court for an award of attorneys' fees totaling \$183,315, which represents 33.33% percent of the non-reversionary Settlement Fund created through the Settlement Agreement. North Carolina courts have expressly and repeatedly approved fees that equal 25% to 40% of the common fund created. Plaintiff also seeks \$15,699 in reimbursement of actual litigation costs and expenses.

Plaintiff further requests that this Court grant this motion, and in support of its request submits that: (1) the request is reasonable and appropriate in light of the substantial risks presented in prosecuting this action, the quality and extent of work

conducted, and the stakes of the case; (2) the requested fees and costs were clearly delineated in the notice to the class, and no class member has objected; and (3) the costs incurred were reasonable and necessary for the litigation. Plaintiff also respectfully moves the Court for an award of \$5,000 to the Plaintiff for his work on behalf of the Settlement Class.¹

II. INCORPORATION BY REFERENCE

In the interest of judicial efficiency, for factual and procedural background on this case, Plaintiff refers this Court to and hereby incorporates Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement filed on February 9, 2024 and the accompanying Exhibits, including the proposed Settlement Agreement, filed in conjunction therewith.

III. SUMMARY OF SETTLEMENT

The settlement's key terms are as follows:

A. Certification of the Settlement Class

The settlement provides for certifying the Settlement Class for settlement purposes only. The "Settlement Class" is defined as:

The individuals identified on the Settlement Class List² whose Private Information may have been involved in the Data Incident.

¹ While Plaintiff here moves for attorneys' fees, expenses, and service awards, they will move for final approval of the settlement by separate motion, which will be filed prior to the final fairness hearing.

² The Settlement Class List is list of each Settlement Class Member's full name and current or last known address, which Defendant provided to the Settlement Administrator within seven (7) days of the entry of the Preliminary Approval Order. S.A. ¶ 60.

Excluded from the Settlement Class are (1) the Judge presiding over this Action, and members of his direct family; (2) the Defendant, its subsidiaries, parent companies, successors, predecessors, and any entity in which the Defendant or its parents have a controlling interest and their current or former officers, directors, and employees; and (3) Settlement Class Members who submit a valid Request for Exclusion prior to the Opt-Out Deadline. The Settlement Class contains approximately 72,500 individuals (each, a “Settlement Class Member”).

B. Settlement Benefits to the Settlement Class

The Settlement creates a \$550,000 non-reversionary Settlement Fund which will be used to pay Settlement Costs, cash payments to and credit monitoring for Settlement Class Members, Administrative Costs, a Service Award to Plaintiff, and Attorneys’ Fees and Expenses.

1. Compensation for Documented Out of Pocket Losses. All members of the Settlement Class who submit a valid and timely Claim Form and supporting documentation are eligible for documented Out-of-Pocket Losses incurred as a result of the Data Incident, not to exceed \$10,000 per member of the Settlement Class, including, without limitation, unreimbursed losses relating to fraud or identity theft; professional fees including attorneys’ fees, accountants’ fees, and fees for credit repair services; costs associated with freezing or unfreezing credit with any credit reporting agency; credit monitoring costs that were incurred on or after the Data Incident through the date of claim submission; and miscellaneous expenses such as notary, fax, postage, copying, mileage, and long-distance telephone charges. S.A.¶ 70(i). Settlement Class Members with Out-of-Pocket Losses must submit documentation

supporting their claims. *Id.* This can include receipts or other documentation not “self-prepared” by the claimant that document the costs incurred. “Self-prepared” documents such as handwritten receipts are, by themselves, insufficient to receive reimbursement, but can be considered to add clarity or support other submitted documentation. *Id.*

2. Compensation for Lost Time. Members of the Settlement Class are also eligible to receive compensation for up to six (6) hours of Lost Time spent mitigating the effects of the Data Incident, calculated at the rate of \$25 per hour (totaling \$150 per claimant). S.A.¶ 72(ii). Members of the Settlement Class claiming Lost Time need only submit an attestation demonstrating that they spent the claimed time responding to issues raised by the Data Incident. *Id.* This attestation may be completed by checking a box next to the sentence: “I swear and affirm that I spent the amount of time noted in response to the EmergeOrtho data security incident.” Claims for Lost Time can be combined with claims for Out-of-Pocket Losses but are subject to the \$10,000.00 cap. *Id.*

3. Credit Monitoring and Identity Theft Protections. Under the Settlement, Settlement Class Members will be eligible to claim two years of three bureau credit monitoring, including \$1 million of identity theft insurance. S.A.¶ 72(iii).

4. Cash Compensation (Pro Rata Cash Payment): After the distribution of Fee Award and Expenses, Notice and Administrative Expenses, a Service Award, Compensation for Out-of-Pocket Losses and Lost Time, and distribution of credit monitoring codes, the Settlement Administrator will make pro

rata settlement payments of any remaining funds to each Class Member who submits an Approved Claim. S.A.¶ 72(iv). Any Class Member may make a claim for a pro rata cash payment regardless of whether the member made claim reimbursements for Lost Time or Out-of-Pocket Losses or not. This may pro rata increase or decrease the cash payment. *Id.*

5. Remediation Efforts: All Settlement Class Members will benefit from Defendant's improvements to its cybersecurity since the Data Incident, regardless of whether they file a claim for any other Settlement Benefits. EmergeOrtho has taken steps to implement additional security measures and has provided training to its employees to protect against similar incidents. S.A.¶ 72(v).

IV. LEGAL ARGUMENT

A. PLAINTIFF'S COUNSELS' REQUEST FOR ATTORNEYS' FEES AND EXPENSES, AND AN INCENTIVE AWARD TO THE CLASS REPRESENTATIVES SHOULD BE APPROVED

Settlement Class Counsel requests an award of attorneys' fees in the amount of \$183,315. The amount of the requested attorneys' fees amounts to 33.33% of the Settlement Fund and is reasonable when looked at under either the percentage of the fund method or the lodestar method, representing a negative lodestar multiplier of 1.27. Settlement Class Counsel further requests \$15,699 in actual out-of-pocket case expenses, to be awarded in addition to the fees requested. This expenses reimbursement request is modest, and the amounts spent were all reasonably incurred costs necessary for the prosecution and settlement of this case. Settlement Class Counsel also recommends and requests an award of \$5,000 to the Settlement Class Representative (Plaintiff Green).

1. The Fee Request Should Be Approved Under the Percentage of Common Benefit Method.

North Carolina has long approved granting attorneys' fees upon the creation of a common allocation of money. This doctrine was first recognized in *Horner v. Chamber of Commerce, Inc.*, 236 N.C. 96, 97-98 (1952), in which the Court stated the following:

the rule is well established that a court of equity, or a court in the exercise of equitable jurisdiction, may in its discretion, and without statutory authorization, order an allowance for attorney fees to a litigant who at his own expense has maintained a successful suit for the preservation, protection, or increase of a common fund or of common property, or who has created at his own expense or brought into court a fund which others may share with him.

Plaintiffs' attorneys in a successful class action lawsuit may petition the Court for compensation relating to any benefits to the Class that result from the attorneys' efforts. *See, e.g., Boeing Co. v. Van Gemert*, 444 U.S. 472 (1980). Under this "common benefit" approach, attorneys' fees are awarded as a percentage of the common benefit created by the settlement. The doctrine's foundation rests on the principle that "where one litigant has borne the burden and expense of the litigation that has inured to the benefit of others as well as to himself, those who have shared in its benefits should contribute to the expense." *Horner*, 236 N.C. at 98, 72 S.E.2d at 22.

The percentage-of-the-fund method is the preferred method of calculating attorneys' fees in cases involving common fund settlements in federal courts as well. "Indeed, there is a consensus among the federal circuit courts of appeal that the award of attorneys' fees in common fund cases may be based on a percentage of the recovery." *Ferris v. Sprint Comm'ns Co. L.P.*, No. 5:11-cv-667, 2012 WL 12914716, at *6 (E.D.N.C. Dec. 13, 2012) (quoting *Muhammad v. Nat'l City Mortgage, Inc.*, No. 2:07-

0423, 2008 WL 5377783, at *7 (S.D. W. Va. Dec. 19, 2008)); *see also Phillips v. Triad Guaranty Inc.*, No. 1:09CV71, 2016 WL 2636289, at *2 (M.D.N.C. May 9, 2016) (noting that district courts within the Fourth Circuit “overwhelmingly” prefer the percentage-of-the-fund method in common fund settlement); *Kruger v. Novant Health, Inc.*, No. 1:14CV208, 2016 WL 6769066, at *2 (M.D.N.C. Sept. 29, 2016) (internal citations omitted) (noting that within the Fourth Circuit, the percentage-of-the-fund method “is the preferred approach to determine attorneys’ fees.”).

The percentage-of-the-fund method provides a strong incentive to plaintiff’s counsel to obtain the maximum possible recovery in the shortest time possible under the circumstances by removing the incentive, which occurs under the lodestar method, for class counsel to “over-litigate” or “draw out” cases in an effort to increase the number of hours used to calculate their fees. *See Jones v. Dominion Res. Servs., Inc.*, 601 F. Supp. 2d 756, 759 (S.D.W. Va. 2009); *see also Ferris*, 2012 WL 12914716, at *6 (noting that the percentage method “better aligns the interests of class counsel and class members because it ties the attorneys’ award to the overall result achieved rather than the hours expended by the attorneys”); *DeWitt v. Darlington Cty.*, No. 4:11-cv-00740, 2013 WL 6408371, at *6 (D.S.C. Dec. 6, 2013) (“The percentage-of-the fund approach rewards counsel for efficiently and effectively bringing a class action case to a resolution, rather than prolonging the case in the hopes of artificially increasing the number of hours worked on the case to inflate the amount of attorneys’ fees on an hourly basis.”).

The fundamental test for awarding attorneys’ fees in class action settlements is whether the request is “fair and reasonable.” *Ehrenhaus v. Baker*, 243 N.C. App.

17, 30 (2015). The Court has discretion to determine what is reasonable. *In re Hatteras Fin., Inc., Shareholder Litig.*, 286 F. Supp. 3d, 727, 735 (M.D.N.C. 2017).

The reasonableness of an attorneys' fee award is determined by a set of non-exclusive factors, including "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; (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; and (8) whether the fee is fixed or contingent." *Ehrenhaus*, 216 N.C. App. at 96-97. No single *Ehrenhaus* factor is dispositive. However, attorney fee requests are presumptively fair and reasonable when they seek a third or less of the common fund. For example, the North Carolina Business Court in *Byers v. Carpenter*, No. 94 CVS 04489, 1998 NCBC 1, 1998 WL 34031740, at *9 (N.C. Super. Jan. 30, 1998) held that the appropriate level of compensation using a percentage-of-recovery method is typically 25% of the relief obtained if the case is settled before filing; 33% if after filing; and 40% if after an appeal has been taken. "The percentage fee is paid in addition to any expenses that the attorney has incurred on behalf of the client." *Id.*

Federal courts in North Carolina and in the Fourth Circuit often award fees equal to (or greater than) 33 percent of the settlement value. *See, e.g., In re Cotton*, 3:18-cv-00499, 2019 WL 1233740, at *4 (W.D.N.C. March 15, 2019) (approving an

award of 33 percent of the total settlement value); *Neal v. Wal-Mart Stores, Inc.*, 3L17-cv-00022, 2021 WL 1108602, at *2 (W.D.N.C. March 19, 2021) (same); *McAdams v. Robinson*, 26 F. 4th 149, 162 (4th Cir. 2022) (affirming attorneys’ fees award of \$1,300,00 or 43% of the \$3,000,000 common fund class action settlement); *Kruger*, 2016 WL 6769066, at *6 (awarding attorneys’ fees of \$10,666,666 comprising 1/3 of the monetary benefits made available to the class); *Chrismon v. Pizza*, No. 5:19-CV-155-BO, 2020 WL 3790866, at *5 (E.D.N.C. July 7, 2020) (noting that “[m]any courts in the Fourth Circuit have held that attorneys’ fees in the amount of 1/3 of the settlement fund is reasonable.”) (collecting cases)). Attorneys’ fees in common fund cases typically reflect “around one-third of the recovery.”³

Here, the request for attorneys’ fees in the amount of 33.33% of the Settlement Fund represents a percentage which North Carolina courts find presumptively reasonable. Relevant federal court precedent from North Carolina and the Fourth Circuit is in accord that a one-third attorneys’ fee request is reasonable. Learned treatises are in agreement as well. An examination of the *Ehrenhaus* factors further bears this out.

2. The Requested Attorneys’ Fees Are Reasonable Under the *Ehrenhaus* Factors.

³ See 5 NEWBERG ON CLASS ACTIONS § 15:73 (5th ed. 2016) (noting that a “33% figure provides some anchoring for the discussion of class action awards [to counsel]” and that “many courts have stated that ... fee award in class actions average around one-third of the recovery.”); accord Theodore Eisenberg & Geoffrey Miller, *Attorney Fees in Class Action Settlements: An Empirical Study*, 1 J. OF EMPIRICAL LEGAL STUDIES, 27, 31, 33 (2004) (finding that courts consistently award 30–33% of the common fund).

