

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

KRYSTIAN WNOROWSKI,
individually and on behalf of
others similarly situated,

Plaintiff,

v.

UNIVERSITY OF NEW HAVEN,

Defendant.

No. 3:20-cv 01589 (MPS)

**PLAINTIFF'S UNOPPOSED MOTION FOR AWARD OF ATTORNEYS' FEES,
REIMBURSEMENT OF COSTS, AND SERVICE AWARD FOR PLAINTIFF**

PLEASE TAKE NOTICE THAT, upon filing of the declaration of Paul J. Doolittle, accompanying exhibits, and supporting memorandum of law, upon all previous proceedings, and filings, Plaintiff Krystian Wnorowski will move this Court to award Plaintiff's Counsel Attorney's Fees in the amount of \$500,000, reimbursement of expenses in the amount of \$15,951.45 and a service award of \$10,000 for Plaintiff Wnorowski.

Dated: August 11th, 2023

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CERTIFICATE OF SERVICE

I hereby certify that on August 11th, 2023, I caused a true and correct copy of the foregoing to be served on counsel of record by electronic filing it with the Clerk of Court using the ECF system, which will send notification of such filing to the registered participants.

/s/ Paul Doolittle
Paul Doolittle

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DISTRICT OF CONNECTICUT**

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UNIVERSITY OF NEW HAVEN,

Defendant.

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**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S MOTION FOR AWARD
OF ATTORNEYS' FEES AND COSTS**

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I. Introduction

Plaintiff Krystian Wnorowski moves under Rules 23(h) and 54(d)(2) of the Federal Rules of Civil Procedure for an award of attorneys' fees, reimbursement of expenses, and approval of a Service Award for Plaintiff in connection with the proposed class action Settlement entered with Defendant University of New Haven ("UNH", "New Haven", "Defendant"). The Court preliminarily approved the Settlement on June 12th, 2023 (ECF No. 141).

Class Counsel have not received any compensation for their prosecution of this litigation, which required more than two-and-a-half years of vigorous advocacy. Plaintiff prevailed on motion to dismiss. Further, the parties engaged in voluminous fact discovery, and Class Counsel reviewed thousands of pages of party documents, defended Plaintiff's deposition, moved for class certification, and vigorously opposed Defendant's motion for summary judgment while filing a motion for summary judgment of Plaintiff's own.

This litigation is an excellent result in complex, high-risk, hard-fought case that provides a substantial financial recovery for all students. Thus, Class Counsel respectfully requests the Court approve an award of 21.9% of the Gross Settlement, or approximately \$500,000.00 in attorneys' fees, \$15,951.45, and \$10,000.00 as a Service Award for Plaintiff.

II. Argument

1. A Reasonable Percentage of the Fund Recovered Is the Appropriate Method for Awarding Attorneys' Fees in Common Fund Cases

Attorneys who achieve a benefit for class members in the form of a "common fund" are entitled to be compensated from that settlement fund for their services. *See Boeing Co. v. Van Gemert*, 444 U.S. 472, 478 (1980) ("a litigant or a lawyer who recovers a common fund for the benefit of persons other than himself or his client is entitled to a reasonable attorney's fee from the fund as a whole."); *see also Goldberger v. Integrated Res., Inc.*, 209 F.3d 43, 47 (2d Cir.

2000). The Second Circuit recognizes two methods by which attorney's fees may be assessed: (1) the “percentage of the fund” method; and (2) the lodestar method. *McDaniel v. County of Schenectady*, 595 F.3d 411, 417 (2d Cir. 2010).

As stated by the Second Circuit in *Goldberger* and summarized by this district: “irrespective of the method used [to assess attorney’s fees], the court must find that the resulting award is reasonable in light of: (1) “the time and labor expended by counsel”; (2) “the magnitude and complexities of the litigation”; (3) “the risk of the litigation”; (4) “the quality of representation”; (5) the requested fee's relationship to the settlement; and (6) “public policy considerations.” *Menkes v. Stolt-Nielsen S.A.*, No. 3:03CV00409(DJS), 2011 WL 13234815, at *4 (D. Conn. Jan. 25, 2011). As further described by the court in *Goldberger*, the purpose of the common fund doctrine is to compensate counsel fairly and adequately for their services rendered and to ensure that all class members contribute equally towards the costs associated with litigation on their behalf. *Goldberger*, 209 F.3d at 47; see also *Boeing*, 444 U.S. 472 at 478 (“The doctrine rests on the perception that persons who obtain the benefit of a lawsuit without contributing to its cost are unjustly enriched at the successful litigant’s expense.”).

The Second Circuit authorizes district courts to employ the percentage-of-the-fund method when awarding fees in common fund cases, stating that “[t]he trend in this Circuit is toward the percentage method, which directly aligns the interests of the class and its counsel and provides a powerful incentive for the efficient prosecution and early resolution of litigation.” *Wal-Mart Stores, Inc. v. Visa U.S.A., Inc.*, 396 F.3d 96, 121 (2d Cir. 2005); see also *Goldberger*, 209 F.3d at 47.

In expressly approving this method, the Second Circuit recognized that “the lodestar method proved vexing” and resulted in “an inevitable waste of judicial resources.” *Id.* at 49; *Savoie*

v. Merchs. Bank, 166 F.3d 456, 460 (2d Cir. 1999) (“the percentage-of-the-fund method has been deemed a solution to certain problems that may arise when the lodestar method is used in common fund cases.”). As described by the Supreme Court, lodestar multipliers, apart from difficulties in application, also fail to recognize risks assumed by attorneys with contingent fee agreements. *See, e.g., City of Burlington v. Dague*, 112 S. Ct. 2638 (1992).

This District has held that “[t]he second method, the “percentage of the fund” method, sets a fee that is “a reasonable percentage of the total value of the settlement fund created for the class.” *Goldberger*, 209 F.3d at 49. The general trend in this Circuit, as mentioned above, favors using the percentage method in common fund cases. *See Visa, U.S.A.*, 396 F.3d at 121 (“The trend in this Circuit is toward the percentage method[.]”)” *Simerlein v. Toyota Motor Corp.*, No. 3:17-CV-1091 (VAB), 2019 WL 2417404, at *23 (D. Conn. June 10, 2019).

Additionally, “[a]s this Court has previously noted, however, ‘[m]any courts in the Second Circuit favor the percentage of fund method for awarding attorneys’ fees in class action settlements.’” *Kemp-DeLisser*, 2016 WL 6542707, at *15 (citing *Wal-Mart Stores, Inc.*, 396 F.3d at 121); *See also Edwards v. N. Am. Power & Gas, LLC*, No. 3:14-CV-01714 (VAB), 2018 WL 3715273, at *14 (D. Conn. Aug. 3, 2018).

Supporting the favorability for percentage of the fund method even further, this District has held “[t]he Court finds that the requested fee is reasonable under the percentage-of-the-fund method of calculating attorneys’ fees. The requested percentage is within the range of percentages awarded in the Second Circuit in comparable class action.” *See, e.g., In re Priceline.com, Inc., Sec. Litig.*, Master File 3:00-CV-1884 (AVC), 2007 WL 2115592, at *5 (D. Conn. July 20, 2007) (approving attorneys’ fee award of 30% of the settlement fund and listing other Second Circuit cases that approved between 25-33 1/3% of the settlement fund in attorneys’ fees); *see also In re*

Frontier Commc'ns Corp., No. 3:17-CV-01617-VAB, 2022 WL 4080324, at *15 (D. Conn. May 20, 2022).

The background of fee decisions, the process for determining the reasonability of such fee awards, and the process for such fee awards has been well documented by courts within this Circuit. In short, attorneys' fees can be decided on a percentage basis, as discussed earlier, and will be compared against the lodestar amount of hours. *In re Frontier Commc'ns Corp.*, No. 3:17-CV-01617-VAB, 2022 WL 4080324, at *5 (D. Conn. May 20, 2022)(recognizing the use of the lodestar “as a baseline even if the percentage method is eventually chosen” and encouraging “the practice of requiring documentation of hours as a ‘cross check’ on the reasonableness of the requested percentage”) (internal citations omitted).

Accordingly, both the lodestar and the percentage funds methods can be used by district judges when calculating attorney’s fees in common fund cases. *In re Frontier Commc'ns Corp.*, No. 3:17-CV-01617-VAB, 2022 WL 4080324, at *5 (D. Conn. May 20, 2022); *see also* *McDaniel v. County of Schenectady*, 595 F.3d 411, 417 (2d Cir. 2010) (“[I]t remains the law in this Circuit that courts may award attorneys’ fees in common fund cases under either the ‘lodestar’ method or the ‘percentage of the fund’ method.”).

2. A Fee Award of \$500,000, 21.9% of the Gross Settlement Fund, is Consistent with Fees Awarded in Comparable Cases in this District

Throughout the Second Circuit as well as this District in specific, a fee award totaling nearly 21.9% percent of the gross settlement fund is reasonable and is below the typical fee awards approved within the Second Circuit. *See Bozak v. FedEx Ground Package Sys., Inc.*, No. 3:11-CV-00738-RNC, 2014 WL 3778211, at *7 (D. Conn. July 31, 2014)(“The one-third amount that Plaintiffs request is typical of fee awards in this Circuit.” (internal citations omitted)).

As discussed by this Court in *Frontier* “[t]he Court finds that the requested fee is reasonable under the percentage-of-the-fund method of calculating attorneys’ fees. The requested percentage is within the range of percentages awarded in the Second Circuit in comparable class action.” *In re Frontier Commc'ns Corp.*, No. 3:17-CV-01617-VAB, 2022 WL 4080324, at *15 (D. Conn. May 20, 2022); *See, e.g., In re Priceline.com, Inc., Sec. Litig.*, Master File 3:00-CV-1884 (AVC), 2007 WL 2115592, at *5 (D. Conn. July 20, 2007) (approving attorneys’ fee award of 30% of the settlement fund and listing other Second Circuit cases that approved between 25-33 1/3% of the settlement fund in attorneys’ fees).

Furthermore, courts within the Second Circuit have held “[t]he federal courts have established that a standard fee in complex class action cases like this one, where plaintiffs' counsel have achieved a good recovery for the class, ranges from 20 to 50 percent of the **gross settlement benefit**,” which includes the value of both monetary and nonmonetary relief, and “[d]istrict courts in the Second Circuit routinely award attorneys' fees that are 30 percent or greater.” *Fleisher v. Phoenix Life Ins. Co.*, No. 11-CV-8405 (CM), 2015 WL 10847814, at *12 (S.D.N.Y. Sept. 9, 2015).

