

SUPERIOR COURT OF NEW JERSEY

CHAMBERS OF
JEFFREY R. JABLONSKI
JUDGE



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NOT FOR PUBLICATION WITHOUT THE APPROVAL OF THE COMMITTEE ON OPINONS

November 18, 2017

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**Re: Grandview at Riverwalk Port Imperial Condominium
Assn, Inc., v. K. Hovnanian at Port Imperial
Urban Renewal II, LLC, et. al.**

Docket No. 2560-13

Dear Counsel:

This is the Court's decision on the attorney fee application permitted following the jury verdict rendered in favor of the Plaintiff on its successful consumer fraud cause of action against the Defendant in this matter, K. Hovnanian at Port Imperial Urban Renewal II, LLC (KHPI).

The Court has reviewed the original moving papers and opposition to the application, and has specifically and meticulously reviewed and considered the 3,282 line entries included in the 111-page invoice submitted by the Plaintiff. In summary, the Plaintiff seeks attorney fees and costs in the amount of \$4,769,824.78 and also requests an award of both prejudgment and postjudgment interest.

Initially, the Court finds that the certifications provided by the Plaintiff to which opposition was submitted by KHPI were more than sufficiently detailed to permit this Court to determine the nature of the work performed, the persons who performed the work, the reasonableness of the hourly rates charged, and the total hours expended sufficient to make the requested determinations.

The Plaintiff argues that it is entitled to an award of counsel fees "to attract competent counsel to counteract the community scourge of fraud." Further, it believes that it is entitled to reasonable litigation costs, prejudgment and postjudgment interest, and the legal fees and expenses incurred in the preparation of the counsel fee application.

In response, KHPI argues that the Plaintiff has not met its burden to establish any entitlement to attorney fees under the lodestar analysis because the rates that are sought and the time spent are both unsupported and unreasonable. KHPI also argues

that prejudgment interest is not warranted since the damages awarded to the Plaintiff were based entirely on alleged costs of future repairs. Finally, KHPI argues that since judgment has not yet been entered, an award of post judgment interest is premature.

A. The Lodestar Calculation:

The law concerning the recovery of attorney fees following successful consumer fraud litigation is well-settled. Specifically, reasonable attorney fees and reasonable costs must be awarded to the prevailing party. N.J.S.A. 56:8-19. This reflects the remedial nature of the Consumer Fraud Act and is designed to ameliorate the cost of righting the wrong suffered by the Plaintiff and to deter future and similar conduct by the Defendants. Perez v. Professionally Green, LLC., 215 N.J. 388, 392 (2013).

Fundamental to any consideration of an attorney fee and cost award is the reasonableness of both of these components. N.J.S.A. 56:8-19; See BJM Insulation & Const. v. Evans, 287 N.J. Super., 513, 517 (App. Div. 1996). The concept of reasonableness is further defined by R.P.C. 1.5(a). Premised on the general rule that a "lawyer's fee shall be reasonable", any attorney fee award requires a consideration of:

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 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.

In consumer fraud cases, a reasonable fee award is calculated with lodestar method. Rendine v. Pantzer, 141 N.J. 292 (1995). Under that calculus, the lodestar is established as the number of hours reasonably expended multiplied by a reasonable hourly rate. Furst v. Einstein Moomjy, Inc., 182 N.J. 1, 21-23 (2004). The first endeavor is to compare the rate or rates of the prevailing attorneys with those rates charged for similar services by lawyers of reasonably similar

experience, skill, and reputation in the community. Furst, 182 N.J. at 22. Here, Plaintiff's counsel seeks to justify an hourly rate for its partners at \$495.00 per hour, for its associates at \$323.00 per hour, and for its paraprofessionals at \$150.00 per hour. To justify these rates, counsel provides biographical information about the named attorneys who tried the case and the results of a 2015 ALM Legal Intelligence graphic detailing similarly- large New Jersey firms and the low, high, and average hourly rates for both partners and associates in those firms. Notably, the Plaintiff does not provide any information about any Hudson County attorney demographics.