The first and seventh *Ehrenhaus* factors—the time and labor required, the novelty and difficulty of the questions involved, the skill requisite to perform the service properly, and the experience, reputation, and ability of the lawyers involved—overwhelmingly support the requested fee award. Here, Settlement Class Counsel has expended 371.8 hours on this case—not including the time dedicated to the drafting and filing of this motion—and anticipates spending another 50-75 hours bringing this case through final approval and overseeing distribution of all Settlement benefits to Class Members.

The skill required to litigate data breach cases is great, in part due to the quickly evolving nature of data breach and privacy law. Here, as the supporting declaration in support of the preliminary approval motion abundantly shows, the lawyers representing Plaintiff are some of the most experienced in this area of the practice. *See Generally* Declaration of Danielle Perry in Support of Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Action Settlement (“Perry MPA Dec.”). Indeed, in the case of Mr. Lietz and the Milberg team, this Court has previously recognized their skill and experience.⁴ Settlement Class Counsel brought this established track record and experience to work in litigating Plaintiff’s and Class Members’ claims. The significant experience and qualifications of counsel easily justify the attorneys’ fee award.

⁴ *See McManus v. Gerald O. Dry, P.A.*, Case No. 22 CVS 1776, Order on Plaintiffs’ Motion for Attorneys’ Fees, Expenses, and Service Awards, May 5, 2023 (Bledsoe, C.J.) (“the Court recognizes that data breach class action litigation is a complex and novel area of the law and that Lietz and his law firm are national leaders in this field.”)

Settlement Class Counsel's expertise is important because this was a case where Plaintiff faced substantial hurdles involving novel and difficult legal questions. Data breach cases, in general, are by their nature particularly risky and expensive. Such cases also are innately complex. *See, e.g., In re Equifax Inc. Customer Data Sec. Breach Litig.*, No. 1:17-MD-2800-TWT, 2020 WL 256132, at *32 (N.D. Ga. Mar. 17, 2020), *aff'd in part, rev'd in part and remanded*, 999 F.3d 1247 (11th Cir. 2021) (recognizing the complexity and novelty of issues in data breach class actions); *In re Sonic Corp. Customer Data Sec. Breach Litig.*, No. 1:17-md-2807, 2019 WL 3773737m at *7 (N.D. Ohio Aug. 12, 2019) ("Data breach litigation is complex and risky. This unsettled area of law often presents novel questions for courts. And of course, juries are always unpredictable."); *In re Anthem, Inc. Data Breach Litig.*, 327 F.R.D. 299, 315 (N.D. Cal. 2018) (noting that "many of the legal issues presented in [] data-breach case[s] are novel").

This case is no exception to that rule. It involves 72,500 Class Members, complicated and technical facts, and a well-funded and motivated defendant. While Plaintiff believes he would have ultimately prevailed on the merits at trial or summary judgment, he is also aware that there are substantial risks inherent in bringing any case to trial. Accordingly, the fact that Class Counsel was able to navigate this case and resolve it at a relatively early stage is indicative of their skill and efficiency in litigating this matter. *See In re The Mills Corp. Sec. Litig.*, 265 F.R.D. 246, 262-63 (E.D. Va. 2009) (finding that Counsel's ability to resolve the case within one year of the Court's denial of Defendant's Motion to Dismiss to be indicative of

Counsel's "skill and efficiency."). Settlement Class Counsel did not run up the bill to seek additional fees.

Settlement Class Counsel devoted significant time and effort in settling this matter. Of course, Settlement Class Counsel's work was not over after negotiating the Settlement. After obtaining preliminary approval of the Settlement Agreement, Settlement Class Counsel worked diligently to ensure that Settlement Class members would be able benefit from the Settlement. The work performed by Class Counsel to date has been comprehensive, complex, and wide-ranging. Thus, the first and seventh factors amply support the requested fee award.

The second, and eighth factors – the preclusion of other employment and whether the fee was fixed or contingent – likewise support the requested fee award. Settlement Class Counsel took this case on a purely contingent basis. Declaration of Gary M. Klinger in Support of Plaintiff's Motion for Attorneys' Fees, Expenses, and Service Award ("Fee Dec.) attached hereto as **Exhibit 1** ¶ 5. Plaintiff's Counsel, whose time is limited, also took on this case to the exclusion of other employment. *Id.* at ¶ 6,8. The retainer agreement Settlement Class Counsel has with Plaintiff does not provide for fees apart from those earned on a contingent basis, and, in the case of class settlement, attorneys' fees would only be awarded to Settlement Class Counsel if approved by the Court. *Id.* at ¶ 10. As such, attorneys' fees were not guaranteed in this case. *Id.* Settlement Class Counsel assumed significant risk of nonpayment or underpayment of attorneys' fees. *Id.* ¶¶ 9-10. In fact, the requested attorneys' fees represent a negative multiplier of Settlement Class Counsel's lodestar. Settlement

Class Counsel took on these significant risks knowing full well the potential consequences of their efforts. *Id.*

Here, Settlement Class Counsel took on significant risks. While Plaintiff believes he could prevail on his claims against Defendant, he also is aware that he would likely face several strong legal defenses and difficulties in demonstrating causation and injury. *Id.* ¶ 21. Such defenses, if successful, could drastically decrease or eliminate any recovery for Plaintiff and putative class members. *Id.* Further, given the complexity of the issues and the amount in controversy, the defeated party would likely appeal any decision on either certification or merits. The general risks of litigation are further heightened in the data breach arena. Among national consumer protection class action litigation, data breach cases are some of the most complex and involve a rapidly evolving area of law. At present, courts have certified only five contested classes in this area.⁵ Moreover, the theories of damages remain untested at trial and appeal. As another court recently observed:

Data breach litigation is evolving; there is no guarantee of the ultimate result. *See Gordon v. Chipotle Mexican Grill, Inc.*, No. 17-cv-01415-CMA-SKC, 2019 WL 6972701, at *1 (D. Colo. Dec. 16, 2019) (“Data breach cases ... are particularly risky, expensive, and complex.”).

Fox v. Iowa Health Sys., No. 3:18-CV-00327-JDP, 2021 WL 826741, at *5 (W.D. Wis. Mar. 4, 2021). These cases are particularly risky for plaintiffs’ attorneys.

⁵ *See, e.g., In re Marriott Int’l, Inc., Customer Data Sec. Breach Litig.*, No. 19-MD-2879, 2022 WL 1396522, at *1 (D. Md. May 3, 2022); *In re Equifax, Inc. Customer Data Security Breach Litigation*, Case No. 1:17-md-2800-TWT (N.D. Ga. 2019); *In re Brinker Data Incident Litig.*, No. 3:18-CV-686-TJC-MCR, 2021 WL 1405508, at *14 (M.D. Fla. Apr. 14, 2021); *In re Target*, 309 F.R.D. 482 (D. Minn. 2015); *In re Heartland Payment Systems, Inc. Customer Data Sec. Breach Litig.*, 851 F.Supp.2d 1040 (S.D. Tex. 2012).

Consequently, the requested fee award appropriately compensates for the risk undertaken by Plaintiff's counsel here.

Due, at least, in part to the cutting-edge nature of data protection technology and rapidly evolving law, data breach cases like this one are particularly complex and face substantial hurdles—even just to make it past the pleading stage. *See Hammond v. The Bank of N.Y. Mellon Corp.*, No. 08 Civ. 6060 (RMB)(RLE), 2010 WL 2643307, at *1 (S.D.N.Y. June 25, 2010) (collecting data breach cases dismissed at the Rule 12(b)(6) or Rule 56 stage). Class certification is another hurdle that would have to be met—and one that has been denied in other data breach cases. *See, e.g., In re Hannaford Bros. Co. Customer Data Sec. Breach Litig.*, 293 F.R.D. 21 (D. Me. 2013).

Another significant risk faced by Plaintiff here is the risk of maintaining class action status through trial. The class has not yet been certified, and Defendant will certainly oppose certification if the case proceeds. Thus, Plaintiff “necessarily risk[s] losing class action status.” *Grimm v. American Eagle Airlines, Inc.*, No. LA CV 11-00406 JAK(MANx), 2014 WL 1274376, at *10 (C.D. Cal. Sept. 24, 2014). In one of the few significant data breach class actions that have been certified on a national basis, this risk was very real. *In re Marriott International Customer Data Securities Breach Litigation*, 341 F.R.D. 128 (D.Md. 2022), was recently decertified on appeal. *See In re Marriott Int’l, Inc.*, 78 F.4th 677, 680 (4th Cir. 2023).⁶ The relative absence of trial class certification precedent in the relatively novel data breach setting adds to the risks posed by continued litigation.

⁶ To complete the story, the classes were re-certified by the district court on remand. *See In re Marriott Int’l Customer Data Sec. Breach Litig.*, No. 19-MD-2879, 2023 WL 8247865, at *1 (D. Md. Nov. 29, 2023).

This over-arching risk simply puts a point on what is true in all class actions – class certification through trial is not guaranteed and presents a significant risk for Plaintiff and his Counsel. Settlement Class Counsel, who took this matter on a wholly contingent basis, faced numerous challenges. Courts have recognized that such risk deserves extra compensation and is a critical factor in determining the reasonableness of a fee. *See, e.g., Stocks v. Bowen*, 717 F. Supp. 397, 402 (E.D.N.C. 1989); *Gilbert LLP v. Tire Eng’g & Distribution, Ltd. Liab. Co.*, 689 F. App’x 197, 201 (4th Cir. 2017); “Contingent fees compensate lawyers for the risk of nonpayment. The greater the risk of walking away empty-handed, the higher the award must be to attract competent and energetic counsel.” Accordingly, these factors weigh in favor of approval of the attorneys’ fees requested here.

The third factor – the fee customarily charged for similar services – weighs heavily in favor of approving the fee requested here. In data breach cases with similar class relief, there have been fee awards well exceeding a million dollars. *See Fox*, 2021 WL 826741 at *6 (approving attorneys’ fees and costs in the amount of \$1,575,000 in data breach settlement with similar class relief). The result requested here is similar to results obtained in other data breach cases, which include: *Culbertson, et al v. Deloitte Consulting LLP*, Case No. 1:20-cv-3962-LJL (S.D.N.Y. Feb. 16, 2022), ECF 139 (awarding \$1,649,835.00 in attorneys’ fees (33.33% of the Settlement Fund)); *Carrera Aguallo v. Kemper Corp.*, Case No. 1:21-cv-01883 (N.D. Ill. Oct. 27, 2021), ECF 33 (finally approving \$2,500,000 in attorneys’ fees in data breach class action involving 6 million class members); *Henderson V. Kalispell Reg’l Healthcare*, No. CDV 19-0761 (Mont. Dist. Ct., Cascade Cnty. Nov. 25 2020) (court awarded attorneys

fee of 33% of the common fund of \$4.2 million). A 33.33% fee is fully in line with other cases with similar results obtained for the Class.

The fourth factor – the amount involved and the results obtained – strongly favors the requested award. This is, without question, the most important inquiry. *Hensley v. Eckerhart*, 461 U.S. 424, 436 (1983) (“the most critical factor is the degree of success obtained”). As shown above, the Settlement provides a significant benefit to Settlement Class Members: a non-reversionary \$1.1 million Settlement Fund, from which a wide array of benefits, including plain old cash for those who choose it. These are real, tangible benefits that—without the efforts of Plaintiff and Settlement Class Counsel and their willingness to take on the attendant risks of litigation—would not have been available to Settlement Class Members. Thus, this factor weighs heavily in favor of granting this fee request.

Finally, the result achieved in this Settlement is notable because the parties were able, through capable and experienced counsel, to reach a negotiated Settlement without significant involvement of the Court in managing this litigation. Fee Dec. at ¶ 25. Class Counsel worked on behalf of the Settlement Class to obtain information from Defendant regarding the Data Incident and used that information (along with their experience and the knowledge gained from other data breach class actions) to negotiate the Settlement. *Id.* at ¶ 23. The Settlement reached here is notable for the simplicity of the claims process; the relief that addresses the differing types of injuries sustained by consumers; the speed with which counsel was able to secure its benefit; and Plaintiff’s counsel’s cooperation in resolving this matter efficiently.

The fifth and sixth factors – the time limitations imposed by the client or circumstances and the nature and length of the professional relationship with the client – are neutral factors. Settlement Class Counsel did not have a professional relationship with Plaintiff prior to this case, and there were no time limitations.

Therefore, all the *Ehrenhaus* factors overwhelmingly support the requested fee award.