Here, the requested fee award in this matter is \$500,000. The gross settlement value of this case is \$2,285,600.00. As such, the gross settlement benefit is less than 22% of the gross settlement fund. This is well on the lesser end of the above-mentioned settlements. Based on these factors, Class Counsel’s fee request is reasonable under a percentage-of-recovery analysis and supported by each of the *Goldberger* factors.

3. The Fees and Costs Request Is Reasonable Under the Goldberger Factors

The Second Circuit has set forth the following criteria that courts should consider when reviewing a request for attorneys’ fees in a common fund case: “(1) the time and labor expended

by counsel; (2) the magnitude and complexities of the litigation; (3) the risk of the litigation; (4) the quality of representation; (5) the requested fee in relation to the settlement; and (6) public policy considerations.” *Goldberger*, 209 F.3d at 50. As discussed in more detail below, pursuant to these factors set forth by the Second Circuit, here, Class Counsel’s requested fee of less than 22% is reasonable.

Class Counsel Have Devoted Substantial Time and Labor to Prosecuting the Action

The time and effort expended by Class Counsel in prosecuting the Action and achieving the Settlement support the requested fee. Class Counsel have dedicated their time, effort, and expense to this litigation, and they have done so entirely on a contingent basis, with no guarantee of compensation or even reimbursement of costs.

As set forth in greater detail in the Declaration of attorney Paul Doolittle, Class Counsel diligently investigated the claims, defenses, and underlying events and transactions that are the subject of the Action, and invested substantial time and resources into the prosecution of the Action, including, among other things: (1) relentlessly pursuing and reviewing thousands of university records; (2) briefing and defeating Defendant’s motion to dismiss; (3) engaging in extensive written discovery; (4) deposing Defendant’s administrators and officials; (5) preparing and filing motions for class certification and summary judgment; (6) one full day and substantial follow up mediation sessions via zoom and phone; and (7) engaging in months of settlement negotiations. (Decl. of Paul Doolittle, ¶ 7.)

In connection with this work, Class Counsel expended a total of 1,915.9 hours with a lodestar value of \$866,452.80. (*Id.* ¶ 11.) At all times, Class Counsel took care to staff the matter efficiently and avoided unnecessary duplication of effort. (*Id.* ¶ 13.) Accordingly, Class Counsel

and Class Representatives respectfully submit that the time and labor dedicated to the Actions support the fee request.

The Action Involved Complex Legal Issues of Magnitude

There is no question that during the more than two-and-a-half years of litigation, Plaintiff face, and Plaintiff's counsel resisted, defenses to liability and damages. Defendant continues to deny liability and there is no assurance that Plaintiff would have prevailed at class certification or summary judgment. Covid-19 tuition and fee litigation faces significant legal hurdles related to, *inter alia*, causation and damages. In short, this was not a simple, familiar type of case with a clear path to liability and judgment, and this litigation could have continued for several years had it not settled. Precedents in similar cases have had mixed outcomes for plaintiff students, and the question of whether the thousands of students impacted in this litigation are entitled to refunds is of great magnitude. Plaintiff's Counsel worked diligently to achieve a significant result for the Settlement Class in the face of very real litigation risks. Accordingly, this factor supports the reasonableness of the requested attorneys' fee award.

The Risks of Prosecuting the Action Support the Requested Fee

As mentioned above, this matter was a risky pursuit as it dealt with novel and undeveloped law. The Second Circuit has said "[t]he level of risk associated with litigation . . . is 'perhaps the foremost factor' to be considered in assessing the propriety of the multiplier." *McDaniel v. County of Schenectady*, 595 F.3d 411, 424 (2d Cir. 2010). "It is well-established that litigation risk must be measured as of when the case is filed." *Goldberger*, 209 F.3d at 55. At the time this case was filed, there were complex issues of fact and law that have yet to be truly decided, given the nature of appeals, the hierarchy of court systems, as well as the federalist bifurcation of state and federal

courts. This is especially true where, as here, liability depends on Plaintiff's ability to establish elements requiring subjective determinations of fact.

As well stated by this District:

"In considering the risk of litigation as it pertains to fee awards, Courts in this circuit may consider several types of risk. The most salient is the attorneys' risk in accepting a case on a contingency fee for, as the Second Circuit has noted '[n]o one expects a lawyer whose compensation is contingent upon his success to charge, when successful, as little as he would charge a client who in advance had agreed to pay for his services, regardless of success.' " *In re Giant*, 279 F.R.D. at 164 (quoting *Grinnell*, 495 F.2d at 570). Here Lead Counsel undertook this action on a wholly contingent-fee basis, devoting substantial resources to the prosecution of this action for nearly three years. *Maley*, 186 F.Supp.2d at 372 ("Class counsel undertook a substantial risk of absolute non-payment in prosecuting this action, for which they should be adequately compensated.") (internal quotation marks and citation omitted). Here the contingency risk facing Lead Counsel supports the requested award."

See In re Sturm, Ruger, & Co., Inc. Sec. Litig., No. 3:09CV1293 VLB, 2012 WL 3589610, at

*12 (D. Conn. Aug. 20, 2012).

Much like in *In Re Sturm, Ruger, & Co., Inc. Sec. Litig.*, the current matter involves a fully contingent fee. In sum, Class Counsel has devoted nearly 900,000 dollars' worth of time to their efforts in pursuing this case, all of which with no reimbursement. Class Counsel has endured in pursuing this matter for nearly three years and was ready and able to continue pursuing this matter at trial.

Class Counsel believes the claims are meritorious, tempered by the risks associated with continuing to prosecute the Action. The risk of prosecuting this action is immense. This is demonstrated by the sheer number of analogous cases that have failed and resulted in thorough defeat for deprived students. Many cases do not survive the motion to dismiss stage of litigation. Many others also fail on summary judgment. If this case were to fall into one of these categories, Plaintiff and members of the Class would receive nothing.

As mentioned above, Class Counsel undertook and litigated this case on a fully contingent basis. "Contingent-fee arrangements will encourage other attorneys to accept and prosecute cases on behalf of individuals who have sustained injuries similar to those of the plaintiffs in this case." *Collins v. Olin Corp.*, No. 303-CV-945CFD, 2010 WL 1677764, at *6 (D. Conn. Apr. 21, 2010). "In considering the risk of litigation as it pertains to fee awards, Courts in this circuit may consider several types of risk. The most salient is the attorneys' risk in accepting a case on a contingency fee for, as the Second Circuit has noted '[n]o one expects a lawyer whose compensation is contingent upon his success to charge, when successful, as little as he would charge a client who in advance had agreed to pay for his services, regardless of success.' *In re Sturm, Ruger, & Co., Inc. Sec. Litig.*, No. 3:09CV1293 VLB, 2012 WL 3589610, at *12 (D. Conn. Aug. 20, 2012).

From the outset, Class Counsel understood that it was embarking on a complex, expensive, and lengthy endeavor with no guarantee of ever being compensated. In undertaking that responsibility, Class Counsel was obligated to ensure that sufficient attorney and professional resources were dedicated to the prosecution of the Action and that funds were available to compensate staff and to pay for the costs entailed. Accordingly, the contingency risk in this case supports the requested fee award.

Class Counsel Provided (and Continues to Provide) Quality Representation

When evaluating *Goldberger's* "quality of representation" factor, courts in the Second Circuit and this District find that the magnitude and complexities of the litigation and the quality of representation by plaintiffs' counsel weigh in favor of a percentage award within a close range of the one-third award requested. "The Court of Appeals has held that "the quality of representation is best measured by results, and that such results may be calculated

by comparing ‘the extent of possible recovery with the amount of actual verdict or settlement.’ ’ *Id.* at 55 (citation omitted).

Moreover, the Second Circuit also noted that it has “historically labeled the risk of success as ‘perhaps the foremost’ factor to be considered in determining whether to award an enhancement” under a lodestar calculation. *Id.* at 54 (citation omitted). In this context, “[r]isk falls along a spectrum, and should be accounted for accordingly.” *Id.* “For example, [the Second Circuit has] held that public policy considerations justified the award of no contingency allowance in a case that was risky simply because it was of ‘highly questionable merit,’ ’ and “[s]imilarly, there are cases where the risk is ‘so slight’ that any enhancement for the contingent nature of the fee must be ‘minimal.’ ” ’ *Id.* (citations omitted).” *In re Fine Host Corp. Sec. Litig.*, No. 3:97-CV-2619 JCH, 2000 WL 33116538, at *4 (D. Conn. Nov. 8, 2000).

Class Counsel practices extensively in complex federal civil litigation, particularly the litigation of consumer protection, breach of contract, and false advertising class actions and have successfully litigated these types of actions in courts throughout the country. In particular, the Director of Class Counsel's division has three decades worth of experience in litigating in federal court, with extensive focus on multi-district litigation matters and class action suits. Much of class counsel's experience has stemmed from matters related to the September 11th attacks, as well as asbestos and tobacco matters. (See Decl. of Paul Doolittle, ¶ 19, Ex. A (Poulin | Willey | Anastopoulo, LLC resume). Here, Class Counsel brought to bear decades of collective experience prosecuting class actions into the nearly 2,000 hours devoted to this litigation. (*Id.* ¶ 11.)

Beyond general qualifications, this factor is satisfied by the fact that Class Counsel obtained a settlement in which Defendant New Haven agreed to create a \$1 million common fund, with over \$2.2 million in total value to provide restitution to Settlement Class Members. Class

Counsel's ability to obtain this substantial recovery from an aggressive, well-funded defendant like New Haven, represented by well-reputed counsel Shipman & Goodwin, LLP, is a testament to the skill with which Class Counsel have prosecuted this case. *See Kemp-DeLisser v. Saint Francis Hosp. & Med. Ctr.*, No. 15-CV-1113 (VAB), 2016 WL 6542707, at *16 (D. Conn. Nov. 3, 2016) (" "[T]he quality of opposing counsel is also important in evaluating the quality of plaintiffs' counsels' work."). *See also Fleisher v. Phx. Life Ins. Co.*, 2015 U.S. Dist. LEXIS 121574, at *71 (S.D.N.Y. Sep. 9, 2015) ("The quality of opposing counsel is also important in evaluating the quality of Lead Counsel's work."); *In re WorldCom, Inc. Sec. Litig.*, 388 F. Supp. 2d 319, 357-58 (S.D.N.Y. 2005) (finding that counsel "obtained remarkable settlements for the Class while facing formidable opposing counsel from some of the best defense firms in the country.")