In addition to its opposition briefing, KHPI submits expert analysis of the fee request by Leo Hurley, Esq., a partner at Connell Foley, LLP, and who is the incoming president of the Hudson County Bar Association. Mr. Hurley, who maintains a branch office in Hudson County, analyzes the reasonableness of the requested hourly rates and provides a comprehensive review of the billing statements and requested costs and fees by the Plaintiff. Mr. Hurley opines that the hourly fees charged by the Plaintiff's attorneys are high, and the work performed as part of the litigation is similarly excessive. Mr. Hurley notes that the Plaintiff's request "cites to a series of unsworn surveys, each allegedly based upon self-reported figures, all of which provide a broad range of fees from a smorgasbord of firms

without regard to the type of work performed or skill or knowledge of those performing it, and containing no information as to the reasonable rate of paraprofessionals." Further, Mr. Hurley points to the prior retainer agreement that was entered between the Plaintiff and Herrick Feinstein. The Court's review of that document indicates that services would be provided at the rate of \$323.00 for partners, \$275.00 for associate attorneys, and \$150.00 for paraprofessionals.

The arguments provided by counsel for the Plaintiff in support of its fee request do not provide the requisite information necessary to assess the overall reasonableness of the fee. The Plaintiff, in establishing its hourly rates, appears to have taken the average among similarly comprised firms in New Jersey- all of whom have appeared before this Court. No details are provided as to the areas of expertise, if any, in which these firms are engaged so as to provide an objective basis for the calculation of a reasonable hourly rate. Further, Plaintiff's counsel provides information about the admissions status of the attorneys who were involved in the litigation of this matter, their professional credentials above their bar admissions including board certifications, and a list of some representative cases. However, other than the certification's paragraphs, there is no other information provided to allow the Court to assess the reasonableness of what

appear to be the assigned billable rates by the Plaintiff's attorneys' firm.

Daily, this Court is truly privileged to meet and to work with attorneys who are as astute, learned, and persuasive as the attorneys who have appeared on both sides of this case. Additionally, this Court, both in the regular civil trial division and also as the designed complex business litigation court, frequently considers applications in which hourly rates are articulated. The Court, therefore, is well aware of the fees customarily commanded and charged in this specific legal community. The attorneys who customarily appear before this Court on matters similar, if not identical, to the present litigation, do not command the fees for which the applicant seeks here, nor does the legal community in this area customarily charge such fees since the public is not willing or able to pay those fees for legal services provided. The only objective determination as to the reasonableness of the rates is that to which the Plaintiff has formerly agreed—the contractual fees with the Plaintiff's prior law firm. The Plaintiffs previously agreed with that firm to pay hourly rates of \$325.00 per hour for partners and \$275.00 per hour for associate attorneys. These are more reasonable hourly rates and that are more consistent with those fees charged in this community.

Similarly, the Court has not been provided with any information to assess the reasonableness of the fees sought to be recovered by the Plaintiff's paraprofessionals.¹ Other than a representation that the "lion's share" of the work in this litigation was performed by paraprofessionals, no information is provided as to the qualifications or training of these individuals. Without the ability to assess the credentials of these individuals, and specifically whether these individuals are qualified as paralegals by experience or by formal training, and, if so, at what degree, a more reasonable chargeable rate is \$90.00 per hour.

In summary, therefore, the Court finds that the more reasonable hourly rates and those that are consistent with the fees charged in the Hudson County legal community for services rendered are:

- \$325.00 per hour for the partners,
- 275.00 per hour for the associate attorneys, and
- 90.00 per hour for paraprofessionals.

The second component of the lodestar analysis is to evaluate the reasonableness of the hours actually spent on the

¹ R. 4:42-9(b) requires an assessment of a detailed statement of time spent and services rendered by paraprofessionals, a summary of the paraprofessionals' qualifications, and the attorney's billing rate for paraprofessional services to clients generally." This information was not included in the submission for the Court's consideration.

case, "shaving from the fee" any hours that are excessive, unnecessary or duplicative. Silva v. Autos of Amboy, Inc., 267 N.J. Super., 546, 556 (App. Div. 1995). Excessive and unnecessary hours spent on the case must not be contained in the lodestar calculation. Furst, 182 N.J. at 22 citing Rendine, supra 141 N.J. at 335-336. The time involved should be the time reasonably expended, and not the time actually expended. Id. (emphasis in original). As noted by the Supreme Court, "whether the hours the prevailing attorney devoted to any part of a case are excessive ultimately requires a consideration of what is reasonable under the circumstances. Id. at 22-23). This reasonableness analysis and ultimate conclusion rests upon an initial consideration of the following:

1. The CFA count:

The Plaintiff's entitlement to attorney fees arises from filing and successfully prosecution of a cause of action under the New Jersey Consumer Fraud Act. That aspect of the litigation only arose in April 2016 with the filing of the 10th Amended complaint. In cases where plaintiff presents "distinctly different claims for relief" in one lawsuit, work on those unrelated claims cannot be deemed in pursuit of the ultimate result achieved. Silva v. Autos of Amboy, Inc., 267 N.J. Super. 546, 556 (App. Div. 1993) citing Hensley v.