3. The Requested Fees are Reasonable Under a Lodestar Crosscheck

While Settlement Class Counsel does not believe that a lodestar cross-check is necessary for a non-reversionary common fund case such as this, the requested fees of \$183,315 are reasonable under a lodestar crosscheck. Class counsel has worked 371.8 hours on this matter, incurring a total lodestar of \$242,159.30, and resulting in a negative lodestar multiplier of approximately .75 when applying Class Counsel's standard rates. Class Counsel has attached their detailed billing records to this Motion as **Exhibit 2** for the Court's review. As evidenced by these records, in carrying out their responsibilities to the Settlement Class, Counsel took care to ensure that no duplicative or unnecessary work was performed. Further evidencing this fact is that, in spite of the novelty and complexity of data privacy litigation, Class Counsel's position as some of the nations leading experts in the field allowed them to efficiently address the issues presented in the litigation.

Alternatively, if this Court were to review the hours already expended in this matter at a blended rate of \$575 (which is commensurate with the rates previously

approved by this Court for Milberg attorneys working on this matter)⁷, that brings the total lodestar to \$213,785. This calculation was taken using rates lower than Class Counsel's standard rates, but which have already been approved in North Carolina for the Milberg attorneys involved in this action based on their expertise and experience. This adjusted total still represents a negative lodestar, even before factoring in the time spend drafting, finalizing, and filing the instant motion, drafting the motion for final approval and defending any objections that may be filed, attending the final approval hearing, and continuing to oversee the settlement administration process and the distribution of funds.

Courts in North Carolina regularly approve lodestar multipliers of 2-4 when conducting lodestar cross-checks. *Byers*, 1998 WL 34031740, at *11 (“A reasonable multiplier based on these factors would be 2 to 4.”); *see also Kirkpatrick v. Cardinal Innovations Healthcare Sols.*, 352 F. Supp. 3d 499, 507 (M.D.N.C. 2018) (citing cases where “courts have found that lodestar multipliers ranging from 2 to 4.5 demonstrate the reasonableness of a requested percentage fee.”). Further, courts around the country have held that fee requests representing a negative multiplier are reasonable and should be approved. *See, e.g., Baffa v. Donaldson Lufkin & Jenrette Sec. Corp.*, 96 Civ. 0583, 2002 WL 1315603 at *2 (S.D.N.Y. June 17, 2002) (in class action resulting in \$3 million settlement fund, fee award based on a negative lodestar multiplier was fair and reasonable); *In re Blech Sec. Litig.*, 94 Civ. 7696 & 95 Civ. 6422, 2000 WL 661680 at *5 (S.D.N.Y. May 19, 2000) (awarding lead counsel 30% of

⁷ *See McManus v. Gerald O. Dry, P.A.*, Case No. 22 CVS 1776 Order on Plaintiffs' Motion for Attorneys' Fees, Expenses, and Service Awards

the settlement, and confirming that the award was reasonable because it represented a negative multiplier of lodestar). The requested fee here represents a negative lodestar multiplier utilizing rates customary to and approved by North Carolina Courts, is reasonable under the percentage of the benefit and lodestar methods of review, and should be approved.

4. Other Factors Support the Reasonableness of the Requested Award

In addition to satisfying the *Ehrenhaus* factors, the requested fee award has been approved by the Settlement Class members themselves. Settlement Class members received direct notice of the Settlement, which provides the best possible and most practicable notice in a class settlement. The settlement notice described the amount that Settlement Class Counsel intended to request in attorneys' fees and costs in plain and clear language. As of May 5, 2024, no Settlement Class member has objected to the requested attorneys' fee, the case expenses sought, or the proposed service award. *See Varacallo v. Massachusetts Mutual Life Insurance Company*, 226 F.R.D. 207, 251 (D.N.J. 2005) (even a small number of objectors to a fee award favors approval of request). Accordingly, Settlement Class members have approved the requested award.

B. Class Counsel's Request for Expenses is Reasonable.

Settlement Class Counsel seeks to recover reasonable litigation expenses in addition to the requested fee award in the amount of \$15,699, representing filing fees, service fees, pro hac vice admission fees, and the cost of Mr. Andersen's services to

mediate the case. Courts regularly award litigation expenses in addition to attorneys' fees in class action cases. Courts in North Carolina and the federal Fourth Circuit have explained that such costs and expenses may include "those reasonable out-of-pocket expenses incurred by the attorney which are normally charged to a fee-paying client, in the course of providing legal services." *Spell v. McDaniel*, 852 F.2d 762, 771 (4th Cir. 1988) (internal quotations omitted). Counsel's expenses here, totaling \$15,699 were all reasonably incurred in, and necessary to, pursuing this litigation. Fee Decl., ¶ 17. *Singleton v. Domino's Pizza, LLC*, 976 F. Supp. 2d 665, No. CIV.A. DKC 11-1823, 2013 WL 5506027, at *17 (D. Md. Oct. 2, 2013) (awarding expenses that the court deemed were "reasonable and typical.").

Settlement Class Counsel's requested expense reimbursement is modest and sought for reimbursement of actual out-of-pocket expenses that were reasonable, typical, and necessary for the litigation and settlement of this case. The Court should award these modest expenses.

C. The Requested Incentive Award to the Class Representative is Reasonable.

Class litigation cannot proceed without the willingness of an individual to step up and litigate on behalf of others. A putative class representative must devote time and energy to carry out tasks that are far above and beyond what absent class members are asked to do. In recognition of these efforts, courts often award service awards to class representatives. Service awards are "awarded to class representatives in recognition of their time, expense, and risk undertaken to secure a benefit for the Class they represent" and such awards are "within the discretion of the Court." *Carl v. State*, No. 06CVS13617, 2009 WL 8561911 at ¶ 97 (N.C. Super. Dec. 15, 2009). The

amount of the award is ultimately within the discretion of the Court, though the size of the award itself is typically commensurate with the level of activity performed and the size of the case. *See Smith v. Krispy Kreme Doughnut Corp.*, No. 1:05CV00187, 2007 WL 119157, at *4 (M.D.N.C. Jan. 10, 2007) (awarding a service award of \$15,000).

Factors courts consider when awarding incentive awards include: the risk to the plaintiff in commencing suit, both financially and otherwise; the notoriety and/or personal difficulties encountered by the representative plaintiff; the extent of the plaintiff's personal involvement in the lawsuit in terms of discovery responsibilities and/or testimony at depositions and trial; the duration of the litigation; and the plaintiff's personal benefit, or lack thereof, purely in his capacity as a class member. *Perry v. Fleetboston*, 229 F.R.D. at 118. The degree to which the Class has benefited from the Class Representatives' actions is also taken into account. *See Cook v. Niedert*, 142 F.3d 1004, 1016 (7th Cir. 1998).

Plaintiff here seeks a service award of \$5,000 in recognition of the significant time and effort he has personally invested in this case. Plaintiff was prepared to litigate this action through trial to properly represent the class and fight for significant relief. As the sole class representative, absent his efforts, the class would have received no compensation. Plaintiff assisted in Counsel's investigation of the case, reviewing pleadings, maintaining contact with counsel, remained available for consultation during settlement negotiations, answering counsel's many questions, and reviewed the Settlement Agreement. Plaintiff was also subjected to considerable amounts of discovery, and assisted counsel in responding to Defendant's requests for

production and interrogatories. Notably, Plaintiff also had his deposition taken and expended considerable time and effort in preparation for this deposition.

Accordingly, the requested service award is reasonable and commensurate with Plaintiff's efforts in the litigation. It is also in line with other, recent service awards in data breach cases before this Court. *See McManus v. Dry, P.A.*, No. 22-CVS-1776, 2023 WL 2785559, at *3 (N.C. Super. Mar. 29, 2023) (final approval granted by Bledsoe, C.J., March 29, 2023, and awarding \$5000 service awards).

V. CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that the Court grant the instant motion as part of final approval of this class action settlement, award Settlement Class Counsel attorneys' fees in the amount of \$183,315, award reasonable case expenses in the amount of \$15,699, and award a service award in the amount of \$5,000 to Plaintiff Williams for his service to the Class.

Dated: May 10, 2024

Respectfully submitted,

**MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN, PLLC**

/s/Scott C. Harris

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*Attorneys for Plaintiff and the
Settlement Class*

**CERTIFICATE OF COMPLIANCE WITH
BUSINESS COURT RULE 7.8**

The undersigned, in accordance with Business Court Rule 7.8, certifies that the foregoing memorandum (exclusive of the case caption, signature blocks, and required certificates) contains fewer than 7,500 words, as reported by word-processing software.

This the 10th day of May, 2024.

/s/Scott C. Harris
Scott C. Harris

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing has been served on all counsel of record in accordance with Business Court Rule 3.9 through electronic filing with the North Carolina Business Court.

This the 10th day of May, 2024.

**MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN, PLLC**

/s/Scott C. Harris

Scott C. Harris

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*Attorneys for Plaintiff and the
Settlement Class*

EXHIBIT 1

STATE OF NORTH CAROLINA
COUNTY OF DURHAM

IN THE GENERAL COURT OF
JUSTICE
SUPERIOR COURT DIVISION
22-CVS-3533

DANIEL GREEN, individually and)
on behalf of themselves and all)
others similarly situated,)

Plaintiff,)

v.)

EMERGEORTHO, P.A.,)

Defendant.)
)

**DECLARATION OF GARY M.
KLINGER IN SUPPORT OF
MOTION FOR ATTORNEYS FEES,
EXPENSES, AND SERVICE
AWARD**

I, Gary M. Klinger, being competent to testify, make the following declaration:

1. I am currently a senior partner of the law firm Milberg Coleman Bryson Phillips Grossman, PLLC (“Milberg”). I submit this declaration in support of Plaintiffs’ Motion for Attorneys’ Fees, Expenses, and Service Awards. Except as otherwise noted, I have personal knowledge of the facts set forth in this declaration and could and would competently testify to them if called upon to do so.

2. The work of Settlement Class Counsel in connection with this action involved investigating the cause and effects of the Data Incident, interviewing potential clients, evaluating the potential class representatives, contributing to the evaluation of the merits of the case before filing the Complaint,; conducting legal research; conducting extensive research into data security incidents and their causes and effects, conducting further extensive research into data security practices and standards across e-Commerce platforms and industries; drafting and filing the Complaint; litigating against an well-regarded national law firm with extensive data breach litigation experience; obtaining information from EmergeOrtho regarding the Data Incident, and engaging in several rounds of formal discovery; producing Plaintiff

for a deposition; a formal mediation of this case presided over by the Hon. Wayne Andersen (Ret.) of JAMS, (a highly experienced and well-regarded mediator well-versed in data breach litigation); drafting the comprehensive settlement agreement, well-crafted notices of settlement, an easy to understand claim form, the Motion for Preliminary Approval, a revised preliminary approval order, and this instant motion for attorneys' fees; communicating with defense counsel; updating and handling questions from our class representative; overseeing the successful launching and implementation of the notice program with substantial interaction between me and the Settlement Administrator; and overseeing the claims process. I conferred with my colleagues about strategy and case status while being mindful to avoid duplicative efforts within my firm and with co-counsel.

3. Based on my past experience I and my law firm expect to spend another 50-75 hours seeking final approval, defending the Settlement from any potential objections, and supervising claims administration and the distribution of proceeds.

4. As of the date of filing, I have received no objections to the Settlement Agreement in general, and no objections to the proposed attorneys' fees (the amount of which was made known to the Class via the Court-approved notice program) in particular.

The Contingent Nature of the Case

5. Settlement Class Counsel prosecuted this case on a purely contingent basis. As such, the firm assumed a significant risk of nonpayment or underpayment.

6. This matter has required me, other attorneys at my Firm, and my co-counsel to spend time on this litigation that could have been spent on other matters.

At various times during the litigation of this class action, this lawsuit has consumed significant amounts of my time, my Firm's time, and the time of my co-counsel

7. Because Settlement Class Counsel undertook representation of this matter on a contingency-fee basis, we shouldered the risk of expending substantial costs and time in litigating the action without any monetary gain in the event of an adverse judgment.

8. If not devoted to litigating this action, from which any remuneration is wholly contingent on a successful outcome, the time Settlement Class Counsel spent working on this case could and would have been spent pursuing other potentially fee generating matters.

9. Litigation is inherently unpredictable and therefore risky. Here, that risk was very real, due to the rapidly evolving nature of case law pertaining to data breach litigation, and the state of data privacy law. Therefore, despite Settlement Class Counsels' devotion to the case and our confidence in the claims alleged against Defendant, there have been many factors beyond our control that posed significant risks.

10. The contingency fees contemplated under Settlement Class Counsels' representation agreements for cases in North Carolina and elsewhere generally fall within the one-third to 40% range. Settlement Class Counsels' fees were not guaranteed—the retainer agreement counsel had with Plaintiff did not provide for fees apart from those earned on a contingent basis, and, in the case of class settlement, approved by the court.

The Costs and Fees Incurred

11. Due to the early stage of litigation and efficiency by which Class Counsel was able to obtain this significant settlement, expenses and fees incurred by Plaintiffs are low.

12. Settlement Class Counsel have currently accrued 371.8 hours through April 1=30, 2024. The hours Class Counsel spent litigating this matter reflect the reasonable and necessary effort required to achieve such a satisfactory result. This does not include the time spent drafting, finalizing, and filing the instant motion.