The Settlement represents a highly favorable result for the Settlement Class, attributable to the diligence, determination, and hard work by Class Counsel, who developed, litigated, and successfully negotiated the Settlement against a highly skilled and determined defense team, backed by a client with substantial resources. Accordingly, the quality-of-representation factor weighs heavily in favor of supporting Class Counsel's Fees and Costs Request.

The Fee Request Is Reasonable in Relation to the Settlement

A fee application is reasonable in relation to a settlement where the amount requested is consistent with fees awarded in similar class-action settlements of comparable value. Courts in this Circuit recognize that large, complex class actions present considerable risk and require extensive work by counsel. As noted, the Settlement provides the Settlement Class with a cash benefit, and non-cash benefit, that was achieved despite the substantial obstacles and risks faced by Class Counsel in prosecuting the Actions. Fees amounting to one-third of the common fund are within the range that are regularly awarded by courts in the Second Circuit, particularly where, as

here, the requested fee is *less* than the total lodestar amount. Courts often compare a proposed fee award in a class action to the lodestar, or a “lodestar cross-check” as a final “sanity check to ensure that an otherwise reasonable percentage fee would not lead to a windfall.” *Kemp-DeLisser v. Saint Francis Hosp. & Med. Ctr.*, No. 15-CV-1113 (VAB), 2016 WL 6542707, at *17 (D. Conn. Nov. 3, 2016).

"Traditionally, federal courts have awarded fees in the 20% to 50% range in class actions. *Id.* (awarding approximately 25% of fund and collecting cases); *see, also, Greene v. Emersons, Ltd.*, [1987] Fed. Sec. L. Rep. (CCH) ¶ 93,263 (S.D.N.Y. May 20, 1987) (46.2% of common fund in securities case awarded as fees and expenses); *In re Ampicillin Antitrust Litig.*, 526 F.Supp. 494 (D.D.C.1981) (45% of \$7.3 million settlement fund awarded in fees and expenses); *Beech Cinema, Inc. v. Twentieth Century Fox Film Corp.*, 480 F.Supp. 1195 (S.D.N.Y.1979) (53% of settlement fund). Fifty percent of the fund appears to be an approximate upper limit on fees and expenses. *See* Herbert Newberg & Alba Conte, *Newberg on Class Actions*, § 14.03, at 14–13 (3d Ed. Dec. 1992)." *Maywalt v. Parker & Parsley Petroleum Co.*, 963 F. Supp. 310, 313 (S.D.N.Y. 1997)

“In a certified class action, the court may award reasonable attorney's fees and nontaxable costs that are authorized by law or by the parties' agreement.” Fed. R. Civ. P. 23(h). The “[t]otal attorneys' fees and expenses awarded by the court to counsel for the plaintiff class shall not exceed a reasonable percentage of the amount of any damages and prejudgment interest actually paid to the class.” *Menkes v. Stolt-Nielsen S.A.*, No. 3:03CV00409(DJS), 2011 WL 13234815, at *4 (D. Conn. Jan. 25, 2011).

Here, the proposed award is less than 22% of the proposed award and same is only 44% *less* than Class Counsel's total lodestar. (See Decl. of Paul Doolittle). Given that the proposed

award is less than one third of the total settlement fund and the settlement value is *less* than the lodestar, this proposed settlement fund falls well within the range of permissible settlements.

Public Policy Considerations Support the Requested Fee

Public policy also strongly supports the requested Fees and Costs Award. The social and monetary value of this matter is large. Thousands upon thousands of college students paid tens of thousands of dollars for college individually and were deprived of their benefit of the bargain in regard to their tuition. *See Hesse v Godiva Chocolatier*, 2022 US Dist. LEXIS 72641, at *40 (S.D.N.Y. Apr. 20, 2022) (“the Second Circuit ‘take[s] into account the social and economic value of class actions, and the need to encourage experienced and able counsel to undertake such litigation.’”). More specific to this District: Class Counsel's fees “should reflect the important public policy goal of providing lawyers with sufficient incentive to bring common fund cases that serve the public interest.” *Kemp-DeLisser v. Saint Francis Hosp. & Med. Ctr.*, No. 15-CV-1113 (VAB), 2016 WL 6542707, at *17 (D. Conn. Nov. 3, 2016).

Similar to age and hour disputes, the action itself involves many class members with small claims against one sole defendant, and many of the Class Members would not have been able to bring their actions given the value of such actions. *See Kiefer v. Moran Foods, LLC*, No. 12-CV-756 WGY, 2014 WL 3882504, at *8 (D. Conn. Aug. 5, 2014) “public policy favors a common fund attorneys' fee award, Fee awards in wage and hour cases are meant to “encourage members of the bar to provide legal services to those whose wage claims might otherwise be too small to justify the retention of able, legal counsel.” (internal citations omitted).

Had Class Counsel not taken on the risk of prosecuting this action, and had Class Counsel not been equipped with the skills and resources necessary to pursue the claims vigorously, the Settlement Class would have recovered nothing, and important public interests would not have

been vindicated. Thousands of deprived college students would have no remedy for their lost funds, as legislatures took no action in favor of college students, and some state lawmakers even passed laws granting immunity to the universities who deprived students of their benefit of the bargain.¹ As illustrated, without Class Counsel, Class Members would have no remedy for their losses.

Awarding a reasonable percentage of the common fund properly motivates zealous enforcement of laws and incentivizes skilled counsel to bring meritorious cases even where, at the outset, the prospect of any recovery is uncertain, and the costs are daunting. "In order to attract well-qualified plaintiffs' counsel who are able to take a case to trial, and who defendants understand are able and willing to do so, it is necessary to provide appropriate financial incentives." *In re Comverse Tech., Inc. Sec. Litig.*, No. 06-CV-1825 (NGG), 2010 WL 2653354, at *6 (E.D.N.Y. June 24, 2010).

Plaintiffs' counsel in such cases are typically retained on a contingent basis due to the huge commitment of time and expense required relative to the losses suffered by an individual representative plaintiff. Furthermore, the significant expense, combined with the high degree of uncertainty of success, means that contingency fees are virtually the only means of recovery in such cases. Class Counsel assumed substantial risk by prosecuting the Actions and achieved a significant benefit to the Class. Awarding attorneys' fees adequately compensating counsel serves an important public policy interest. Accordingly, public policy supports Class Counsel's requested fee.

4. The Requested Attorneys' Fees are Reasonable Under the Lodestar Cross-Check

¹ <https://www.ncleg.gov/Sessions/2019/Bills/Senate/PDF/S208v5.pdf>

The lodestar fee calculation method has “fallen out of favor particularly because it encourages bill-padding and discourages early settlements.” *In re Colgate-Palmolive Co. ERISA Litig.*, 36 F. Supp. 3d 344, 353 (S.D.N.Y. 2014). More specific to this District, in reference to the lodestar method: “However, “[s]ince at least the late 1980s[,] the trend within this circuit has been toward the percentage-of-recovery method.” *In re Fine Host Corp. Sec. Litig.*, No. 3:97-CV-2619 JCH, 2000 WL 33116538, at *2 (D. Conn. Nov. 8, 2000).

Accordingly, the lodestar method is used in this Circuit only “as a sanity check to ensure that an otherwise reasonable percentage fee would not lead to a windfall.” “[W]here used as a mere cross-check, the hours documented by counsel need not be exhaustively scrutinized by the district court.” *Goldberger*, 209 F.3d at 50. As well defined by this District: “The Second Circuit has also recognized the use of the lodestar “as a baseline even if the percentage method is eventually chosen” and “encourage[d] the practice of requiring documentation of hours as a ‘cross check’ on the reasonableness of the requested percentage.” *IN RE SYNCHRONY FINANCIAL SECURITIES LITIGATION*, No. 3:18-CV-1818-VAB, 2023 WL 4992933, at *4 (D. Conn. Aug. 4, 2023).

“Under the lodestar approach, the Court multiplies the number of hours reasonably worked by what the Court deems to be a reasonable hourly rate.” *Trustees of Loc. 478 Annuity Fund v. J.A.M. Constr. Co., LLC*, No. 3:18-CV-1115 (JBA), 2019 WL 2191796, at *2 (D. Conn. Jan. 11, 2019), No. 3:18-CV-1115 (JBA), 2019 WL 2188912 (D. Conn. Mar. 6, 2019); *See, also, In re Flag Telecom Holdings*, 2010 U.S. Dist. LEXIS 119702, at *76 (S.D.N.Y. Nov. 5, 2010), at *26 (“Under the lodestar method, a positive multiplier is typically applied to the lodestar in recognition of the risk of litigation, the complexity of the issues, the contingent nature of the engagements, the

skill of the attorneys, and other factors.”) The lodestar cross-check confirms that Class Counsel’s request is reasonable.

Class Counsel billed 1,915.9 hours prosecuting the Action. (Decl. of Paul Doolittle, ¶ 11.) At the prevailing market rate per the Laffey matrix, these hours translate into \$866,452.80 total lodestar as of August 9, 2023. (*Id.*) As such, Class Counsel’s request for \$500,000 in attorneys’ fees represents a negative lodestar multiplier of approximately .44, or 56% of the total lodestar amount. (*Id.*) Courts in this District and circuit, along with many others, find that a negative lodestar multiplier supports an inference that the fee request is reasonable. “Having reviewed the lodestar crosscheck calculation, the Court concludes that a negative lodestar multiplier of 0.7 is reasonable because positive multipliers are frequently awarded in comparable securities class actions. *IN RE SYNCHRONY FINANCIAL SECURITIES LITIGATION*, No. 3:18-CV-1818-VAB, 2023 WL 4992933, at *11 (D. Conn. Aug. 4, 2023); *Jermyn v. Best Buy Stores, L. P.*, 2012 U.S. Dist. LEXIS 90289, at *26-27 (S.D.N.Y. June 27, 2012) (“Here the lodestar multiplier is negative, and this is further indication of the reasonableness of the negotiated fee.”)