Eckerhart, 461 U.S. 424, 435 (1983). Here, the only work that could be attributable to the attorney fee request following the consumer fraud award was after that claim was pleaded. No work performed before the filing of the 10th amended complaint in April 2016 can be attributable to the fees sought in this application since that work does not pertain to the consumer fraud act count. Therefore, any fees and costs for work sought to be recovered by the Plaintiff for work performed before April 2016 shall not be awarded. Fundamental fairness guides the Court's exercise of discretion as to this point.

2. Additional attorneys' time

Any assessment of any attorney fee award must involve the consideration of the R.P.C. 1.5(a) factors. In part, assessment of the attorney's experience, reputation, and ability must be a core component of the calculus for the award of any attorney fee. Conspicuously absent from the submission is any detail as to these traits for the attorneys for whom compensation is requested other than John Cottle, Matthew Meyers, Perry Adair, Sanjay Kurian, Vincenzo Mogavero, Martin Cabalar, and Andrea Titone is not compensable since the Court is deprived of the assessment of the R.P.C. factors as they apply to the other attorneys. Although additional biographical information was provided in supplemental submissions, that information does not

provide the required information necessary to assess the entitlement to the fees as is envisioned under R.P.C. 1.5.

In reflection of these two considerations, the Court then engaged in detailed a line by line analysis of the remaining entries of the produced invoice assessing each line item to assess whether the entry reflected compensable time, or, in comparison with a rudimentary rubric, whether the entry reflected work that was duplicative, vague, or excessive as to each attorney. The results of that analysis are included as Appendix A.²

² The Court objectively reviewed each line item for each subject attorney using a rubric to assess the nature of the services alleged to have been provided. The following categories have the corresponding definitions.

"Vague": The information that was provided was not sufficient to permit a quality analysis as to the work performed.

"Clerical": The work performed was more clerical in nature rather than substantively legal. This work as described could have been performed by paraprofessional staff and was not necessarily to be performed by an attorney.

"Unnecessary": The work that was performed or the activities described were not necessary to the prosecution of the consumer fraud act, were not required for the litigation,

"Unrelated": The work for which compensation is sought is not directive related to the prosecution of the actions against KHPI. This includes, but is not limited to, compensation for an attorney's travel.

"Excessive": The number of hours claimed do not appear to be reasonable for the work performed.

In light of these concepts, these are the total reasonable hours properly charged in this matter for each attorney listed:

Attorney	Total hours	CFA modification³	Less rubric analysis	Compensable hours
John Cottle	987.80	0	(326.70)	661.10
Matthew Meyers	935.60	(348.98)	(118.80)	467.82
Perry Adair	739.00	0	(156.30)	582.70
Sanjay Kurian	1209.40	(60.9)	(205.10)	943.40
Vincenzo Mogavero	596.50	(26.1)	(70.90)	499.50
Andrea Titone	493.40	(12.50)	(133.70)	347.20
Martin Cabalar	553.40	(215.90)	(79.30)	258.20

The following table is the arithmetic conversion of the compensable hours to the fees charged according to each attorney. The total is **\$ 1,190,704.00**, and is detailed here:

Attorney	Permissible Hours	Reasonable rate	Total
John Cottle	661.10	\$325.00	\$ 214,857.50
Matthew Meyers	467.82	\$325.00	152,041.50
Perry Adair	582.70	\$325.00	189,377.50
Sanjay Kurian	947.40	\$325.00	306,605.00

"Duplicative": The work was duplicated by one or more attorneys.

"Trial": Any non-duplicative trial dates were set at a standard 7 hours since this time would represent the actual time spent in court and not more discretionary activities that unreasonably increased the trial time each day.

³ These figures represent the actual hours charged by each attorney before the CFA amendment to the complaint was filed in April 2016.