13. Additional time will be spent drafting the final approval motion, preparing for and attending the Final Approval Hearing, defending any appeals taken from the final judgment approving Settlement, and ensuring that the claims process and distribution of Settlement proceeds to Class Members is done in a timely manner in accordance with the terms of the Settlement. Based upon my past experience, I estimate that another 50-75 hours of attorney time between the two law firms who are Settlement Class Counsel will be reasonably expended on this matter.

14. I assert that the attorneys' fees sought in the Motion for Attorneys' Fees, Costs, and Service Awards are reasonable and seek fair and reasonable compensation for undertaking this case on a contingency basis, for creating a \$550,000 non-reversionary common fund, and for obtaining the substantial relief for Plaintiff and the Class.

15. Where possible, Settlement Class Counsel made efforts to carefully assign work so as to avoid duplication of efforts and have the work completed by the appropriate level of attorney.

16. A true and correct copy of the billing records from my firm and my co-counsel's firm are attached to the Memo as Exhibit 2. All books and records in this case regarding costs expended were maintained in the ordinary course of business, from expense vouchers and check records. I have reviewed the records of costs expended in this matter.

17. My firm and co-counsel have also accrued \$15,699 in out-of-pocket expenses pertaining to this litigation; including filing fees, fees for service of process, other court fees, and mediation costs.

18. These costs are reasonable, and necessary for the litigation, and are modest in comparison to the enormous costs that likely would have been incurred if litigation had continued. Reimbursement of these costs is sought in addition to the attorneys' fees requested. Based upon my past experience, the amount of out-of-pocket case expenses will increase prior to Final Approval, and will include additional travel expenses to appear at the Final Approval Hearing.

19. The Settlement Agreement calls for reasonable service award to Plaintiff Green in the amount of \$5,000, subject to approval of the Court. The Service Award is meant to recognize Plaintiff for his efforts on behalf of the Class, including assisting in the investigation of the case, maintaining contact with counsel, reviewing the pleadings, answering counsel's many questions, having his deposition taken and assisting Class Counsel with responses to discovery requests from Defendant, communicating with counsel during the settlement negotiations, and reviewing the terms of the Settlement Agreement. Plaintiff was not promised a service award, nor

did he condition his representation on the expectation of any service or incentive award.

20. I strongly believe that the Settlement Agreement is favorable for the Settlement Class. The Settlement addresses the type of injury and repercussions sustained by Settlement Class Members in the wake of the Data Incident. In the opinion of the undersigned and other Settlement Class Counsel, the settlement is fair, reasonable, adequate, as are the attorneys' fees, expenses, and service awards requested here.

21. Although Plaintiff believes in the merits of his claims, this litigation was inherently risky and complex. The claims involve the intricacies of data breach litigation (a fast-developing area in the law), and Plaintiff would face risks at each stage of litigation. Against these risks, it was through the hard-fought negotiations and the skill and hard work of Settlement Class Counsel and the Class Representative that the Settlement was achieved for the benefit of the Settlement Class.

22. In contrast to the risks, the Settlement provides certain and substantial compensation to the Settlement Class Members. The result achieved in this Settlement is notable because the parties were able, through capable and experienced counsel, to reach a negotiated Settlement without involvement of the Court in managing this litigation or discovery disputes.

23. Settlement Class Counsel worked on behalf of the Settlement Class to obtain information from Defendant regarding the Data Incident, through both formal and informal discovery, and used that information (along with their experience and

the knowledge gained from other data breach class actions) to negotiate the Settlement.

24. The relief here addresses the type of injury and repercussions sustained by consumers in the wake of a Data Incident. With a substantial common fund providing ample cash to fully fund the benefits offered, this Settlement is an exemplary settlement for cases of this type.

25. What makes this Settlement more remarkable is the speed with which counsel was able to secure a favorable settlement. This Settlement was achieved not only through hard work, but also through years of developing substantial expertise in this field. The cooperation of Plaintiffs’ counsel also aided in the ability to resolve this matter efficiently.

* * * * *

I declare under penalty of perjury that foregoing is true and correct.

Executed this 10th day of May, 2024, at Chicago, Illinois.

Gary M. Klinger



Gary M. Klinger

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing has been served on all counsel of record in accordance with Business Court Rule 3.9 through electronic filing with the North Carolina Business Court.

This the 10th day of May, 2024.

**MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN, PLLC**

/s/Scott C. Harris

Scott C. Harris

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*Attorneys for Plaintiffs and Settlement
Class Counsel*

EXHIBIT 2

User ↓	Time Entry	Date	Task Code	Applied Rate	Billing Du	Amount	Description
Gary Klinger.	GK - 572024	9/5/2022	Pleadings-L210	USD 850.00	4.5	USD 3,825.00	Attention to complaint
	GK - 572024	9/6/2022	Fact Investigation/Development-L110	USD 850.00	3.5	USD 2,975.00	Research legal causes of action for complaint
	GK - 572024	9/7/2022	Pleadings-L210	USD 850.00	4	USD 3,400.00	Attention to complaint
	GK - 572024	9/8/2022	Pleadings-L210	USD 850.00	2.5	USD 2,125.00	Review and finalize complaint
	GK - 572024	4/17/2023	Pleadings-L210	USD 850.00	7.5	USD 6,375.00	Attention to mediation statement
	GK - 572024	4/18/2023	Pleadings-L210	USD 850.00	4.5	USD 3,825.00	Attention to mediation statement
	GK - 572024	4/19/2023	Pleadings-L210	USD 850.00	3.5	USD 2,975.00	Attention to mediation statement
	GK - 522023	4/26/2023	Court/MDL Mandated Conferences-L230	USD 850.00	8	USD 6,800.00	Prepare for and attend mediation on 4/26
	GK - 572024	11/27/2023	Pleadings-L210	USD 850.00	4.5	USD 3,825.00	Attention to preliminary approval motion
	GK - 572024	11/28/2023	Pleadings-L210	USD 850.00	2.5	USD 2,125.00	Attention to preliminary approval motion
	GK - 1152024	12/4/2023	Other Written Motions and Submissions-L250	USD 850.00	7.5	USD 6,375.00	Attention to motion for preliminary approval
	GK - 572024	12/4/2023	Settlement/Non-Binding ADR-L160	USD 850.00	2.5	USD 2,125.00	Attention to settlement agreement package
	GK - 572024	12/5/2023	Settlement/Non-Binding ADR-L160	USD 850.00	0.5	USD 425.00	Attention to settlement agreement and related exhibits
Subtotal	Sum Count	13			55.5	USD 47,175.00	
Scott C. Harris	SH - 9132022	9/12/2022	Fact Investigation/Development-L110	USD 764.00	0.5	USD 382.00	worked on case; ensured filing
	SH - 9162022	9/15/2022	Fact Investigation/Development-L110	USD 764.00	1.5	USD 1,146.00	ensured filing of complaint
	SH - 1232022	12/2/2022	Fact Investigation/Development-L110	USD 764.00	0.5	USD 382.00	worked on case; emails to and from opposing counsel; reviewed filing issues
	SH - 12132022	12/12/2022	Fact Investigation/Development-L110	USD 764.00	0.5	USD 382.00	worked on pro hac issues
	SH - 12262022	12/19/2022	Fact Investigation/Development-L110	USD 764.00	2	USD 1,528.00	worked on case; reviewed filings from court; emails about scheduling conference with court; emails to and from Gary Mason
	SH - 12312022	12/26/2022	Fact Investigation/Development-L110	USD 764.00	1	USD 764.00	reviewed filings in case and caught up on issues
	SH - 1252023	1/23/2023	Fact Investigation/Development-L110	USD 829.00	1.5	USD 1,243.50	attended hearing on case; discussed with Gary;
	SH - 1302023	1/30/2023	Fact Investigation/Development-L110	USD 829.00	1	USD 829.00	worked on case; responded to inquiry about Judge Gale; discussed mediation issues
	SH - 262023	2/6/2023	Fact Investigation/Development-L110	USD 829.00	0.5	USD 414.50	met with Scott; ensured filing of business court documents
	SH - 4102023	4/8/2023	Fact Investigation/Development-L110	USD 829.00	1.5	USD 1,243.50	discussed issues and reviewed emails about case; collective entry
	SH - 4192023	4/19/2023	Fact Investigation/Development-L110	USD 829.00	1	USD 829.00	reviewed mediation statement; began reviewing documents produced by defendants
	SH - 5112023	5/10/2023	Fact Investigation/Development-L110	USD 829.00	1	USD 829.00	worked on case; meeting with co-counsel; discussed strategy and upcoming depositions; worked on finding a template for ESI orders
	SH - 5122023	5/12/2023	Fact Investigation/Development-L110	USD 829.00	1	USD 829.00	reviewed emails to and from opposing counsel about ESI; reviewed ESI revisions sent by David Liu; emails about thoughts to co-counsel
	SH - 6282023	6/28/2023	Fact Investigation/Development-L110	USD 829.00	0.5	USD 414.50	worked on case; reviewed emails about 30(b)(6) issues
	SH - 7202023	7/19/2023	Fact Investigation/Development-L110	USD 829.00	0.5	USD 414.50	reviewed various discovery
	SH - 942023	9/3/2023	Fact Investigation/Development-L110	USD 829.00	0.5	USD 414.50	reviewed responses to discovery
	SH - 9182023	9/18/2023	Fact Investigation/Development-L110	USD 829.00	0.5	USD 414.50	worked on case; reviewed emails with Danielle Perry about status
	SH - 9272023	9/27/2023	Fact Investigation/Development-L110	USD 829.00	0.5	USD 414.50	worked on case; handled issues; reviewed emails about scheduling depositions
	SH - 9292023	9/29/2023	Fact Investigation/Development-L110	USD 829.00	0.5	USD 414.50	worked on case; reviewed emails and discussed scheduling and handling deposition
	SH - 1032023	10/2/2023	Fact Investigation/Development-L110	USD 829.00	0.5	USD 414.50	reviewed emails about case; began working on deposition prep
	SH - 10192023	10/19/2023	Fact Investigation/Development-L110	USD 829.00	1.5	USD 1,243.50	reviewed emails about deposition. emails about demand
	SH - 10242023	10/24/2023	Fact Investigation/Development-L110	USD 829.00	1	USD 829.00	worked on case; discussed 30(b)(6); worked on scheduling depositions
	SH - 10272023	10/26/2023	Fact Investigation/Development-L110	USD 829.00	1	USD 829.00	worked on case; reviewed emails; discussed mediation and settlement; calls with Gary; discussed potentially taking depo
	SH - 10272023	10/27/2023	Fact Investigation/Development-L110	USD 829.00	0.5	USD 414.50	reviewed emails and reviewed notice of settlement; responded to emails with the Court about issues
	SH - 1192023	11/9/2023	Fact Investigation/Development-L110	USD 829.00	1	USD 829.00	ensured filing of notice of settlement; reviewed document; reviewed settlement agreement; emails to and from others
	SH - 1252023	12/5/2023	Fact Investigation/Development-L110	USD 829.00	0.5	USD 414.50	worked on case; discussed status; handled matters about settlement
	SH - 12202023	12/20/2023	Fact Investigation/Development-L110	USD 829.00	0.5	USD 414.50	worked on case; handled matters; emails to and from opposing counsel; discussed settlement
	SH - 12232023	12/23/2023	Fact Investigation/Development-L110	USD 829.00	1	USD 829.00	reviewed revised settlement documents; reviewed email from Danielle about case
	SH - 12262023	12/25/2023	Fact Investigation/Development-L110	USD 829.00	0.5	USD 414.50	reviewed additional revisions to settlement agreement
	SH - 12282023	12/28/2023	Fact Investigation/Development-L110	USD 829.00	0.5	USD 414.50	reviewed emails with Danielle
	SH - 182024	1/8/2024	Fact Investigation/Development-L110	USD 878.00	0.5	USD 439.00	reviewed additional revisions to settlement agreement; reviewed emails from defense counsel
	SH - 1102024	1/9/2024	Fact Investigation/Development-L110	USD 878.00	1	USD 878.00	continued working on case; handled matters; emails to and from opposing counsel; discussed with Hollie at EA about why they should be claims administrator
	SH - 1102024	1/10/2024	Fact Investigation/Development-L110	USD 878.00	1.5	USD 1,317.00	worked on case; handled matters; worked on case;
	SH - 1112024	1/11/2024	Fact Investigation/Development-L110	USD 878.00	0.5	USD 439.00	continued reviewing emails and issues;
	SH - 1172024	1/17/2024	Fact Investigation/Development-L110	USD 878.00	0.5	USD 439.00	worked on case; reviewed matters and emails with co-counsel and motion for prelim approval
	SH - 1202024	1/18/2024	Fact Investigation/Development-L110	USD 878.00	0.5	USD 439.00	worked on case; reviewed correspondence from opposing counsel about status and issues
SH - 1232024	1/22/2024	Fact Investigation/Development-L110	USD 878.00	0.5	USD 439.00	emails to and from claims administrator about status of case	
SH - 1252024	1/25/2024	Fact Investigation/Development-L110	USD 878.00	0.5	USD 439.00	reviewed emails with Danielle Perry; opposing counsel about settlement issues	
SH - 272024	2/6/2024	Fact Investigation/Development-L110	USD 878.00	1	USD 878.00	reviewed revisions to memorandum and additional revisions by defendants	
SH - 292024	2/8/2024	Fact Investigation/Development-L110	USD 878.00	1.5	USD 1,317.00	worked on case; emails to and from defendants; worked on case; reviewed signed documents and matters	
SH - 292024	2/9/2024	Fact Investigation/Development-L110	USD 878.00	1	USD 878.00	worked on case; discussed with Scott; ensured filing of settlement documents; reviewed documents for filing	
SH - 2222024	2/21/2024	Fact Investigation/Development-L110	USD 878.00	0.5	USD 439.00	reviewed emails about case and other issues; worked on matters; reviewed preliminary approval issues in NC	
SH - 2232024	2/22/2024	Fact Investigation/Development-L110	USD 878.00	1	USD 878.00	reviewed filing for prelim approval edit; reviewed prelim approval order	
SH - 2292024	2/29/2024	Fact Investigation/Development-L110	USD 878.00	0.5	USD 439.00	worked on case; handled issues with final approval	
SH - 3112024	3/11/2024	Fact Investigation/Development-L110	USD 878.00	0.5	USD 439.00	reviewed revisions to notice; email to administrator	