As documented by this district, the negative lodestar multiplier is exceedingly modest in comparison to the range commonly awarded multiples as high as eight:

“In fact, “Courts regularly award lodestar multipliers of up to eight times the lodestar, and in some cases, even higher multipliers.” *Beckman*, 293 F.R.D. 467, 2013 WL 1803736, at *13; *see also Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1052–54 (9th Cir.2002) (listing nationwide class action settlements where multiplier ranged up to 8.5 times); *Sewell*, 2012 WL 1320124, at *13 (“Courts commonly award lodestar multipliers between two and six.”); *In re Lloyd's Am. Trust Fund Litig.*, No. 96 Civ. 1262, 2002 WL 31663577, at *27 (S.D.N.Y. Nov. 26, 2002) (a “multiplier of 2.09 is at the lower end of the range of multipliers awarded by courts within the Second Circuit”); *see, e.g., Steiner v. Am. Broad Co.*, 248 Fed. Appx. 780, 783 (9th Cir.2007) (multiplier of 6.85 “falls well within the range of multipliers that courts have allowed”); *Ramirez v. Lovin' Oven Catering Suffolk, Inc.*, No. 11 Civ. 520, 2012 WL 651640, at *4 (S.D.N.Y. Feb.24, 2012) (granting attorneys' fees equal to 6.8 times lodestar); *Davis*, 827 F.Supp.2d at 184–86 (awarding multiplier of 5.3 in wage and hour class action); *Buccellato v. AT &*

T Operations, Inc., No. 10 Civ. 463, 2011 WL 3348055, at *2 (N.D.Cal. Jun. 30, 2011) (awarding multiplier of 4.3 in wage and hour class action); *New England Carpenters Health Benefits Fund v. First Databank, Inc.*, No. 05 Civ. 11148, 2009 WL 2408560, at *2 (D.Mass. Aug. 3, 2009) (awarding multiplier of 8.3); *In re Enron Corp. Sec., Derivative & ERISA Litig.*, 586 F.Supp.2d 732, 803 (S.D.Tex.2008) (awarding multiplier of 5.2); *In re Cardinal Health Inc. Sec. Litig.*, 528 F.Supp.2d 752, 768 (S.D.Ohio 2007) (awarding multiplier of six times); *In re Rite Aid Sec. Litig.*, 362 F.Supp.2d 587, 589–90 (E.D.Pa.2005) (awarding multiplier of seven times); *Maley v. Del Global Techs. Corp.*, 186 F.Supp.2d 358, 371 (S.D.N.Y. Jan.29, 2002) (“modest multiplier” of 4.65 in wage and hour class action was “fair and reasonable”); *In re RJR Nabisco, Inc. Sec. Litig.*, No. 88 Civ. 7905, 1992 WL 210138, at *5 (S.D.N.Y. Aug.24, 1992) (awarding multiplier of 6); *Cosgrove v. Sullivan*, 759 F.Supp. 166, 167 n. 1 (S.D.N.Y.1991) (awarding multiplier of 8.74)."

Bozak v. FedEx Ground Package Sys., Inc., No. 3:11-CV-00738-RNC, 2014 WL 3778211, at *7 (D. Conn. July 31, 2014).

Class Counsel will also continue to incur fees throughout the remaining final approval process. In specific, Class Counsel will prepare and finalize Class Representative’s final approval motion, correspond with the Notice Administrator, respond to any objections that may be filed, and prepare for and travel to the final approval hearing.

Therefore, the lodestar cross-check supports the reasonableness of the requested fees.

5. Class Counsel’s Costs Are Reasonable and Were Necessarily Incurred to Reach the Settlement

Under the common fund doctrine, Class Counsel is customarily entitled to reimbursement of reasonable costs incurred in the litigation. Fed. R. Civ. P. 23(h); *Mills v. Elec. Auto-Lite Co.*, 396 U.S. 375, 392 (1970) (recognizing the right to reimbursement of costs where a common fund has been produced or preserved for the benefit of a class); Alba Conte, *Attorney Fee Awards* § 2.08, at 50-51 (3d ed. 2004); "Courts in the Second Circuit normally grant expense requests in common fund cases as a matter of course." *In re Sturm, Ruger, & Co., Inc. Sec. Litig.*, No. 3:09CV1293 VLB, 2012 WL 3589610, at *14 (D. Conn. Aug. 20, 2012) *Fleisher*, 2015 U.S. Dist.

LEXIS 121574, at *76-77 (noting as typical costs in complex cases “fees paid to experts, mediation fees, notice costs, computerized research, document production and storage, court fees, reporting services, and travel in connection with th[e] litigation.”)

Class Counsel’s fee application includes a request for payment of litigation costs, which were reasonably incurred and necessary to prosecute the Action. Class Counsel incurred \$15,951.45 in reasonable and necessary litigation costs. (Decl. of Paul Doolittle, ¶ 14.) These costs include all filing, general litigation, expert costs, discovery costs, travel, and mediation-related expenses that were incurred in the normal course of business and were essential to the successful prosecution of this lawsuit. (*Id.* ¶ 15.) Class Counsel is entitled to be reimbursed for these costs.

Courts may reimburse counsel for expenses reasonably and necessarily incurred in litigating a class action. *Kemp-DeLisser v. Saint Francis Hosp. & Med. Ctr.*, No. 15-CV-1113 (VAB), 2016 WL 6542707, at *18 (D. Conn. Nov. 3, 2016). None of Class Counsel’s expenditures have yet been reimbursed. (Decl. of Paul Doolittle ¶ 16) Indeed, “[t]he fact that Class Counsel was willing to expend their own money, where reimbursement was entirely contingent on the success of this litigation, is perhaps the best indicator that the expenditures were reasonable and necessary.” *Fleisher*, 2015 U.S. Dist. LEXIS 121574, at *77. In sum, there is “no reason to depart from the common practice in this circuit of granting expense requests.” *In re Visa Check/MasterMoney Antitrust Litig.*, No. CV-96-5238, 2004 WL 7333014, at *3 (E.D.N.Y. Apr. 27, 2004), subsequently aff’d sub nom. *Wal-Mart Stores, Inc. v. Buholzer*, 156 F. App’x 346 (2d Cir. 2005).

As such, Class Counsel therefore respectfully request that litigation costs in the amount of \$15,951.45 be reimbursed as they were reasonable and necessary to pursuing this action.

6. The Reaction of the Settlement Class to Date Supports the Requested Fee

The reaction of Class members to the Settlement and Class Counsel's fee and litigation expense request, which was disclosed in the Notice disseminated on June 12, 2023, confirms the reasonableness of Class Counsel's request.

As stated by this District:

"It is well settled that the reaction of the class to the settlement is perhaps the most significant factor to be weighed in considering its adequacy. *In re American Bank Note Holographics, Inc.*, 127 F.Supp.2d 418, 425 (S.D.N.Y.2001). The parties have indicated that the reaction of the class has been favorable. Notice regarding the Settlement has been sent to over 19,500 potential class members and not a single objection has been received. "[T]he absence of objectants may itself be taken as evidencing the fairness of a settlement." *Ross v. A.H. Robins*, 700 F.Supp. 682, 684 (S.D.N.Y.1988)."

In re Sturm, Ruger, & Co., Inc. Sec. Litig., No. 3:09CV1293 VLB, 2012 WL 3589610, at *5 (D. Conn. Aug. 20, 2012).

The Notice informed members of the Settlement Class that Class Counsel intended to seek a Fees and Costs Award of up to \$500,000 of the Settlement Fund. (Dkt. 138, Ex. A.) This request is consistent with the Notice provided.

The Settlement has been well received by the Class and overwhelmingly positive with zero objections to date. (Decl. of Paul Doolittle ¶ 18) Class Counsel will also submit an updated report from the Notice Administrator regarding the number of valid claims submitted, units claimed, average class member payout, and any objections/opt-outs before the final approval hearing.

7. Application for Service Awards to Class Representative

Class Counsel moves for a \$10,000 Service Award to Class Representative for his participation and dedication to this litigation. In this district "[s]ervice awards are common in class action cases and serve to compensate plaintiffs for the time and effort expended in assisting the prosecution of the litigation, the risks incurred by becoming and continuing as a litigant, and any

other burdens sustained by the plaintiffs.” *Edwards v. N. Am. Power & Gas, LLC*, No. 3:14-CV-01714 (VAB), 2018 WL 3715273, at *13 (D. Conn. Aug. 3, 2018).

Such awards are designed to reimburse representative plaintiffs, who “take on a variety of risks and tasks when they commence representative actions, such as complying with discovery requests and often must appear as witnesses in the action.” *Kemp-DeLisser v. Saint Francis Hosp. & Med. Ctr.*, No. 15-CV-1113 (VAB), 2016 WL 6542707, at *18 (D. Conn. Nov. 3, 2016). Incentive awards to representative plaintiffs in class action cases “compensate the named plaintiff for any personal risk incurred by the individual or any additional effort expended by the individual for the benefit of the lawsuit.” *Id.*, at *18.

Further detailed by this district is: “[i]n examining the reasonableness of service awards, courts consider: (1) the personal risk incurred by the named plaintiffs; (2) time and effort expended by the named plaintiffs in assisting the prosecution of the litigation; and (3) the ultimate recovery in vindicating statutory rights.” *Strauch v. Computer Scis. Corp.*, No. 3:14-CV-956 (JBA), 2020 WL 4289955, at *18 (D. Conn. July 27, 2020).

All of the above considerations favor Plaintiff’s reception of a service award. Plaintiff’s risk is great, as Plaintiff was still a student at New Haven during the pendency of this litigation, and nationally, student plaintiffs regularly received scrutiny for bringing these types of cases.² Further, Plaintiff faced, and still faces, great risks outside of the college setting in an ever so competitive job market in which Plaintiff has and/or will likely have to disclose of his involvement in a lawsuit against his own alma mater. And, as described by this district: “[e]ven where there is not a record of actual retaliation, notoriety, or personal difficulties, class representatives merit recognition for

² <https://www.marketwatch.com/story/unprecedented-lawsuits-from-students-suing-colleges-amid-the-coronavirus-outbreak-raise-3-thorny-questions-for-higher-education-2020-05-21>; <https://www.npr.org/2020/05/29/863804342/colleges-face-student-lawsuits-seeking-refunds-after-coronavirus-closures> ; <https://lawecommons.luc.edu/cgi/viewcontent.cgi?article=1017&context=lcfr>

assuming the risk of such for the sake of absent class members.” *Strauch*, No. 3:14-CV-956 (JBA), 2020 WL 4289955, at *18 (D. Conn. July 27, 2020).