Vincenzo Mogavero	499.50	\$325.00	162,337.50
Andrea Titone	347.20	\$275.00	94,480.00
Martin Cabalar	258.20	\$275.00	71,005.00

This is an amount that this Court finds reasonable.

As to the paraprofessional time, the total 925.62 hours for which compensation is sought must be reduced by 124.20 hours that are solely attributable to work performed before the consumer fraud amendment in April 2016. Therefore, the total compensable hours for the paraprofessionals is 801.42. This is a number that the Court finds to be reasonable for what appeared to the Court to be a massive clerical undertaking to prosecute this matter. Considering this number in light of the reasonable hourly rate as set forth above, the total reasonable fee charged by paraprofessionals is **\$ 72,127.80**.

In summary, the total reasonable amount of attorney fees, inclusive of support staff, is **\$ 1,262,831.80**.

B. The Lodestar Modification:

After the lodestar determination, the trial Court must then consider whether any modification of that figure is appropriate. Furst, 182 N.J. at 23; Monogram Credit Card Bank v. Tennesen, 390 N.J. Super, 123, 134 (App. Div. 2007). Proportionality between the damages recovered and the attorney fee is not the

test. However, "a trial court should decrease the lodestar if the prevailing party achieved limited success in relation to the relief [it] had sought." Id. In other words, "the actual results obtained" is the "most critical factor" in determining a reasonable fee award. Silva v. Autos of Amboy, Inc., 267 N.J. Super. 546, 55 (App. Div. 1993).

Alternatively, it is also recognized that after having established the lodestar fee, the trial court may increase the fee to "reflect the risk on non-payment in all cases in which the attorney's compensation entirely or substantially is contingent on a successful outcome." Rendine, supra, 141 N.J. at 337. Fee multipliers, however, need not be awarded in every case. Gallo v. Salesian Society, Inc., 290 N.J. Super. 616, 660 (App. Div. 1996).

In this matter, the Plaintiffs in their suit against all of the Defendants sought to recover the sum of \$14,488,682.74. If these compensatory damages were to be awarded by the jury and then trebled under the consumer fraud act, the total amount to be recovered would be \$43,466,048.22. In this case, the Plaintiff's recovered substantially less than this sum—\$9,000,000.00. As noted by KHPI, this represents approximately 20.7% of the total amount sought by the Plaintiffs. Additionally, despite the length of the trial, the issue that was presented to the jury as it applied to KHPI were very

straightforward contract claims. With the exception of the veil piercing analysis and related arguments, the majority of the claim involved the jury's consideration of whether there was a breach of contract or warranty that existed between the Plaintiff and KHPI and whether there were sufficient aggravating circumstances to justify a consumer fraud violation. Considering the net recovery in light of the requested relief, the Plaintiff admittedly recovered only a small percentage of that which it otherwise sought.

This fact notwithstanding, our Supreme Court has also noted that the lodestar may be increased to "reflect the risk of nonpayment in all cases in which the attorney's compensation entirely or substantially is contingent on a successful outcome." Rendine, supra, 141 N.J. at 337-38. It is the "actual risks or burdens borne by the attorneys that determines whether an upward adjustment of the lodestar is appropriate. Id. at 339-40. The Court should also consider the legal risks and whether the case is significant and of broad public interest. Id. at 340-41. As noted by the Supreme Court, "enhancements should range between five and fifty percent of the lodestar" if these circumstances are present. Id. at 343.

The Court, then, must balance these two competing interests in concluding whether any modification of the lodestar is appropriate. In this case, the Court recognizes that this

litigation was continent, that the width and the breadth of the litigation was large, that substantial time was expended to bring this matter to a favorable conclusion, and that the Plaintiffs have allegedly expended significant time and sizable costs that they risk not recovering. Similarly, KHPI's litigation approach appears to be designed to eliminate any possibility of compensation to the Plaintiff. On balance, therefore, the risk of non-payment outweighs the success percentage requiring an enhancement of the lodestar.

On the record as it exists before this Court, there is no mechanism for the mitigation of non-payment. Similarly, there is a particularly strong possibility of non-payment absent an award of fees. Additionally, the remedial aspect and the rehabilitative purpose of the consumer fraud act in achieving a social good must also be considered. See Walker v. Guiffre, 209 N.J. 124, 156 (2012). Considering these factors, therefore, a lodestar enhancement of 35% is justified in this case. This translates to an enhancement of **\$441,991.13**.