	SH - 3122024	3/12/2024	Fact Investigation/Development-L110	USD 878.00	0.5	USD 439.00	worked on case; emails to and from others; handled matters; reviewed notice issues
	SH - 3192024	3/19/2024	Fact Investigation/Development-L110	USD 878.00	0.5	USD 439.00	reviewed various emails about status of claims
Subtotal	Sum					37.5	USD 31,310.00
	Count	47					
Carolyn CJ Cuneo	CC - 132024	12/4/2023		USD 829.00	8	USD 6,632.00	Draft MPA
	CC - 132024	12/5/2023		USD 829.00	6	USD 4,974.00	Draft MPA
	CC - 132024	12/8/2023		USD 829.00	1	USD 829.00	coordinate filing status report
	CC - 132024	12/8/2023		USD 829.00	7	USD 5,803.00	Review and edit Settlement agreement and exhibits
	CC - 1312024	1/19/2024		USD 878.00	4	USD 3,512.00	draft Leitz Declaration ISO MPA and cover motion
Subtotal	Sum					26	USD 21,750.00
	Count	5					
Scott E. Heldman	SH - 9122022	9/12/2022	Pleadings-L210	USD 208.00	2.5	USD 520.00	Draft Summons and Civil Cover Sheet, Review, format and file Complaint
	SH - 10182022	10/18/2022	Other Written Motions and Submissions-L250	USD 208.00	0.7	USD 145.60	Draft Acceptance of Service for DEF to review.
	SH - 10262022	10/26/2022	Document/File Management / Administration-L140	USD 208.00	0.4	USD 83.20	Review and respond to email. Follow up on Acceptance of Service.
	SH - 10282022	10/28/2022	Document/File Management / Administration-L140	USD 208.00	0.5	USD 104.00	Draft cover letter and mail Acceptance of Service to Clerk for filing; update casefile.
	SH - 1172022	11/7/2022	Document/File Management / Administration-L140	USD 208.00	0.2	USD 41.60	Review email and update casefile.
	SH - 11162022	11/16/2022	Document/File Management / Administration-L140	USD 208.00	0.5	USD 104.00	Review and respond to emails with co-counsel regarding Motions for admission PHV.
	SH - 11222022	11/22/2022	Document/File Management / Administration-L140	USD 208.00	0.3	USD 62.40	Review and respond to email re: PHV.
	SH - 12122022	12/12/2022	Other Written Motions and Submissions-L250	USD 208.00	1.9	USD 395.20	Finalize and file PHV Mason Law attorneys
	SH - 12132022	12/13/2022	Other Written Motions and Submissions-L250	USD 208.00	1.2	USD 249.60	Continue finishing steps of PHV's for Mason LLP.
	SH - 1102023	1/10/2023	Other Written Motions and Submissions-L250	USD 208.00	0.8	USD 166.40	Complete Registration Statements for Mason Law Attorneys.
	SH - 1172023	1/17/2023	Document/File Management / Administration-L140	USD 225.00	1.9	USD 427.50	Review and respond to email regarding CMC, CMM, PCMO. Pull go-bys,, review rules, update pleadings and calendar.
	SH - 1232023	1/23/2023	Document/File Management / Administration-L140	USD 225.00	0.2	USD 45.00	Review filing and update casefile.
	SH - 1242023	1/24/2023	Document/File Management / Administration-L140	USD 225.00	0.9	USD 202.50	Review filing, update casefile and calendar.
	SH - 1242023	1/24/2023	Other Written Motions and Submissions-L250	USD 225.00	0.5	USD 112.50	Finalize and file PHV Gary Klinger.
	SH - 1272023	1/27/2023	Document/File Management / Administration-L140	USD 225.00	0.5	USD 112.50	Mail documents to Durham for filing.
	SH - 1022023	10/2/2023	Document/File Management / Administration-L140	USD 225.00	0.2	USD 45.00	Review and respond to email.
	SH - 1122024	1/12/2024	Other Written Motions and Submissions-L250	USD 239.00	0.5	USD 119.50	Review, file and serve 2nd Status Report
	SH - 292024	2/9/2024	Pleadings-L210	USD 239.00	2.7	USD 645.30	Review, Format, Finalize and File Motion for Preliminary Approval; update casefile.
	SH - 2222024	2/22/2024	Document/File Management / Administration-L140	USD 239.00	0.2	USD 47.80	Review email, update calendar
	SH - 2232024	2/23/2024	Other Written Motions and Submissions-L250	USD 239.00	0.6	USD 143.40	Review , Finalize and file document; update casefile.
Subtotal	Sum					17.2	USD 3,773.00
	Count	20					
John Nelson	JN - 2142023	2/14/2023	Other Case Assessment, Development and Administration-L140	USD 508.00	1.2	USD 609.60	Review and revise proposed protective order
	JN - 332023	2/20/2023	Other Case Assessment, Development and Administration-L140	USD 508.00	0.6	USD 304.80	Review and revise protective order
	JN - 5242023	5/23/2023	Written Discovery-L310	USD 508.00	1.8	USD 914.40	Review discovery and N.C. State /Local rules, review file, draft 30(b)(6) Notice
Subtotal	Sum					3.6	USD 1,828.80
	Count	3					
Sandra Passanisi	SM - 9132022	9/13/2022	Fact Investigation/Development-L110	USD 208.00	0.3	USD 62.40	Review of Complaint. Save to file. Emails w GMK and S. Heldman re case. Update MCL, Service SS and PHV SS. File admin.
	SM - 1182023	1/18/2023	Fact Investigation/Development-L110	USD 225.00	0.3	USD 67.50	Review of ECFs. Save pleadings to file. Review of pleadings. Update calendar. File admin.
	SM - 1232023	1/23/2023	Other Written Motions and Submissions-L250	USD 225.00	1	USD 225.00	Draft PHV Motion, Affidavit and stmt of client. Emails w S. Heldman re same. Email to co-counsel re stmt of client. Review of NC rules re PHV.
	SM - 1242023	1/24/2023	Other Written Motions and Submissions-L250	USD 225.00	1	USD 225.00	Review, revise and finalize PHV docs for GMK. Email to S. Heldman w Reg. Stmt for filing with court. File admin.
	SM - 1252023	1/25/2023	Fact Investigation/Development-L110	USD 225.00	0.4	USD 90.00	Review of Order granting PHV of GMK. Update file and PHV SS. Attempt to register GMK w NC Business court. Email T. Estes at NC Court re issues w registration.
	SP - 262023	2/6/2023	Written Discovery-L310	USD 225.00	0.4	USD 90.00	Review of discovery to plaintiff. save to file. update calendar. File admin.
	SP - 362023	3/6/2023	Other Case Assessment, Development and Administration-L140	USD 225.00	0.2	USD 45.00	Attn to emails re mediation. Update calendar. Execute and forward agrs to JAMS.
	SP - 382023	3/8/2023	Other Case Assessment, Development and Administration-L140	USD 225.00	0.2	USD 45.00	Attn to emails re discovery reqs and responses. Update calendar deadlines. File admin.
	SP - 9292023	9/29/2023	Fact Investigation/Development-L110	USD 225.00	0.2	USD 45.00	Review of depo notice of plaintiff. Update calendar and file. File admin.
	SP - 10232023	10/23/2023	Fact Investigation/Development-L110	USD 225.00	0.2	USD 45.00	Email comms w court report and GMK re depo of defendant.
	SP - 10272023	10/27/2023	Pleadings-L210	USD 225.00	0.7	USD 157.50	Draft Notice of Settlement. Emails w GMK re same.
	SP - 10302023	10/30/2023	Fact Investigation/Development-L110	USD 225.00	0.2	USD 45.00	Attn to emails re Notice of Settlement. Emails w S. Heldman re filing.
	SP - 292024	2/9/2024	Document/File Management / Administration-L140	USD 239.00	0.2	USD 47.80	Attn to emails re firm resume for motions.
	SP - 2262024	2/26/2024	Fact Investigation/Development-L110	USD 239.00	1	USD 239.00	Review of PAO. T/C w K. Brennan re same. File admin
Subtotal	Sum					6.3	USD 1,429.20
	Count	14					
Dean Meyer	DM - 2202023	2/14/2023	Other Case Assessment, Development and Administration-L140	USD 413.00	2.4	USD 991.20	Drafting Protective Order
Subtotal	Sum					2.4	USD 991.20
	Count	1					
David Lietz	DL - 8272023	8/22/2023	Analysis/Strategy-L120	USD 997.00	0.3	USD 299.10	Email to Gary Klinger and John Nelson about status of case, 30(b)(6) depo
	DL - 8272023	8/23/2023	Analysis/Strategy-L120	USD 997.00	0.1	USD 99.70	Email exchange with Gary Klinger about 30(b)(6)
Subtotal	Sum					0.4	USD 398.80
	Count	2					

Heather Sheflin	HS - 4262023	4/25/2023	Document/File Management / Administration-L140	USD 225.00	0.2	USD 45.00	Receipt and review of email from GMK, affixed signature to Mediation Agreement, and emailed back
	HS - 10242023	10/24/2023	Document/File Management / Administration-L140	USD 225.00	0.3	USD 67.50	Receipt and review of GMK email re Amended Notice, revised Notice, conference with SP re Zoom link, emailed to GMK
	HS - 10262023	10/26/2023	Document/File Management / Administration-L140	USD 225.00	0.2	USD 45.00	Receipt and review of email with Zoom link for depo, updated calendar, updated amended notice, received text from SP that she was on the phone with Gary so I exited the document
Subtotal	Sum					0.7	USD 157.50
	Count	3					
Ashley Tyrrell	AT - 12132023	12/13/2023	Document/File Management / Administration-L140	USD 208.00	0.1	USD 20.80	Reviewed and saved ECF forwarded from Heather. Folder up to date.
Subtotal	Sum					0.1	USD 20.80
	Count	1					
	TOTAL					149.7	USD 108,834.30
	Count	109					