Moving to the second factor, Plaintiff’s time and effort in this litigation is extensive and well documented. Throughout this process, Plaintiff has been completely responsive to discovery and has sat for deposition. In total, Plaintiff has spent dozens and dozens of hours in this matter. In sum, this matter for Plaintiff was a voluntary donation of his time, and took on this obligation to represent his fellow roughly 7,000 other students.

The final factor in the above calculations, that of the ultimate recovery, also weighs in favor of Plaintiff’s reception of a service award. In total, Plaintiff’s efforts recovered \$1,000,000 in cash and a total of \$2,285,600 in total recovery in non-cash benefits for the Class Members. Plaintiff’s efforts result in a major guaranteed recovery for Class Members, rather than a long, prolonged, and possibly ineffective lawsuit with no recovery, similar to many other analogous suits.

An aggregate of \$10,000 in Service Awards for the Class Representative represents less than 1% (approximately 0.44%) of the Settlement Fund, which a modest request that is fair to the Settlement Class. *See, e.g., Mills v. Capital One*, 2015 U.S. Dist. LEXIS 133530, at *48 (S.D.N.Y. Sep. 30, 2015) (finding service awards representing approximately 0.52% of the settlement fund within the range commonly approved in this district and collecting cases where service awards totaled between 1.7% and 9.1% of the settlement.)

Indeed, the requested service award of \$10,000 is squarely within the range typically awarded to individual named plaintiffs in comparable cases in this Circuit. Finally, the requested \$10,000 service award is “consistent and reasonable with awards given in class and collective actions.” *Strauch v. Computer Scis. Corp.*, No. 3:14-CV-956 (JBA), 2020 WL 4289955, at *18 (D. Conn. July 27, 2020). As such, the requested service award is reasonable and should be granted.

III. Conclusion

For the foregoing reasons, Plaintiff respectfully requests that the Court approve the request for: (i) the payment of attorneys' fees in the amount of 21.9% of the Gross Settlement Fund totaling \$500,000; (ii) reimbursement of reasonable and necessary litigation costs in the amount of \$12,039.54; and (iii) a \$10,000 service award for Plaintiff.

Dated: August 11, 2023

Respectfully Submitted,

/s/ Paul J. Doolittle

Paul J. Doolittle

Blake G. Abbott

POULIN | WILLEY |

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CERTIFICATE OF SERVICE

I hereby certify that on August 11th, 2023, I caused a true and correct copy of the foregoing to be served on counsel of record by electronic filing it with the Clerk of Court using the ECF system, which will send notification of such filing to the registered participants.

/s/ Paul Doolittle
Paul Doolittle

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

KRYSTIAN WNOROWSKI,
individually and on behalf of
others similarly situated,

Plaintiff,

v.

UNIVERSITY OF NEW HAVEN,

Defendant.

No. 3:20-cv 01589 (MPS)

**DECLARATION OF PAUL J. DOOLITTLE IN SUPPORT OF PLAINTIFFS’
UNOPPOSED MOTION FOR AN AWARD OF ATTORNEYS’ FEES,
REIMBURSEMENT OF EXPENSES AND CASE CONTRIBUTION AWARDS FOR
THE CLASS REPRESENTATIVES**

1. I, Paul J. Doolittle, am the Director of the Class and Mass Action Division at Poulin | Willey | Anastopoulo, and I am an attorney for Plaintiff in the above captioned matter. I have been admitted Pro Hac Vice in this action (ECF No. 64).
2. This Declaration is submitted in support of the accompanying Motion for Final Approval of Class Action Settlement, Approval of Manner of Distribution of Net Settlement Fund, An Award of Attorneys’ Fees and Expenses and An Award to Plaintiff, which seeks an order that, among other things, grants Final approval of the Settlement, awards fees and expenses to Class Counsel and case contribution award to Named Plaintiff, and directs that the Claims Administrator may implement the distribution of the Net Settlement Fund (“Distribution”) in the manner provided for in the Settlement.
3. The Settlement will resolve all claims asserted in the above-captioned Action in this Court.

4. I have overseen all material aspects of the litigation of this Action. In addition, I was involved in the negotiation of the terms of the Settlement. Accordingly, I have personal knowledge of the facts and if called upon to testify, I could and would testify competently thereto.
5. Poulin | Willey | Anastopoulo was preliminarily appointed Class Counsel by this Court in its Order granting Preliminary Approval to the proposed Settlement (“Preliminary Approval Order”). See ECF No. 141. The Preliminary Approval Order also provided that the Named Plaintiff was preliminarily appointed as Settlement Class Representatives.
6. In addition, the Preliminary Approval Order also preliminarily certified the following proposed Class: “All UNH students who were enrolled in any UNH course as of March 24, 2020, with the exception of: (i) any non-matriculated high school student who took a UNH course; (ii) any person who properly executes and files a proper and timely opt-out request to be excluded from the Settlement Class; and (iii) the legal representatives, successors or assigns of any such excluded person.”
7. In brief, Lead Counsel engaged in extensive investigation and other litigation efforts throughout the prosecution of the Action, including, inter alia: (1) relentlessly pursuing and reviewing thousands of university records; (2) briefing and defeating Defendant’s motion to dismiss; (3) engaging in extensive written discovery; (4) deposing Defendant’s administrators and officials; (5) preparing and filing motions for class certification and summary judgment; (6) one full day and substantial follow up mediation sessions via zoom and phone; and (7) engaging in months of settlement negotiations.
8. After extensive arm's length negotiations, the Parties reached an agreement to settle the Action for a gross amount of \$2,285,600.00.

9. The Parties documented the terms of the Settlement in the Settlement Agreement. See ECF No. 138-1.
10. I can state as of record that there was no collusion of any kind between Class Counsel and UNH's Counsel and that all negotiations culminating in the proposed Settlement were at arm's length and hard fought.
11. In connection with this work, Class Counsel expended a total of 1,915.9 hours.
12. At the prevailing market rate per the Laffey matrix, these hours translate into \$866,452.80 total lodestar as of August 9, 2023. Attached as Exhibit B is a full expense report.
13. I can state at all times, Class Counsel took care to staff the matter efficiently and avoided unnecessary duplication of effort.
14. Class Counsel incurred \$15,951.45 in reasonable and necessary litigation costs. Attached as Exhibit B is a full expense report.
15. These costs include all filing, general litigation, expert costs, discovery costs, travel, and mediation-related expenses that were incurred in the normal course of business and were essential to the successful prosecution of this lawsuit.
16. None of Class Counsel's expenditures have yet been reimbursed.
17. Throughout this process, Plaintiff has been completely responsive to discovery and has sat for deposition. In total, Plaintiff has spent over a dozen hours in this matter.
18. The Settlement has zero objections to date.
19. Attached as Exhibit A is a true and correct copy of the firm resume of Poulin | Willey | Anastopoulo Law Firm, LLC.

Executed this 11th day of August 2023, in Charleston, South Carolina.

/s/ Paul Doolittle
Paul Doolittle

CERTIFICATE OF SERVICE

I hereby certify that on August 11th, 2023, I caused a true and correct copy of the foregoing to be served on counsel of record by electronic filing it with the Clerk of Court using the ECF system, which will send notification of such filing to the registered participants.

/s/ Paul Doolittle
Paul Doolittle

EXHIBIT A

Atlanta, Athens,
Augusta, Columbus,
Macon

Firm Statement Relevant to This Litigation

Poulin | Willey | Anastopoulos filed the first wave of university tuition and fee refund litigation in the nation, with the first cases being filed in early April 2020, just as announcements came from universities about their refusal to rebate or refund any money back to student consumers. Commensurate with its 25-year track record of only taking on litigation its attorneys truly believe in, Poulin | Willey | Anastopoulos is highly selective in its class and mass tort-based litigation. Currently, Poulin | Willey | Anastopoulos has more than 30 putative class action college and university tuition and fee refund cases pending in at least 15 different states. This is not just another group of cases in a portfolio for Poulin | Willey | Anastopoulos; this is a national cause to ensure that our college and university students are treated fairly and not taken advantage of.

Poulin | Willey | Anastopoulos does not hope simply to push these cases towards a quick settlement, but will prosecute the actions on behalf of the students as if they are going to trial, and will be prepared to take them to trial if resolution is not proposed on fair terms to the student consumers. This case will get specialized attention, and be fully funded. No stone will be left unturned.

Statement of Firm Resources

Last year alone, Poulin | Willey | Anastopoulos recovered over \$60,000,000 on behalf of its clients. Poulin | Willey | Anastopoulos employs over 100 dedicated legal professionals, including 30+ attorneys. In addition, Poulin | Willey | Anastopoulos is among the remaining few firms nationally that regularly tries cases to verdict. For this purpose, the Firm employs four full time investigators, and maintains an internal focus

group and mock trial program that allow it to test and develop theories and case strategies from the outset.

Notably, Poulin | Willey | Anastopoulo recovered \$12,500,000 on behalf of student consumers in *In Re Columbia University Tuition Refund Litigation*, 1:20-cv-03208-JMF (S.D.N.Y.). To date, this believed to be the largest per student settlement in Covid-19 tuition and fee refund litigation.

Poulin | Willey | Anastopoulo has assembled an in-house team of lawyers who are working exclusively on Covid-19 tuition and fee refund litigation, and has set aside the resources necessary to grow this team as needed. Collectively, the team has already invested over 58,000 hours on research, drafting, and filings specific to the tuition refund litigation nationwide.

Poulin | Willey | Anastopoulo is willing to commit whatever resources are necessary to adequately represent the Class in this matter.