The total attorney fee award, therefore, is **\$1,704,822.93**.

C. The Award of Reasonable and Necessary Costs of the Action

The Plaintiff also seeks to recover the costs expended in this litigation, and specifically, an award of expenses in the amount of \$141,097.46 incurred by present counsel, \$10,827.14 by

Plaintiff's prior counsel, and \$91,365.00 to be paid to a trial consultant. The Plaintiff also acknowledges that expert fees in the amount of \$1,071,910.17 are not sought since those costs are not compensable as the "costs of suit". Josantos Constr. V. Bohrer, 326 N.J. Super 42, 47-48 (App. Div. 1999). KHPI objects to these expenditures and argues that the supporting documentation is too general to permit the award of costs.

N.J.S.A. 56:8-19 requires the award of "reasonable costs of suit" in addition to attorney fees. In summary, customary taxed costs include witness fees, costs of taking depositions when permitted, publication fees where warranted, payments for copies of depositions, sheriffs fees, and filing and docking fees. N.J.S.A. 22A:2-8. Depositions are not generally taxed costs because of the possibility of discovery abuses and excessive costs. Finch, Pruyn & CO v. Martinelli, 108 N.J. Super. 156, 159 (Ch. Div. 1969). The Court has discretion to award other costs. Fortugno Realty Co. v. Schiavone-Bonomo Corp., 39 N.J. 382, 396 (1963).

At the outset, since Herrick Feinstein, Plaintiff's prior counsel, was not involved in the aspect of the litigation that involved the consumer fraud claim. Therefore, the requested \$10,827.14, therefore, shall not be chargeable to the Defendant. Additionally, the \$91,365.00 paid to Exhibit A, a trial consult for the Plaintiff, are discretionary costs for which

compensation as taxed costs is similarly inappropriate. These fees would be likened to expert witness fees and are incident to trial preparation. Consequently, they are not recoverable. Buccinna v. Micheletti, 311 N.J. Super. 557, 566 (App. Div. 1998). Finally, any costs incurred by the Plaintiff before April 2016, the date on which the consumer fraud action entitling the Plaintiff to an award of costs accrued, are not compensable.

Following a review of the "Becker Poliakoff Litigation Expenses report", the total permissible reasonable and necessary costs total: **\$70,236.07**. These costs include fees for filing, transcription of depositions and court proceedings, and subpoena costs. The award does not include the more discretionary payments made by the Plaintiffs including attorneys' meals, parking, commuting, unsubstantiated "invoices", transportation, document storage fees, courier fees, express mailing, and for the undescribed (but numerous) "LS" expenses.

Finally, the Plaintiff requests an award of \$23,373.50 for the preparation of the attorney fee application. Courts permit recovery for time spent preparing a fee application is compensable. Tanksley v. Cook, 360 N.J. Super. 63, 67 (App. Div. 2003) citing Hernandez v. Kalinowski, 146 F.3d. 196 (3rd Cir. 1998). Acknowledging this entitlement, but being similarly concerned with the lack of detail provided as to the consumption

of 55.3 hours for the preparation of a document that counsel should have kept contemporaneously with the litigation efforts in this matter, the Court is hard pressed to arrive at an alternative calculus to assessment reasonableness of the award, other than the multiplication of the number of hours by the partner attorney rate established in this order. A review of KHPI's opposition to this point does not reveal any objection to this method of calculation. Therefore, the Plaintiff shall be awarded **\$17,972.50** for the preparation of this application. This represents the claimed 55.3 hours at the permitted \$325.00 per hour rate.

D. The Award of Prejudgment Interest.

The Plaintiff seeks an award of pre-judgment interest under R. 4:42-11(b). Entitlement to this relief is founded upon equitable principles. As noted by the Plaintiff, "while this rule addresses only tort judgments, it is clear that prejudgement interest may run on contract claims, even unliquidated claims, as well not as a matter of right, but rather in accordance with equitable principles." Pressler & Verniero, Current N.J. Court Rules, Comment 3.1 to R. 4:42-11. In response, the Defendants argue that the damages that were awarded to the Plaintiff on the building code issue were raised

entirely upon the alleged costs of future repairs and, therefore, pre-judgment interest is not warranted.