<u>Date</u>	<u>Task</u>	<u>Notes</u>	<u>Hours</u>	<u>First Name</u>	<u>Last Name</u>	<u>Roles</u>	<u>Billable Rate</u>	<u>Billable Amount</u>
9/7/2022	Admin - Incl. Case File Management	Review and tag leads in Law Ruler; Update campaign report.	0.7	Carol	Cornelise	Client Specialist	\$150.00	\$105.00
9/8/2022	Pleadings - Incl. Motions, Briefs, Legal Research	Gather facts for Complaint; Draft Complaint.	2.4	Lisa	White	Staff Attorney	\$850.00	\$2,040.00
9/8/2022	Client Contact	Complete detailed intake form for Plaintiff (Mr. Dan Green).	0.2	Carol	Cornelise	Client Specialist	\$150.00	\$30.00
9/8/2022	Admin - Incl. Case File Management	Review and tag leads in Law Ruler; Download and save second copy of Dan Green's Notice; Add note to Law Ruler.	0.5	Carol	Cornelise	Client Specialist	\$150.00	\$75.00
9/9/2022	Pleadings - Incl. Motions, Briefs, Legal Research	Draft Complaint.	6.7	Lisa	White	Staff Attorney	\$850.00	\$5,695.00
9/9/2022	Pleadings - Incl. Motions, Briefs, Legal Research	Prepare Exhibit A.	0.5	Jenni	Suhr	Paralegal	\$225.00	\$112.50
9/9/2022	Admin - Incl. Case File Management	Upload Notice to Law Ruler; Forward Notice to Ms. L. White; Forward draft Complaint to Dan Green for review; Send follow up text to Dan Green regarding the same.	0.5	Carol	Cornelise	Client Specialist	\$150.00	\$75.00
9/12/2022	Pleadings - Incl. Motions, Briefs, Legal Research	Email Complaint to Mr. S. Harris for filing.	0.2	Gary	Mason	Partner	\$1,050.00	\$210.00
9/12/2022	Pleadings - Incl. Motions, Briefs, Legal Research	Coordinate filing of Complaint.	0.1	Danielle	Perry	Partner	\$750.00	\$75.00
9/20/2022	Client Contact	Follow up about new intake; Conduct review of current information.	0.2	Lisa	White	Staff Attorney	\$850.00	\$170.00
9/20/2022	Fact/Investigation	Correspond via email with Mr. S. Heldman regarding service of Summons; Add deadlines to calendar; Update Master Case List.	0.3	Taylor	Heath	Paralegal	\$225.00	\$67.50
11/14/2022	Case Management & Litigation Strategy	Confer with new Plaintiff.	0.1	Lisa	White	Staff Attorney	\$850.00	\$85.00
11/16/2022	Pleadings - Incl. Motions, Briefs, Legal Research	Conduct research on <i>pro hac vice</i> applications in NC Business Court.	1.6	Jenni	Suhr	Paralegal	\$225.00	\$360.00
11/17/2022	Litigation Strategy/Analysis - Incl. Attorney Meetings	Review and analyze emails with co-counsel regarding NC Business Court.	0.2	Danielle	Perry	Partner	\$750.00	\$150.00
11/18/2022	Litigation Strategy/Analysis - Incl. Attorney Meetings	Review and reply to emails regarding designation of NC Business Court.	0.2	Gary	Mason	Partner	\$1,050.00	\$210.00
11/18/2022	Pleadings - Incl. Motions, Briefs, Legal Research	Draft <i>pro hac vice</i> applications.	3.3	Jenni	Suhr	Paralegal	\$225.00	\$742.50
11/21/2022	Pleadings - Incl. Motions, Briefs, Legal Research	Draft <i>pro hac vice</i> applications.	2.2	Jenni	Suhr	Paralegal	\$225.00	\$495.00
11/21/2022	Litigation Strategy/Analysis - Incl. Attorney Meetings	Review and analyze Transfer Order; Emails regarding the same.	0.2	Danielle	Perry	Partner	\$750.00	\$150.00
11/21/2022	Pleadings - Incl. Motions, Briefs, Legal Research	Review and edit <i>pro hac vice</i> applications for attorneys Mr. G. Mason, Ms. D. Perry and Ms. L. White; Confer with Ms. J. Suhr regarding the same; Notarize <i>pro hac vice</i> application.	1.3	Taylor	Heath	Paralegal	\$225.00	\$292.50
11/22/2022	Pleadings - Incl. Motions, Briefs, Legal Research	Send Client Statement to Daniel Green for <i>pro hac vice</i> application signature.	0.8	Jenni	Suhr	Paralegal	\$225.00	\$180.00
11/22/2022	Discovery (Draft/Respond/Meet & Confer)	Draft Pre-mediation Discovery Requests.	1.9	Lisa	White	Staff Attorney	\$850.00	\$1,615.00
11/22/2022	Litigation Strategy/Analysis - Incl. Attorney Meetings	Participate in call with Shrake regarding potential mediation.	0.2	Danielle	Perry	Partner	\$750.00	\$150.00
11/23/2022	Pleadings - Incl. Motions, Briefs, Legal Research	Draft <i>pro hac vice</i> applications.	2.8	Jenni	Suhr	Paralegal	\$225.00	\$630.00
11/23/2022	Pleadings - Incl. Motions, Briefs, Legal Research	Finalize dates for past <i>pro hac vice</i> appearances in G. Mason's <i>pro hac vice</i> application; Confer with J. Suhr regarding the same.	0.3	Taylor	Heath	Paralegal	\$225.00	\$67.50
11/28/2022	Pleadings - Incl. Motions, Briefs, Legal Research	Work on <i>pro hac vice</i> applications.	2.4	Jenni	Suhr	Paralegal	\$225.00	\$540.00
11/28/2022	Admin - Incl. Case File Management	Download filed copies of documents from online docket; Calendar response deadline; Attend to <i>pro hac vice</i> applications.	0.5	Taylor	Heath	Paralegal	\$225.00	\$112.50
11/29/2022	Pleadings - Incl. Motions, Briefs, Legal Research	Edit and finalize <i>pro hac vice</i> applications; Notarize <i>pro hac vice</i> applications and send checks for <i>pro hac vice</i> application fees to S. Heldman; Prepare Statement of Client and send to Mr. S. Heldman via USPS certified mail with checks; Drive to mailbox and deposit in mail; Scan and save copies of checks.	2	Taylor	Heath	Paralegal	\$225.00	\$450.00
12/8/2022	Mediation - Incl. Prep, Briefing, and Attendance	Draft Pre-mediation discovery.	0.2	Lisa	White	Staff Attorney	\$850.00	\$170.00
12/8/2022	Pleadings - Incl. Motions, Briefs, Legal Research	Email regarding mediation dates.	0.2	Gary	Mason	Partner	\$1,050.00	\$210.00
12/13/2022	Admin - Incl. Case File Management	Set up e-filing accounts for attorneys D. Perry, L. White & G. Mason in NC Business Court.	1.5	Jenni	Suhr	Paralegal	\$225.00	\$337.50
12/13/2022	Case Management & Litigation Strategy	Download missing docket items; Update calendar; Follow-up on status of <i>pro hac vice</i> applications.	0.4	Taylor	Heath	Paralegal	\$225.00	\$90.00
12/13/2022	Pleadings - Incl. Motions, Briefs, Legal Research	Attend to <i>pro hac vice</i> applications.	0.2	Danielle	Perry	Partner	\$750.00	\$150.00
12/20/2022	Litigation Strategy/Analysis - Incl. Attorney Meetings	Draft emails regarding scheduling of status conference.	0.3	Gary	Mason	Partner	\$1,050.00	\$315.00
12/21/2022	Admin - Incl. Case File Management	Respond to email from G. Mason; Review new plaintiff record in Law Ruler.	0.2	Carol	Cornelise	Client Specialist	\$150.00	\$30.00
12/23/2022	Admin - Incl. Case File Management	Consult with L. White about Case Management Conferences.	0.2	Carol	Cornelise	Client Specialist	\$150.00	\$30.00
12/23/2022	Client Contact	Call Dan Green about Case Management Conference; Put note in Law Ruler	0.2	Carol	Cornelise	Client Specialist	\$150.00	\$30.00
1/11/2023	Litigation Strategy/Analysis - Incl. Attorney Meetings	Attend to Case Management issues.	0.9	Lisa	White	Staff Attorney	\$850.00	\$765.00
1/11/2023	Litigation Strategy/Analysis - Incl. Attorney Meetings	Confer via emails with opposing counsel regarding case.	0.2	Lisa	White	Staff Attorney	\$850.00	\$170.00
1/11/2023	Litigation Strategy/Analysis - Incl. Attorney Meetings	Verify Local Rules for scheduling and Case Management; Draft forms; Consult with local counsel.	1.8	Lisa	White	Staff Attorney	\$850.00	\$1,530.00
1/12/2023	Admin - Incl. Case File Management	Discuss strategy and approach for Protective Order.	0.3	Lisa	White	Staff Attorney	\$850.00	\$255.00
1/16/2023	Litigation Strategy/Analysis - Incl. Attorney Meetings	Collect general date preferences for case schedule.	0.5	Lisa	White	Staff Attorney	\$850.00	\$425.00
1/17/2023	Case Management & Litigation Strategy	Draft and review emails about Case Management Conference; Follow up regarding the same.	3.9	Lisa	White	Staff Attorney	\$850.00	\$3,315.00
1/17/2023	Litigation Strategy/Analysis - Incl. Attorney Meetings	Meet and confer regarding Status Report.	0.9	Gary	Mason	Partner	\$1,050.00	\$945.00

1/18/2023	Mediation - Incl. Prep, Briefing, and Attendance	Reach out to various case managers for potential mediators; Updating mediator availability document for G. Mason.	0.8	Taylor	Heath	Paralegal	\$225.00	\$180.00
1/19/2023	Case Management & Litigation Strategy	Prepare for Case Management Conference.	2.8	Lisa	White	Staff Attorney	\$850.00	\$2,380.00
1/20/2023	Case Management & Litigation Strategy	Prepare for Case Management Conference.	0.4	Lisa	White	Staff Attorney	\$850.00	\$340.00
1/20/2023	Litigation Strategy/Analysis - Incl. Attorney Meetings	Prepare for Case Management Conference.	0.5	Gary	Mason	Partner	\$1,050.00	\$525.00
1/20/2023	Pleadings - Incl. Motions, Briefs, Legal Research	Review and edit Case Management Conference Report and Proposed Case Management Order; Fix formatting and finalize for filing; Fix attorneys' N.C. Business Court e-filing accounts; Confer with Ms. S. Chowdhury and J. Suhr regarding the same; Update login and password chart; File and save Case Management Report and Proposed Case Management Order; Save missing ECFs from online docket; Confer with J. Suhr regarding deadline to submit Attorney Registration Statements to N.C. Bar.	2	Taylor	Heath	Paralegal	\$225.00	\$450.00
1/23/2023	Court Appearance	Prepare for and attend Case Management Conference.	0.8	Lisa	White	Staff Attorney	\$850.00	\$680.00
1/23/2023	Admin - Incl. Case File Management	Attend to Case Management Conference.	1	Gary	Mason	Partner	\$1,050.00	\$1,050.00
1/23/2023	Case Management & Litigation Strategy	Send Client Statement to Dan Green for Mr. G. Klinger's <i>pro hac vice</i> application; Emails with Ms. S. Passanisi regarding the same.	0.4	Jenni	Suhr	Paralegal	\$225.00	\$90.00
1/23/2023	Admin - Incl. Case File Management	Re-circulate filed copies of Case Management Conference Report and Case Management Order to attorneys.	0.2	Taylor	Heath	Paralegal	\$225.00	\$45.00
1/24/2023	Admin - Incl. Case File Management	Download ECFs; Review Case Management Order; Calendar deadlines.	0.3	Taylor	Heath	Paralegal	\$225.00	\$67.50
2/3/2023	Mediation - Incl. Prep, Briefing, and Attendance	Review and analyze emails regarding mediation; Review Mediator Statement.	0.3	Danielle	Perry	Partner	\$750.00	\$225.00
2/3/2023	Pleadings - Incl. Motions, Briefs, Legal Research	Call with S. Chowdhury regarding Designation of Mediator questions; Send forms.	0.3	Taylor	Heath	Paralegal	\$225.00	\$67.50
2/6/2023	Pleadings - Incl. Motions, Briefs, Legal Research	Call with S. Chowdhury regarding Designation of Mediator form; Review draft and send edits before sending to defense for approval.	0.5	Taylor	Heath	Paralegal	\$225.00	\$112.50
2/13/2023	Pleadings - Incl. Motions, Briefs, Legal Research	Email G. Klinger regarding draft Protective Order.	0.2	Gary	Mason	Partner	\$1,050.00	\$210.00
2/15/2023	Pleadings - Incl. Motions, Briefs, Legal Research	Prepare for mediation; Attend to Pre-mediation Information Requests; Email Mr. D. Liu.	0.6	Gary	Mason	Partner	\$1,050.00	\$630.00
2/15/2023	Admin - Incl. Case File Management	Attend to Pre-mediation Discovery Requests; Review documents; Discuss with L. White and forward.	0.5	Salena	Chowdhury	Associate Attorney	\$425.00	\$212.50
2/16/2023	Discovery (Draft/Respond/Meet & Confer)	Attend to Pre-mediation discovery requests; Review docs.	0.9	Lisa	White	Staff Attorney	\$850.00	\$765.00
2/17/2023	Pleadings - Incl. Motions, Briefs, Legal Research	Draft First Set of Requests for Production of Documents for S. Chowdhury.	2.1	Jenni	Suhr	Paralegal	\$225.00	\$472.50
2/17/2023	Discovery (Draft/Respond/Meet & Confer)	Discuss putting Mediation Document Requests on formal template for Requests for Production of Documents with S. Chowdhury; Discuss the same with J. Suhr; Review and edit drafts; Send final drafts to S. Chowdhury.	0.8	Taylor	Heath	Paralegal	\$225.00	\$180.00
2/21/2023	Pleadings - Incl. Motions, Briefs, Legal Research	Draft Requests for Production of Documents and Interrogatories.	2	Ms. Chowdhury	Chowdhury	Associate Attorney	\$425.00	\$850.00
2/23/2023	Litigation Strategy/Analysis - Incl. Attorney Meetings	Review and approve revisions to Confidentiality Order made by the Court.	0.3	Gary	Mason	Partner	\$1,050.00	\$315.00
2/23/2023	Admin - Incl. Case File Management	Review emails regarding Interrogatories and Requests for Production of Documents.	0.2	Jenni	Suhr	Paralegal	\$225.00	\$45.00
2/23/2023	Discovery - Incl. Written or Oral	Review and analyze draft Requests for Production of Documents and Interrogatories; Attend to timing for Plaintiff's Responses.	0.5	Danielle	Perry	Partner	\$750.00	\$375.00
2/27/2023	Admin - Incl. Case File Management	Send Plaintiff's discovery response examples to Ms. Chowdhury.	0.6	Jenni	Suhr	Paralegal	\$225.00	\$135.00
2/27/2023	Discovery (Draft/Respond/Meet & Confer)	Attend to discovery.	0.5	Lisa	White	Staff Attorney	\$850.00	\$425.00
2/27/2023	Pleadings - Incl. Motions, Briefs, Legal Research	Draft pleading paper with header for S. Chowdhury.	0.5	Jenni	Suhr	Paralegal	\$225.00	\$112.50
2/27/2023	Admin - Incl. Case File Management	Review files for Requests for Production of Documents and Interrogatories.	2.5	Salena	Chowdhury	Associate Attorney	\$425.00	\$1,062.50
2/27/2023	Discovery (Draft/Respond/Meet & Confer)	Call with S. Chowdhury; Send discovery response drafts to use as examples for drafting Plaintiff's Responses to Defendant's Discovery Requests.	0.2	Taylor	Heath	Paralegal	\$225.00	\$45.00
3/2/2023	Discovery (Draft/Respond/Meet & Confer)	Attend to discovery.	0.9	Lisa	White	Staff Attorney	\$850.00	\$765.00
3/2/2023	Pleadings - Incl. Motions, Briefs, Legal Research	Attend to Discovery Responses; Investigate and draft Plaintiff's Responses.	7.6	Salena	Chowdhury	Associate Attorney	\$425.00	\$3,230.00
3/6/2023	Discovery (Draft/Respond/Meet & Confer)	Draft Discovery Responses.	1.9	Lisa	White	Staff Attorney	\$850.00	\$1,615.00
3/6/2023	Mediation - Incl. Prep, Briefing, and Attendance	Make changes to Discovery Requests.	0.4	Salena	Chowdhury	Associate Attorney	\$425.00	\$170.00
4/3/2023	Case Management & Litigation Strategy	Email to D. Liu regarding extension and meet and confer.	0.2	Gary	Mason	Partner	\$1,050.00	\$210.00
4/4/2023	Discovery (Draft/Respond/Meet & Confer)	Attend to discovery.	0.7	Lisa	White	Staff Attorney	\$850.00	\$595.00
4/4/2023	Litigation Strategy/Analysis - Incl. Attorney Meetings	Call with opposing counsel regarding discovery deadlines and progress, mediation demands, etc.	0.5	Danielle	Perry	Partner	\$750.00	\$375.00
4/4/2023	Case Management & Litigation Strategy	Call with D. Liu regarding discovery and mediation.	0.2	Gary	Mason	Partner	\$1,050.00	\$210.00
4/5/2023	Discovery (Draft/Respond/Meet & Confer)	Attend to discovery.	0.5	Lisa	White	Staff Attorney	\$850.00	\$425.00
4/5/2023	Litigation Strategy/Analysis - Incl. Attorney Meetings	Review and analyze settlement demand.	0.2	Danielle	Perry	Partner	\$750.00	\$150.00
4/17/2023	Pleadings - Incl. Motions, Briefs, Legal Research	Draft Mediation Statement.	4.3	Salena	Chowdhury	Associate Attorney	\$425.00	\$1,827.50
4/18/2023	Discovery - Incl. Written or Oral	Attend to Amended Discovery Responses.	2.3	Lisa	White	Staff Attorney	\$850.00	\$1,955.00