Relevant Leadership Appointments

The leadership team representing Poulin | Willey | Anastopoulo in this action has already been appointed Interim Lead or Co-Lead Counsel in the *Montesano v. Catholic University of America*, 1:20-cv-01496 (D.D.C.); *Qureshi v. American University*, 1:20-cv-01141-CRC (D.D.C.), *Faber v. Cornell University*, 3:20-cv-00467- MAD (N.D.N.Y.); *Bergeron v. Rochester Institute of Technology*, 6:20-cv-06283-CJS (W.D.N.Y.); *In re: University of Miami COVID-19 Tuition and Fee Refund Litigation*, 20-60851-AHS (S.D. Fla.); a n d *Ford v. Rensselaer Polytechnic Institute*, Case No. 20-cv-00470 (N.D.N.Y.). The Firm was also appointed to the Executive Committee in *Gunter v. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College*, Docket No. C-696,918 (La. 19th Jud. Dist.).

Relevant Representative Cases

Date Filed	University / College	Case	Court Pending	Case No.
4/8/2020	University of Miami	<i>In re: University of Miami Covid-19 Tuition and Fee Litigation</i>	Eleventh Circuit of Appeals	23-10299
4/23/2020	Pace University	<i>Elizabeth Tapinekis v. Pace University</i>	Second Circuit Court of Appeals; Supreme Court of the State of New York	22-1058; Index No. 652902/2022
4/23/2020	Manhattan College	<i>Czigany Beck v. Manhattan College</i>	Southern District of New York	20-cv-03229
4/25/2020	Cornell University	<i>Faber v. Cornell University</i>	Northern District of New York	20-cv-00467
4/25/2020	Rensselaer Polytechnic Institute	<i>Morgan Ford v. Rensselaer Polytechnic Institute</i>	Northern District of New York	20-cv-00470
4/29/2020	Boston University	<i>In Re: Boston University COVID-19 Refund Litigation</i>	First Circuit Court of Appeals	23-1385
4/30/2020	University of Pennsylvania	<i>Smith et al. v. University of Pennsylvania</i>	Eastern District of Pennsylvania	20-cv-02086
5/1/2020	American University	<i>Qureshi v. American University</i>	District Court for the District of Columbia	20-cv-01141
5/1/2020	Rochester Institute of Technology	<i>Nicholas Bergeron v. Rochester Institute of Technology</i>	Second Circuit Court of Appeals	23-271
5/5/2020	Pennsylvania College of Technology	<i>Michael James Lawson, Jr. and Tara Lawson v. Pennsylvania College of Technology</i>	Court of Common Pleas – Lycoming County	21-1134
5/5/2020	Temple University	<i>Ryan v. Temple University</i>	Third Circuit Court of Appeals	21-2016

5/6/2020	Indiana University	<i>Justin Spiegel v. The Trustees of Indiana University</i>	Monroe Circuit Court	79C01-2005-PL-000059
5/14/2020	University of Rhode Island	<i>Thomson v. Board of Trustees of the University of Rhode Island</i>	First Circuit Court of Appeals	23-1188
5/15/2020	University of Massachusetts	<i>Spencer Holmes and Student B v. University of Massachusetts</i>	Superior Court - Suffolk County	2084-cv-01025
5/20/2020	Purdue University	<i>Elijah Seslar v. The Trustees of Purdue University</i>	Tippecanoe Circuit Court	79D02-2005-PL-000059
5/20/2020	Illinois Institute of Technology	<i>Omar Hernandez v. Illinois Institute of Technology</i>	Northern District of Illinois	20-cv-3010
5/21/2020	Suffolk University	<i>Julia Durbeck v. Suffolk University</i>	District of Massachusetts	1:20-cv-10985
5/29/2020	Brandeis University	<i>Alan Thomas Omori v. Brandeis University</i>	District of Massachusetts	1:20-cv-11021
6/5/2020	Baylor University	<i>Allison King v. Baylor University</i>	Fifth Circuit Court of Appeals	23-50259
6/9/2020	University of Nevada	<i>Kelsie Ballas v. State of Nevada et al.</i>	Nevada District Court	CV20-00922
6/11/2020	The Catholic University of America	<i>Montesano v. The Catholic University of America</i>	District Court for the District of Columbia	1:20-cv-01496
6/16/2020	Louisiana State University	<i>Michael Miazza v. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College</i>	19 th Judicial District Court – East Baton Rouge Parish, Louisiana	C-69691824
7/21/2020	St. John's University	<i>Brian Gallagher v. St. John's University</i>	Eastern District of New York	1:20-cv-3274
7/29/2020	University of Pittsburgh	<i>Hickey et al. v. University of Pittsburgh</i>	Third Circuit Court of Appeals	21-02013

8/31/2020	Long Island University	<i>Moore v. Long Island University</i>	Second Circuit Court of Appeals	22-393
10/22/2020	University of New Haven	<i>Wnorowski v. University of New Haven</i>	Connecticut District Court	3:20-cv-01589
12/14/2020	University of Delaware	<i>Russo v. University of Delaware</i>	Delaware District Court	1:20-cv-01693
1/12/2021	Manhattanville College	<i>Laudati v. Manhattanville College</i>	Southern District of New York	7:21-cv-00272
3/9/2021	Touro College and University System	<i>Yodice v. Touro College and University System</i>	Second Circuit Court of Appeals	21-2986

Other Class and Mass Action Experience

The Firm's founding member, Akim Anastopoulos, has been representing Plaintiffs for the majority of his over 30 years of practice, and has extensive experience in mass and class actions.

Poulin | Willey | Anastopoulos represented over 500 potential claimants in the *In Re: Vioxx Products Liability Litigation*, 2:05-md-01657-EEF-DEK. Likewise, the Firm represented over 1,000 claimants in the *In Re Baycol Prods.. Liab.. Litig.*, MDL No. 1431, Case No. 02-0160 (MJD/SRN) and State Actions Consolidated Under THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT Master File No.: 2002-CP-43-1041, where Mr. Anastopoulos served as lead counsel on two state bellwether cases.

Mr. Anastopoulos also served as joint lead counsel on multiple state cases that were eventually consolidated to a state class action regarding *In Re OxyContin Products Liability Class Action*, and served as sole lead counsel in South Carolina's first opioid state action, *Ken Love, et al Civil Action No.: O1-CP-38-1059 (SC) vs. Purdue Pharma A, L.P, et. al.*

Mr. Anastopoulo also served on the Daubert Submissions committee for the Thimerosal Litigation MDL and represented hundreds of individual clients in *In Re Diet Drugs (Phentermine, Fenfluramine, Dexfenfluramine) Prods. Liab. Litig.*, 2000 U.S. Dist. LEXIS 12275, *47-48 (D. Pa. 2000).

Mr. Anastopoulo is not alone, Mr. Roy Willey's experience in mass and class actions has also been recognized in his appointment to the Leadership Steering Committees in *In re: January 2021 Short Squeeze Tradition Litigation*, 1:21-md-02989 (S.D. Fla), and *In Re: Recalled Abbott Instant Formula Products Liability Litigation*, 1:22-cv-04148 (N.D. Ill). Most recently, Poulin | Willey | Anastopoulo was appointed Co-Lead Counsel in *Day v. GEICO Casualty Company et al*, 5:21-cv-02103 (N.D. Cal.). Mr. Doolittle, Direct of the firm's Class and Mass Action Division, was recently recognized in his appointment of class counsel in *Smith v. Univ. of Pa.*, 2:20-cv-02086 (E.D. Pa.)

Poulin | Willey | Anastopoulo's Roster of Attorneys

The leadership team representing Poulin | Willey | Anastopoulo in this action leads the nation's trial bar in areas as diverse as insurance contract law and professional negligence, having recovered over \$58 million for clients in the last year alone. The team also serves in various national, state, and local leadership positions in an effort to give back to their communities.

Recognized among *America's Top 100 High Stakes Litigators*, by *Super Lawyers* and receiving top verdicts year after year in their respective jurisdictions, the attorneys of Poulin | Willey | Anastopoulo are respected legal advocates who are known for aggressive

and compassionate representation and who leave no stone unturned on behalf of their clients.



Eric M. Poulin

Email: Eric@akimlawfirm.com

Education

Presbyterian College, B.S.

Charleston School of Law, J.D., *magna cum laude*

Eric has tried multiple cases to verdict, resulting in over \$60,000,000 in single event personal injury jury verdicts. Licensed in California, Georgia, North Carolina, and South Carolina, together with many Federal District Courts, Eric has litigated hundreds or thousands of cases through settlement or verdict and has recovered over \$100,000,000 for his clients over the course of his career. Eric has also handled appellate cases in the South Carolina Court of Appeals, the South Carolina Supreme Court, and the 4th Circuit Court of Appeals.

In 2016, Eric was tapped by the South Carolina Supreme Court to record a video CLE on insurance law as part of the State Bar's "Essentials" series that is required viewing for all new admittees to the Bar.

Eric is a member of the South Carolina Association of Justice and the American Association of Justice. Eric has been featured in South Carolina Lawyers Weekly's yearly top 10 verdicts and settlements profile for 3 of the last 4 years. In 2014, Eric was featured in the U.S. Verdicts' "Top 100" national verdicts report. Eric is a Super Lawyers' Rising Star, a National Trial Lawyers' Top 40 Under 40 recipient, and two-time National Academy of Professional Injury Attorneys' Top 10 Under 40 recipient.

Eric is also a leading innovator and strong advocate for utilizing technology to further the practice of law and better represent his clients. Eric has written and lectured on the topic of utilizing technology at trial to present stronger cases to juries and has led his Law Firm's push to "go digital." This has resulted in increased efficiency across the board, lower costs, and better results for clients.