4/18/2023	Mediation - Incl. Prep, Briefing, and Attendance	Prepare Exhibits for Mediation Statement; Confer with S. Chowdhury regarding the same.	0.5	Taylor	Heath	Paralegal	\$225.00	\$112.50
4/18/2023	Pleadings - Incl. Motions, Briefs, Legal Research	Draft Mediation Statement.	3	Salena	Chowdhury	Associate Attorney	\$425.00	\$1,275.00
4/19/2023	Discovery (Draft/Respond/Meet & Confer)	Review and edit Supplemental Discovery and Mediation Statement.	4.4	Lisa	White	Staff Attorney	\$850.00	\$3,740.00
4/19/2023	Discovery (Draft/Respond/Meet & Confer)	Review, edit and finalize Plaintiff's Supplemental Responses to Defendant's 1st Set of Interrogatories and Requests for Production of Documents and Certificate of Service; Serve to defense counsel.	2	Taylor	Heath	Paralegal	\$225.00	\$450.00
4/19/2023	Mediation - Incl. Prep, Briefing, and Attendance	Review, edit and finalize Mediation Statement; Upload to JAMS Portal and serve to defense counsel via email.	1.5	Taylor	Heath	Paralegal	\$225.00	\$337.50
4/20/2023	Discovery (Document Review)	Review newly received document production.	0.5	Lisa	White	Staff Attorney	\$850.00	\$425.00
4/26/2023	Mediation - Incl. Prep, Briefing, and Attendance	Prepare for and attend portion of mediation.	4.7	Lisa	White	Staff Attorney	\$850.00	\$3,995.00
4/26/2023	Client Contact	Call to client about mediation; Left note in Law Ruler	0.1	Carol	Corneilse	Client Specialist	\$150.00	\$15.00
4/26/2023	Admin - Incl. Case File Management	Close leads in Law Ruler labeled "Sent Retainer" status.	0.2	Carol	Corneilse	Client Specialist	\$150.00	\$30.00
4/26/2023	Mediation - Incl. Prep, Briefing, and Attendance	Prepare for and attend mediation with Hon. Wayne Andersen.	9.5	Gary	Mason	Partner	\$1,050.00	\$9,975.00
4/26/2023	Mediation - Incl. Prep, Briefing, and Attendance	Prepare for and attend mediation with Hon. Wayne Andersen.	5	Danielle	Perry	Partner	\$750.00	\$3,750.00
4/26/2023	Mediation - Incl. Prep, Briefing, and Attendance	Attend mediation with Hon. Wayne Andersen.	8.3	Salena	Chowdhury	Associate Attorney	\$425.00	\$3,527.50
4/26/2023	Mediation - Incl. Prep, Briefing, and Attendance	Prepare for mediation.	0.5	Salena	Chowdhury	Associate Attorney	\$425.00	\$212.50
4/28/2023	Admin - Incl. Case File Management	Reviewed announcement (and accompanying document) about a mediation report; email to Ms. T. Heath.	0.2	Carol	Corneilse	Client Specialist	\$150.00	\$30.00
4/28/2023	Pleadings - Incl. Motions, Briefs, Legal Research	Draft Report of Mediator and send to Ms. S. Dicken (Judge Andersen's case manager) at JAMS for finalizing and signing before deadline.	0.8	Taylor	Heath	Paralegal	\$225.00	\$180.00
5/1/2023	Client Contact	Call to update client.	0.1	Carol	Corneilse	Client Specialist	\$150.00	\$15.00
5/1/2023	Pleadings - Incl. Motions, Briefs, Legal Research	Respond to email from S. Dicken at JAMS regarding Report of Mediator; Save for filing.	0.3	Taylor	Heath	Paralegal	\$225.00	\$67.50
5/4/2023	Pleadings - Incl. Motions, Briefs, Legal Research	Report of Mediator.	0.2	Taylor	Heath	Paralegal	\$225.00	\$45.00
5/5/2023	Pleadings - Incl. Motions, Briefs, Legal Research	File Report of Mediator and save.	0.2	Taylor	Heath	Paralegal	\$225.00	\$45.00
5/8/2023	Admin - Incl. Case File Management	Attend to Order regarding Report of Mediator; Calendar various deadlines.	0.4	Taylor	Heath	Paralegal	\$225.00	\$90.00
5/10/2023	Discovery (Draft/Respond/Meet & Confer)	Draft and review Proposed ESI and Protective Orders.	3.3	Lisa	White	Staff Attorney	\$850.00	\$2,805.00
5/10/2023	Lead Counsel Calls/Meetings	Confer with Litigation Team regarding Discovery Plan.	0.5	Salena	Chowdhury	Associate Attorney	\$425.00	\$212.50
5/10/2023	Admin - Incl. Case File Management	Confer with Litigation Team regarding Discovery Plan.	0.5	Gary	Mason	Partner	\$1,050.00	\$525.00
5/10/2023	Litigation Strategy/Analysis - Incl. Attorney Meetings	Review draft ESI Protocol for L. White.	1	Salena	Chowdhury	Associate Attorney	\$425.00	\$425.00
5/10/2023	Litigation Strategy/Analysis - Incl. Attorney Meetings	Participate in strategy call regarding next steps.	0.5	Danielle	Perry	Partner	\$750.00	\$375.00
5/11/2023	Discovery (Draft/Respond/Meet & Confer)	Edit ESI Protocol and respond to defense counsel regarding the same.	0.2	Lisa	White	Staff Attorney	\$850.00	\$170.00
5/15/2023	Discovery (Draft/Respond/Meet & Confer)	Close edits to ESI Protocol and finalize for filing.	2.5	Lisa	White	Staff Attorney	\$850.00	\$2,125.00
5/15/2023	Legal Research	Research ESI issues.	2	Salena	Chowdhury	Associate Attorney	\$425.00	\$850.00
5/15/2023	Litigation Strategy/Analysis - Incl. Attorney Meetings	Review the final ESI Protocol.	0.5	Salena	Chowdhury	Associate Attorney	\$425.00	\$212.50
5/15/2023	Discovery (Draft/Respond/Meet & Confer)	Review and analyze Proposed ESI Protocol.	0.2	Danielle	Perry	Partner	\$750.00	\$150.00
5/15/2023	Pleadings - Incl. Motions, Briefs, Legal Research	Finalize and file Stipulated ESI Protocol.	1.8	Taylor	Heath	Paralegal	\$225.00	\$405.00
6/26/2023	Discovery - Incl. Written or Oral	Review 30(b)(6) Notice; Email G. Mason, L. White and S. Chowdhury regarding same.	0.5	Danielle	Perry	Partner	\$750.00	\$375.00
7/17/2023	Pleadings - Incl. Motions, Briefs, Legal Research	Draft, research, and edit discovery.	4.5	Salena	Chowdhury	Associate Attorney	\$425.00	\$1,912.50
7/19/2023	Discovery (Draft/Respond/Meet & Confer)	Attend to 30(b)(6) Notice, Second Set of Interrogatories and Requests for Production of Documents; Email with co-counsel regarding same.	1	Danielle	Perry	Partner	\$750.00	\$750.00
7/19/2023	Pleadings - Incl. Motions, Briefs, Legal Research	Fix pleadings for D. Perry.	1.5	Salena	Chowdhury	Associate Attorney	\$425.00	\$637.50
8/10/2023	Discovery - Incl. Written or Oral	Discuss call received from defense counsel regarding depositions and follow up letter.	0.7	Lisa	White	Staff Attorney	\$850.00	\$595.00
8/10/2023	Discovery - Incl. Written or Oral	Review and analyze Supplemental Responses to Defendant's Discovery Requests.	1.2	Danielle	Perry	Partner	\$750.00	\$900.00
8/11/2023	Discovery - Incl. Written or Oral	Follow up with S. Chowdhury regarding Plaintiff's Supplementary Responses; Respond to email from Defendant.	0.5	Danielle	Perry	Partner	\$750.00	\$375.00
8/14/2023	Discovery - Incl. Written or Oral	Conduct discovery response research; Contact Plaintiff and gather documents; Draft Discovery Responses and prepare for deposition.	6	Salena	Chowdhury	Associate Attorney	\$425.00	\$2,550.00
8/15/2023	Pleadings - Incl. Motions, Briefs, Legal Research	Exhibit preparation for S. Chowdhury.	0.7	Jenni	Suhr	Paralegal	\$225.00	\$157.50
8/15/2023	Discovery (Draft/Respond/Meet & Confer)	Close review of discovery response drafts; Call with co-counsel regarding the same.	1.2	Lisa	White	Staff Attorney	\$850.00	\$1,020.00
8/15/2023	Discovery - Incl. Written or Oral	Attend to discovery verifications and messages with S. Chowdhury regarding same.	0.1	Taylor	Heath	Paralegal	\$225.00	\$22.50
8/15/2023	Discovery - Incl. Written or Oral	Conduct discovery response research; Draft Discovery Responses and contact client; Gather documents, and preparation.	6.5	Salena	Chowdhury	Associate Attorney	\$425.00	\$2,762.50
8/22/2023	Discovery - Incl. Written or Oral	Send Discovery Responses to Plaintiff for signature and send signed copies to S. Chowdhury.	0.5	Taylor	Heath	Paralegal	\$225.00	\$112.50
8/23/2023	Case Management & Litigation Strategy	Participate in discussions about Mediation Requests and discovery.	0.5	Lisa	White	Staff Attorney	\$850.00	\$425.00