Bar Admissions

- State Bar of California
 - State Bar of Georgia
 - State Bar of North Carolina
 - State Bar of South Carolina

 - District of South Carolina
 - Eastern District of North Carolina
 - Middle District of North Carolina
 - Western District of North Carolina
 - Central District of California
 - Northern District of California
 - Northern District of New York
 - District of Colorado
 - Northern District of Illinois General Bar
 - Western District of Texas
- (List Not Inclusive of *Pro Hac Vice* Admissions)
- 2nd Circuit Court of Appeals
 - 4th Circuit Court of Appeals
 - 8th Circuit Court of Appeals
 - 11th Circuit Court of Appeals

Practice Areas

- Complex Litigation
- Appellate Litigation
- Class Action Litigation
- Commercial Litigation
- Products Liability Litigation
- Mass Tort Litigation
- Bad Faith Insurance Litigation
- Wrongful Death Litigation

Cases Pending in MDL

- Incretin Mimetics MDL (Southern District of California)
- Xarelto MDL (Eastern District of Louisiana)
- Talcum Powder MDL (District of New Jersey)
- Roundup MDL (Northern District of California)

Selected Professional Awards & Recognition

2014	TOP 100 U.S. VERDICTS
2016-18	SC LAWYERS WEEKLY - TOP 10 JURY VERDICTS / SETTLEMENTS
2017	SC LAWYERS WEEKLY - MOST IMPORTANT COURT OPINIONS
2016-17	NAT'L ACADEMY OF PERSONAL INJURY ATTYS TOP 10 UNDER 40
2019	NAT'L TRIAL LAWYERS TOP 40 UNDER 40
2018-20	SUPER LAWYERS RISING STAR

Presentations and Professional Education Programs

December 2017 Advanced Trial Tactics

December 2016 Advanced Trial Tactics

Eric is most proud of the results he has garnered for his clients, including several significant seven-figure jury verdicts, more than \$60,000,000.00 in single event personal injury jury verdicts, and more than \$100,000,000.00 recovered for clients.



Roy T. Willey IV

Email: Roy@akimlawfirm.com

Education

Harvard College, B.A.

Charleston School of Law, J.D., *cum laude*

Roy has been named among America's Top 100 High Stakes Litigators, a Super Lawyers Rising Star, and in the National Top 10 Under 40, and he is well known for his community and professional involvement. He has **achieved record results for his clients** and is **fond of encouraging all at the firm to treat each client like family**.

Nationally recognized as a **leader in complex, contract based, and high stakes litigation**, Roy is the Chairman of the Insurance Law Section for the American Association of Justice (AAJ), a national co-chair of AAJ's Business Interruption Litigation Taskforce, and the state Chairman of South Carolina Equality (which is responsible for winning legalization of same-sex marriage in South Carolina). On the local level he serves on the executive board of his local Charleston County Bar Association and a host of other non-profit boards and committees.

In recoveries for clients he has had a jury verdict named among the largest verdicts in the nation, is a multi-year winner of top verdicts in South Carolina where he regularly tries complex cases, and he is regularly called on by political leadership for advice on complex issues. He is a known **problem solver, with a servant's heart.**

Bar Admissions

- State Bar of South Carolina
- State Bar of Kentucky

- District of South Carolina
- District of Colorado
- Northern District of Illinois General Bar
- Northern District of New York
- Western District of Texas
- (List Not Inclusive of *Pro Hac Vice* Admissions)

- 2nd Circuit Court of Appeals
- 4th Circuit Court of Appeals
- 9th Circuit Court of Appeals
- 11th Circuit Court of Appeals

Practice Areas

- Complex Litigation
- Appellate Litigation
- Class Action Litigation
- Commercial Litigation
- Products Liability Litigation
- Mass Tort Litigation
- Bad Faith Insurance Litigation
- Wrongful Death Litigation

Cases Pending in MDL

- Incretin Mimetics MDL (Southern District of California)
- Xarelto MDL (Eastern District of Louisiana)
- Talcum Powder MDL (District of New Jersey)
- Roundup MDL (Northern District of California)

Professional and Philanthropic Involvement

- AMERICAN ASSOC. FOR JUSTICE (AAJ) - INSURANCE SECTION
Chairman, National Executive Board
- AAJ BUSINESS INTERRUPTION LITIGATION TASKFORCE
National Co-Chair
- SOUTH CAROLINA EQUALITY
Chairman of the Board
- CHARLESTON COUNTY BAR ASSOCIATION
Executive Committee Member

Selected Professional Awards & Recognition

2014	TOP 100 U.S. VERDICTS
2016-18	SC LAWYERS WEEKLY - TOP 10 JURY VERDICTS / SETTLEMENTS
2017	SC LAWYERS WEEKLY - MOST IMPORTANT COURT OPINIONS
2016-17	NAT'L ACADEMY OF PERSONAL INJURY ATTYS TOP 10 UNDER 40
2018-19	AMERICA'S TOP 100 HIGH STAKES LITIGATORS
2018-20	SUPER LAWYERS RISING STAR

Professional Education Programs Presented

- South Carolina Association of Justice Annual Conference
Topic: FLSA and Collective Actions – Focusing on Certification
- South Carolina Small Firm Business Luncheon
Topic: FLSA and Collective Actions – Focusing on Your Practice (March 2015)
- Wrongful Death Litigation Start to Finish CLE
Topic: Upholding Ethical Standards in Wrongful Death Cases (February 2017)
- Ultimate Guide to Evidence CLE
Topic: Using Motions to Exclude Evidence & Legal Ethics of Evid. (August 2017)
- Advanced Trial Tactics CLE - Topic: Ethics (December 2017)
- Legal Ethics: Top Challenges CLE
Topic: Online Ethics & Duties to Prospective Clients (February 2018)
- Top Trial Strategies the Pros Use to Win Their Cases CLE
Topic: Effective Exhibits and Courtroom Technology (November 2018)
- Webinar: Navigating Pre-Litigation Business Interruption Bad Faith Claims CLE
Moderator (May 2020)



Akim A. Anastopoulos

Email: Akim@akimlawfirm.com

Education

University of Louisville

University of South Carolina, J.D.

Akim has been practicing law for more than 30 years, representing tens of thousands of consumers and individuals who have been injured due to corporate malfeasance and negligence. He is the founder and chair of Anastopoulos Law Firm, a national law firm that has represented clients across the United States during that time.

Bar Admissions

- State Bar of South Carolina
 - District of South Carolina
- (List Not Inclusive of *Pro Hac Vice* Admissions)

Practice Areas

- Complex Litigation
 - Class Action Litigation
 - Commercial Litigation
 - Products Liability Litigation
 - Mass Tort Litigation
 - Bad Faith Insurance Litigation
 - Wrongful Death Litigation
-



Constance A. Anastopoulo

Email: Constance@akimlawfirm.com

Education

University of Virginia, B.A.

University of North Carolina School of Law, J.D.

Constance Anastopoulo was the **2018 Democratic Nominee for SC Attorney General and won more votes than any other woman in SC history, including former Gov. Nikki Haley.** She currently serves as an associate professor at the Charleston School of Law, where she lectures on torts, insurance law, and professional responsibility. She has been named “Professor of the Year” and an honoree of the Black Law Students’ Association for “Commitment to Bringing About Meaningful Legal and Political Change.” She is currently of counsel at Anastopoulo Law Firm, where she is a trusted mentor and advisor to the firm’s lawyers, including the firm’s College and University Litigation Team.

Bar Admissions

- State Bar of South Carolina
- District of South Carolina
(List Not Inclusive of *Pro Hac Vice* Admissions)
- United States Federal Court of Claims
- 4th Circuit Court of Appeals

Practice Areas

- Complex Litigation
- Appellate Litigation
- Class Action Litigation
- Products Liability Litigation
- Mass Tort Litigation
- Catastrophic Injury Litigation
- Bad Faith Insurance Litigation

Litigation Leadership

In Re: Oxycontin, Plaintiffs' Class Counsel Committee (2005-2008)

Gaskins v. Southern Farm Bureau, 354 S.C. 416 (2003)

Top ten most important decisions by SC Lawyers Weekly for 2003

Professional and Philanthropic Involvement

- JAMES L. PETIGRU AMERICAN INN OF COURT
Member
- INSTITUTE OF INTERNATIONAL AND COMPARATIVE LAW at STETSON UNIV.
Visiting Professor
- THE RILEY INSTITUTE AT FURMAN UNIVERSITY
Diversity Fellow
- LEAGUE OF WOMEN VOTERS CHARLESTON AREA
Vice President, Board
- COLLEGE OF CHARLESTON WOMEN AND GENDER STUDIES
Chair, Board of Advisors

Professional Education Publications and Programs

- *A New Twist on Remedies: Judicial Assignment of Bad Faith Claims*
Indiana L. Rev., Vol. 50, No. 3 (2017)
- *Taking No Prisoners: Captive Insurance as an Alternative to Traditional or Commercial Insurance* - 8 Ohio St. Entrepren. Bus. L.J. 209 (2013)
- *Race and Gender on the Bench: How Best to Achieve Diversity in Judicial Selection*
8 Nw. J. L. & Soc. Pol'y. 174 (2013).
- *Where's the Outrage: "Outrageous" Conduct in Analyzing the Tort of Intentional Infliction of Emotional Distress in the Wake of Snyder v. Phelps*
19 Tex. Wesleyan L. Rev. 667 (2013)
- *Bad Faith: Building a House of Straw, Sticks, or Bricks* - Memphis L. Rev., Vol. 43, Bk. 3 (2012)
- *Teaching Privacy in the Age of Octomom –Enhancing Case/Socratic Method with Structured Class Discussion*, 44 Val. U. L. Rev. 391 (2010)

- *Bad Faith in South Carolina Insurance Contracts: From Tyger River Pine Co. v. Maryland Cas. Co. to Mitchell v. Fortis Ins. Co.* - 22 S.C. Law. 18 (July 2010).
 - *Bad Faith in North Carolina Insurance Contracts: A Growing Part of Insurance Practice* - Published in June 2010 Issue of North Carolina Bar Journal.
 - *How Judicial Selection Impacts the Criminal Justice System*
Presenter February 25, 2013
 - *The State of the Judiciary: From Research to Reality* Organizer and Moderator of Panel presented at conclusion of the League of Women Voters of South Carolina's two-year study of the judicial selection process in South Carolina. University of South Carolina School of Law, Columbia, SC. *August 10, 2012*
 - *Insurance Law – Advanced Uninsured Motorist/Underinsured Motorist Law Seminar*
Ethics Presenter - Presenting on “Ethical Traps to Avoid”
 - *Insurance Law – “Ethical Considerations”* Presenter - December 6, 2011
 - *Judicial Selection in South Carolina* Coastal Carolina University Moderator of panel consisting of Justice Kaye Hearn, S.C. Supreme Court; Counselor Leslie Caggiolla, counsel to Commission on Judicial Conduct; Rep. George Hearn, S.C. House of Representatives; Solicitor Ernest Finney, III; and Judge Jennifer Wilson.
 - *The Impact of the Judicial Process on Citizens; Why Does Judicial Diversity and Independence Matter* Francis Marion University Panelist/Presenter
 - *Ensuring Judicial Independence and Diversity in South Carolina* Organizer and moderator of Forum. *October 2010*
 - *State Constitutional Reform in the New South* Panelist/moderator discussing judicial selection process in South Carolina with panelists including Chief Justice Jean H. Toal, Judge Alex Sanders, Rep James Smith, S.C. House of Representatives.
 - *Judicial Selection in South Carolina – Ensuring Quality, Diversity, and Independence*
-



Blake G. Abbott

Email: blake@akimlawfirm.com

Education

Illinois State University, B.S., Biology
Charleston School of Law, J.D., *cum laude*

Blake is a Supervising Attorney in the Class Action and Mass Tort Division.