8/25/2023	Litigation Strategy/Analysis - Incl. Attorney Meetings	Participate in call with defense counsel regarding potentially resuming settlement negotiations; Email regarding same.	0.5	Danielle	Perry	Partner	\$750.00	\$375.00
9/7/2023	Pleadings - Incl. Motions, Briefs, Legal Research	Research and draft Discovery Responses.	6.3	Salena	Chowdhury	Associate Attorney	\$425.00	\$2,677.50
9/11/2023	Discovery - Incl. Written or Oral	Work on review of Discovery Responses.	0.2	Danielle	Perry	Partner	\$750.00	\$150.00
9/12/2023	Discovery - Incl. Written or Oral	Finalize Supplemental Responses to Set One of Interrogatories and Requests for Production of Documents; Review and give notes on Responses to Set Two.	2	Danielle	Perry	Partner	\$750.00	\$1,500.00
9/18/2023	Discovery - Incl. Written or Oral	Follow up with opposing counsel regarding discovery.	0.2	Danielle	Perry	Partner	\$750.00	\$150.00
9/22/2023	Discovery - Incl. Written or Oral	Conduct final review of Discovery Responses.	0.5	Danielle	Perry	Partner	\$750.00	\$375.00
9/27/2023	Discovery (Depositions)	Contact client Daniel Green to confirm 10/10 deposition date and schedule deposition preparation session; Confer with D. Perry and S. Chowdhury regarding the same.	0.5	Taylor	Heath	Paralegal	\$225.00	\$112.50
9/28/2023	Discovery (Depositions)	Confirm deposition preparation session with client Daniel Green; Add dates to calendar.	0.5	Taylor	Heath	Paralegal	\$225.00	\$112.50
9/29/2023	Mediation - Incl. Prep, Briefing, and Attendance	Search for mediation information.	0.5	Lisa	White	Staff Attorney	\$850.00	\$425.00
10/2/2023	Case Management & Litigation Strategy	Send Notice of Deposition to Daniel Green.	0.1	Salena	Chowdhury	Associate Attorney	\$425.00	\$42.50
10/3/2023	Discovery (Depositions)	Discuss details for deposing Defendant's witnesses.	0.3	Lisa	White	Staff Attorney	\$850.00	\$255.00
10/3/2023	Discovery (Depositions)	Review, edit and finalize 30(b)(6) Deposition Notice; Serve on Defendant via email.	1	Taylor	Heath	Paralegal	\$225.00	\$225.00
10/3/2023	Pleadings - Incl. Motions, Briefs, Legal Research	Draft Deposition Notice to Defendant.	0.5	Salena	Chowdhury	Associate Attorney	\$425.00	\$212.50
10/4/2023	Discovery (Depositions)	Call with L. White regarding Daniel Green deposition.	0.2	Taylor	Heath	Paralegal	\$225.00	\$45.00
10/6/2023	Pleadings - Incl. Motions, Briefs, Legal Research	Prepare spam email exhibit.	0.8	Jenni	Suhr	Paralegal	\$225.00	\$180.00
10/6/2023	Case Management & Litigation Strategy	Fix deposition exhibit issue.	0.1	Salena	Chowdhury	Associate Attorney	\$425.00	\$42.50
10/8/2023	Discovery - Incl. Written or Oral	Prepare for and conduct deposition preparation call with Plaintiff.	2.2	Danielle	Perry	Partner	\$750.00	\$1,650.00
10/10/2023	Discovery (Depositions)	Conduct deposition preparation call with client; Defend deposition of Plaintiff.	4	Danielle	Perry	Partner	\$750.00	\$3,000.00
10/10/2023	Discovery (Depositions)	Attend to emails regarding Defendant's 30(b)(6) Deposition Notice; Update Notice; Confer with S. Chowdhury and J. Suhr regarding the same; Update calendar.	0.5	Taylor	Heath	Paralegal	\$225.00	\$112.50
10/18/2023	Discovery - Incl. Written or Oral	Draft and respond to emails with co-counsel regarding defense request for stay; Review and analyze 30(b)(6) status.	0.3	Danielle	Perry	Partner	\$750.00	\$225.00
10/18/2023	Mediation - Incl. Prep, Briefing, and Attendance	Review emails regarding settlement and depositions.	0.2	Gary	Mason	Partner	\$1,050.00	\$210.00
10/19/2023	Discovery - Incl. Written or Oral	Review and analyze emails from opposing counsel regarding supplemental production.	0.2	Danielle	Perry	Partner	\$750.00	\$150.00
10/23/2023	Discovery - Incl. Written or Oral	Review and analyze 30(b)(6) Deposition Notice.	0.1	Danielle	Perry	Partner	\$750.00	\$75.00
10/24/2023	Case Management & Litigation Strategy	Review settlement offer; Email co-counsel regarding same.	0.2	Gary	Mason	Partner	\$1,050.00	\$210.00
10/24/2023	Case Management & Litigation Strategy	Participate in discussion about deposition and settlement.	0.3	Lisa	White	Staff Attorney	\$850.00	\$255.00
10/24/2023	Settlement	Review and analyze settlement counteroffers; Emails regarding the same.	0.5	Danielle	Perry	Partner	\$750.00	\$375.00
10/26/2023	Case Management & Litigation Strategy	Review and reply to emails regarding settlement offers.	0.2	Gary	Mason	Partner	\$1,050.00	\$210.00
10/26/2023	Settlement	Review and analyze emails; Participate in call with D. Liu.	0.3	Danielle	Perry	Partner	\$750.00	\$225.00
10/26/2023	Admin - Incl. Case File Management	Review Notice of Deposition.	0.2	Salena	Chowdhury	Associate Attorney	\$425.00	\$85.00
10/30/2023	Case Management & Litigation Strategy	Review Notice of Settlement; Emails regarding the same.	0.2	Gary	Mason	Partner	\$1,050.00	\$210.00
10/30/2023	Admin - Incl. Case File Management	Review and analyze Notice of Settlement; Emails with co-counsel regarding next steps.	0.3	Danielle	Perry	Partner	\$750.00	\$225.00
10/30/2023	Pleadings - Incl. Motions, Briefs, Legal Research	Work on finalizing Motion for Attorneys' Fees.	3	Danielle	Perry	Partner	\$750.00	\$2,250.00
11/2/2023	Client Contact	Email with client regarding tentative settlement and potential structure.	0.4	Danielle	Perry	Partner	\$750.00	\$300.00
11/3/2023	Settlement	Work on Settlement Agreement.	4	Danielle	Perry	Partner	\$750.00	\$3,000.00
11/7/2023	Settlement	Work on Settlement Agreement; Solicit Notice bids; Follow up with co-counsel on filing Notice of Settlement.	4.1	Danielle	Perry	Partner	\$750.00	\$3,075.00
11/8/2023	Settlement	Finalize and circulate draft Settlement Agreement to Defendant.	0.3	Danielle	Perry	Partner	\$750.00	\$225.00
11/10/2023	Settlement	Email with client regarding settlement status update.	0.2	Danielle	Perry	Partner	\$750.00	\$150.00
12/6/2023	Settlement	Review and analyze Notice bids; Emails regarding settlement status.	0.3	Danielle	Perry	Partner	\$750.00	\$225.00
12/7/2023	Litigation Strategy/Analysis - Incl. Attorney Meetings	Review and respond to emails regarding settlement issues.	0.2	Gary	Mason	Partner	\$1,050.00	\$210.00
12/7/2023	Settlement	Work on drafting and circulating settlement exhibits to co-counsel.	2.5	Danielle	Perry	Partner	\$750.00	\$1,875.00
12/13/2023	Settlement	Follow up regarding settlement; Provide client with case update.	0.2	Danielle	Perry	Partner	\$750.00	\$150.00
12/22/2023	Settlement	Review revisions to Settlement Agreement; Email co-counsel regarding same.	1.5	Danielle	Perry	Partner	\$750.00	\$1,125.00
12/26/2023	Case Management & Litigation Strategy	Review and respond to comments to Settlement Agreement.	0.2	Gary	Mason	Partner	\$1,050.00	\$210.00
1/4/2024	Pleadings - Incl. Motions, Briefs, Legal Research	Review and analyze settlement negotiation email from opposing counsel; Confer with co-counsel; Respond to opposing counsel regarding the same.	0.3	Danielle	Perry	Partner	\$750.00	\$225.00
1/8/2024	Case Management & Litigation Strategy	Review and respond to emails regarding Motion for Preliminary Approval and Notice Administration.	0.2	Gary	Mason	Partner	\$1,050.00	\$210.00
1/10/2024	Settlement	Review emails regarding settlement.	0.2	Ra	Amen	Staff Attorney	\$625.00	\$125.00
1/16/2024	Settlement	Follow up with opposing counsel regarding settlement.	0.2	Danielle	Perry	Partner	\$750.00	\$150.00
1/17/2024	Settlement	Review and analyze email from opposing counsel.	0.1	Danielle	Perry	Partner	\$750.00	\$75.00

1/18/2024	Settlement	Work on Motion for Preliminary Approval and circulate to opposing counsel.	2.5	Danielle	Perry	Partner	\$750.00	\$1,875.00
1/24/2024	Settlement	Follow up with opposing counsel on outstanding issues.	0.5	Danielle	Perry	Partner	\$750.00	\$375.00
1/31/2024	Admin - Incl. Case File Management	Follow up with Defendant regarding settlement progression.	0.1	Danielle	Perry	Partner	\$750.00	\$75.00
2/6/2024	Settlement	Review Defendant's revisions to Settlement Agreement and exhibits; Finalize, combine and send to Defendant for signature.	1.5	Danielle	Perry	Partner	\$750.00	\$1,125.00
2/6/2024	Client Contact	Respond to client's request for a case update.	0.2	Danielle	Perry	Partner	\$750.00	\$150.00
2/7/2024	Settlement	Review and analyze notes regarding Settlement Agreement; Review changes; Combine and send final PDF for signature.	0.5	Danielle	Perry	Partner	\$750.00	\$375.00
2/8/2024	Pleadings - Incl. Motions, Briefs, Legal Research	Review and analyze Motion for Preliminary Approval and exhibits; Email regarding same.	1.5	Danielle	Perry	Partner	\$750.00	\$1,125.00
2/8/2024	Settlement	Circulated Settlement Agreement to counsel and Plaintiff; Email exchange with D. Perry.	0.7	Carol	Corneilse	Client Specialist	\$150.00	\$105.00
2/9/2024	Pleadings - Incl. Motions, Briefs, Legal Research	Finalize Motion for Preliminary Approval for filing.	2	Danielle	Perry	Partner	\$750.00	\$1,500.00
2/20/2024	Client Contact	Confer via email with client.	0.1	Danielle	Perry	Partner	\$750.00	\$75.00
2/21/2024	Litigation Strategy/Analysis - Incl. Attorney Meetings	Review and analyze email from court; review redlined Proposed Order; Email co-counsel regarding the same; Email opposing counsel regarding Plaintiff's approval of Proposed Preliminary Approval Order; Redline Long Form Notice and send to opposing counsel for review.	0.5	Danielle	Perry	Partner	\$750.00	\$375.00
2/22/2024	Litigation Strategy/Analysis - Incl. Attorney Meetings	Review and analyze email from Defendant; Email paralegal regarding filing of Long Form Notice.	0.3	Danielle	Perry	Partner	\$750.00	\$225.00
2/23/2024	Client Contact	Update client on Proposed Preliminary Approval Order.	0.2	Danielle	Perry	Partner	\$750.00	\$150.00
2/23/2024	Litigation Strategy/Analysis - Incl. Attorney Meetings	Review and analyze Proposed Preliminary Approval Order.	0.2	Danielle	Perry	Partner	\$750.00	\$150.00
2/26/2024	Mediation - Incl. Prep, Briefing, and Attendance	Review Proposed Preliminary Approval Order and related emails.	0.2	Gary	Mason	Partner	\$1,050.00	\$210.00
3/22/2024	Pleadings - Incl. Motions, Briefs, Legal Research	Review deadline and confer with team regarding division of labor on Motion for Attorneys' Fees, Motion for Final Approval and related papers.	0.6	Ra	Amen	Staff Attorney	\$625.00	\$375.00
3/25/2024	Case Management & Litigation Strategy	Email Mr. Ben regarding settlement strategy.	0.2	Gary	Mason	Partner	\$1,050.00	\$210.00
3/26/2024	Case Management & Litigation Strategy	Review case file and give client an update on the status of the case.	0.3	Ra	Amen	Staff Attorney	\$625.00	\$187.50
4/18/2024	Case Management & Litigation Strategy	Confer with team regarding case status.	0.2	Ra	Amen	Staff Attorney	\$625.00	\$125.00
4/23/2024	Client Contact	Update client on settlement status.	0.6	Ra	Amen	Staff Attorney	\$625.00	\$375.00
TOTAL HOURS:			222.1	TOTAL BILLABLE AMOUNT:			\$133,235.00	