Blake is a National Trial Lawyers' Top 40 Under 40 recipient. His commitment to his clients fuel his aggressive and strategic litigation approach.

Since graduating from law school in two years' time, Blake has litigated in dozens of state and federal jurisdictions across the country. Blake has also argued before the multiple federal and state courts of appeal.

Blake also has been asked to present locally on the topics of Class Action and Mass Tort Litigation, including as a featured lecturer at the Federal Bar Association's Young Professional Symposium on the topic of Class Actions. He is also a cite supervisor for Charleston School of Law's externship program, and assists the school's appellate advocacy program.

Bar Admissions

- State of South Carolina
- State of North Carolina

- District of South Carolina
- Northern District of New York
- District of Colorado
- Western District of North Carolina
- Middle District of North Carolina

- 1st Circuit Court of Appeals
- 2nd Circuit Court of Appeals
- 7th Circuit Court of Appeals
- 11th Circuit Court of Appeals

Practice Areas

- Complex Litigation
- Class Action Litigation
- Products Liability Litigation

- Mass Tort Litigation

Selected Professional Awards & Recognition

2022 NAT'L TRIAL LAWYERS TOP 40 UNDER 40

Professional Education Programs Presented

- Federal Bar Association Rising Professionals Program
Topic: Knowing The Playing Field and How It Will Impact Your Class Case

Paul Doolittle

Email: pauld@akimlawfirm.com

Education

University of South Carolina, B.A.

University of South Carolina School of Law, J.D.

Mr. Doolittle is an experienced trial attorney who has been recognized for his courtroom skills and verdicts. He feels helping ordinary people have their day in court is a great honor. He is proud to help level the playing field for individuals and is relentless in seeking justice for his clients.

Mr. Doolittle attended the University of South Carolina School of Law for his legal education where he graduated in the top 20% of his class. After law school, Mr. Doolittle worked at Foster & Foster handling a vast array of cases from auto accidents to complex automobile dealer buy/sell transactions. After gaining experience in and out of the courtroom, Mr. Doolittle joined Motley Rice where he eventually became partner. Mr. Doolittle co-chaired the firm's Catastrophic Injury Group which was started to handle the firm's most complex and high damage cases at the firm. He stills hold the highest verdict ever received in a Minnesota asbestos trial. Since joining Anastopoulos Law Firm, Mr. Doolittle has worked in the firm's Class & Mass Action Division.

Bar Admissions

- State of South Carolina
- District of South Carolina

Practice Areas

- Complex Litigation
 - Class Action Litigation
 - Products Liability Litigation
 - Mass Tort Litigation
-

Jacqueline A. Dufour

Email: jacquelined@akimlawfirm.com

Education

St. Lawrence University, B.S.
Vermont Law School, J.D.

Bar Admissions

- State of South Carolina

Practice Areas

- Complex Litigation
 - Class Action Litigation
 - Products Liability Litigation
 - Mass Tort Litigation
-

Ralph D'Agostino III

Email: ralph.dagostino@akimlawfirm.com

Education

Syracuse University, B.A.
Wake Forest University School of Law, J.D.

Bar Admissions

- Washington, D.C.

Practice Areas

- Complex Litigation
 - Class Action Litigation
 - Products Liability Litigation
 - Mass Tort Litigation
-

Chase Cobble

Email: chase.coble@akimlawfirm.com

Education

Elon University, B.A.

University of South Carolina School of Law, J.D.



Herbert F. Glass

Email: Herb@akimlawfirm.com

Education

State University of New York at Albany, B.A.

Charleston School of Law, J.D.

Herb is a Senior Associate at = Poulin | Willey | Anastopoulo and concentrates his practice in the areas of personal injury, general negligence, and products liability cases. Herb has successfully represented thousands of injured South Carolinians and recovered millions of dollars on their behalf due to the negligence of others, large corporations, and government entities. Herb recently recovered over \$350,000.00 for a client who was rear ended by a careless driver.

Over the past five years, Herb has been an active member of the Charleston County Bar. Prior to joining Poulin | Willey | Anastopoulo. Mr. Glass worked at boutique civil litigation firm and represented people and small businesses throughout South Carolina.

Bar Admissions

- State of South Carolina

Honors and Associations

- Charleston School of Law Dean's List
- CALI Award for Future Excellence-Business Associations
- Finalist for the National Football Foundation National Scholar-Athlete of the Year Award presented by Fidelity Investments (2011)
- Semi-Finalist for the William V. Campbell Trophy (2011)
- Academic All-Conference (2008-2011)

Selected Publications and Presentations

Workouts - The Various Tools in the Toolbox for Working out Troubled Real Estate

Loans, January 2014, NBI (Assisted Senior Partner in drafting/uncredited)



Lane D. Jefferies

Email: Lane@akimlawfirm.com

Education

Charleston School of Law, J.D, *summa cum laude*

College of Charleston, B.S. in Biology, *summa cum laude*

St. Andrews Presbyterian College, B.A. in Business Administration

Prior to becoming an attorney, Lane spent twenty years in business, during which he founded, built, and ultimately sold several businesses in the hospitality and yachting industries. At the Poulin | Willey | Anastopoulo, Lane leads the firm's Commercial and Construction Liability Division where he takes on the nation's largest corporations and construction firms.

Bar Admissions

- State of South Carolina
- District of South Carolina

Honors/Achievements

- 2013 National Tax Moot Court 1st Place team
 - 2013 National Tax Moot Court Best Oralist
 - 2014 National Tax Moot Court 1st Place team
 - 2014 National Tax Moot Court Best Oralist
 - 15 CALI Excellence for the Future Awards
-
-

Julia Pirillo

Email: juliap@akimlawfirm.com

Education

West Virginia University, B.A.

West Virginia University College of Law, J.D.

Bar Admissions

- State of West Virginia

Practice Areas

- Complex Litigation
- Class Action Litigation
- Products Liability Litigation
- Mass Tort Litigation



India Shaw

Email: India@akimlawfirm.com

Education

North Carolina A&T State University, B.A.

North Carolina Central University, J.D.

Dual licensed in the District of Columbia and South Carolina. India has been at Poulin | Willey | Anastopoulo in Charleston, SC since 2017. India grew up in Charleston, SC, where her desire to practice law began. She graduated from North Carolina Central University School of Law with a Certification in Taxation. Her time at the firm has involved helping clients navigate through traumatic incidents in civil litigation, as well as through financial and lien negotiations. Her goal with every client is to ensure they are on the right path to attaining justice. She also has a passion for serving the underserved, is a devoted runner, and is an active member of her church.

Bar Admissions

- District of Columbia
- State of South Carolina

Andrew Smith

Email: andrew.smith@akimlawfirm.com

Education

College of Charleston, B.A.

Charleston School of Law, J.D., *summa cum laude*

EXHIBIT B

Individual	Time	Laffey Position	Laffey Rate	Total Billables
Abigail Wood	58.9	Paralegal/Law Clerk (PL/LC)	225	\$13,252.50
Andrew Johnson	16.8	Paralegal/Law Clerk (PL/LC)	225	\$3,780.00
Blake Abbott	99.7	Attorney 4-7 years	508	\$50,647.60
Cierra Grier	27.8	Paralegal/Law Clerk	225	\$6,255.00
Coleman Hall	120.8	Paralegal/Law Clerk	225	\$27,180.00
Eric Poulin	92.4	Attorney 8-10 years	733	\$67,729.20
Griffin Wilson	26.1	Paralegal/Law Clerk	225	\$5,872.50
Jacqueline Dufour	442.4	Attorney 1-3 years (A1-3)	413	\$182,711.20
Jake Nixon	29.1	Attorney 1-3 years (A1-3)	413	\$12,018.30
Jarrett Withrow	117.2	Attorney 1-3 years (A1-3)	413	\$48,403.60
Joshua Henke	21.9	Attorney 1-3 years (A1-3)	413	\$9,044.70
Julia Pirillo	164.2	Attorney 1-3 years (A1-3)	413	\$67,814.60
Justin Hemlepp	0.8	Attorney 8-10 years	733	\$586.40
Kellie Hunt	1.4	Paralegal/Law Clerk (PL/LC)	225	\$315.00
Lawrence Long	1.1	Paralegal/Law Clerk (PL/LC)	225	\$247.50
Lindsey Nilson	16.1	Paralegal/Law Clerk (PL/LC)	225	\$3,622.50
Madison Range	46.7	Paralegal/Law Clerk (PL/LC)	225	\$10,507.50
Marina Baranova	59.3	Paralegal/Law Clerk (PL/LC)	225	\$13,342.50
Mellissa Freeman	39.2	Paralegal/Law Clerk (PL/LC)	413	\$16,189.60
Monica Toomer	4.3	Paralegal/Law Clerk	225	\$967.50
Neil Williams	102.1	Attorney 4-7 years	508	\$51,866.80
Paul Doolittle	116.6	Attorney 20+ years	997	\$116,250.20
Ralph D'Agostino	111.3	Attorney 4-7 years	508	\$56,540.40
Roy T. Willey, IV	107.2	Attorney 8-10 years	733	\$78,577.60
Salvatore Davi	7.7	Attorney 1-3 years	413	\$3,180.10
Zach Bieber	2.5	Attorney 1-3 years	413	\$1,032.50
Trinity Rawlerson	82.3	Paralegal/Law Clerk	225	\$18,517.50
TOTALS	1915.9			\$866,452.80

Expense	Amount
Westlaw Legal Research	\$ 2,823.10
Court Fees	\$ 55.53
Deposition Related Fees	\$ 4,168.45
Printing Fees	\$ 222.03
Local Counsel Fees	\$ 800.00
Document Review Related Fees	\$ 7,882.34
TOTAL	\$ 15,951.45