An award of prejudgment interest is designed to compensate the aggrieved party fully. See Simeone v. First Bank National Association, 73 F.3d 184, 190-91 (8th Cir. 1996). These damages are compensable to a successful Plaintiff, however, under R. 4:42-11(b). The policy underpinning of the purpose of pre-judgment interest was articulated by the Appellate Division in Belmont Condominium v. Geibel, 432 N.J. Super. 52, 92-94 (App. Div. 2013). As noted, pre-judgment interest is intended to compensate a prevailing plaintiff for the use of funds that would remain in the hands of the defendant. Id.

Here, since the damages theory embraced by the Plaintiff concerned the cost estimates for future repairs of the building, and there was no evidence, at all, about any remediation efforts had taken place at all to correct the condition at the premises, there was no deprivation of any funds by KHPI that impaired or prohibited any remedial efforts. Equitable principles require the denial of the award since there was no loss of funds that remained in the hands of the defendant for which the award of pre-judgment interest would be required. Id. at 94; Gilbert v. Durand Mfg. Co., Inc., 258 N.J. Super. 320, 331 (App. Div. 1992). With the award of compensatory damages, the statutory trebling of that amount, and the attorney fees and costs that

this Court finds reasonable and as are ordered here, the Plaintiff is made whole.

E. The Award of Post-Judgment Interest.

The Plaintiffs also seek an award of post judgment interest under R. 4:42-11(a)(iii) arguing that post judgment interest should be awarded at the rate of 2.5% from June 1, 2017 until the time that the judgment has been satisfied. In response, the Defendants argue that such an award is premature since a judgment has not yet been entered.

The Defendant is correct since a judgment on this matter has not yet been entered an award of post judgment interest is not ripe for consideration. The request for an award of post-judgment interest is denied, without prejudice.

F. Judgment:

Judgment is entered in favor of the Plaintiff and against the Defendant KHPI for attorney fees, costs, and interest in the amount **\$1,793,031.50**. This sum is awarded in addition to the compensatory damages awarded by the jury to the Plaintiff for the breach of warranty claim and for KHPI's consumer fraud violation.

IT IS SO ORDERED

Very truly yours,

Jeffrey R. Jablonski

Jeffrey R. Jablonski, J.S.C.

JRJ:ms

Appendix A

John Cottle:

Record	Date	Modification/Reduction	Reason
1858	11/19/16	2.7	Vague.
1859	11/20/16	3	Vague.
1870	11/21/16	4	Vague.
1893	11/23/16	1.2	Vague/excessive.
1896	11/24/16	2.5	Vague/excessive.
1897	11/25/16	1.4	Vague/excessive.
1917	11/29/16	0.4	Excessive.
1943	12/4/16	1	Excessive.
1962	12/6/16	1.9	Vague.
2015	12/16/16	1.8	Vague/excessive.
2017	12/17/16	2.8	Vague/excessive.
2019	12/8/16	4.0	Vague/excessive.
2024	12/19/19	2.5	Vague/excessive.
2031	12/20/16	8.0	Vague/unnecessary/ Unrelated.
2039	12/22/16	12.5	Vague/unnecessary/ Unrelated.
2069	1/2/17	4.3	Vague/unnecessary/ Unrelated.
2070	1/3/17	2.8	Vague/unnecessary/ Unrelated.
2075	1/4/17	7.5	Vague/unnecessary/ Unrelated.
2082	1/6/17	7.4	Unnecessary.
2086	1/9/17	1.6	Vague/excessive.
2090	1/10/17	1.0	Vague/excessive.
2171	1/25/17	4.5	Vague/excessive.
2202	1/29/17	1.8	Vague/excessive.
2205	1/30/17	1.2	Vague/excessive.
2226	2/1/17	1.3	Vague/excessive.
2262	2/5/17	2.0	Vague/excessive.
2265	2/6/17	7.0	Unnecessary.
2283	2/8/17	2.5	Unnecessary.
2315	2/12/17	3.0	Vague/excessive.
2361	2/15/17	5.5	Vague/excessive.
2434	2/21/17	6.0	Vague/excessive.
2494	2/25/17	2.0	Vague/excessive.
2554	3/3/17	9.0	Vague/excessive.
2565	3/4/17	8.0	Vague.

2566	3/4/17	10.0	Vague.
2570	3/5/17	7.5	Unnecessary.
2637	3/11/17	2.5	Vague.
2672	3/15/17	8.0	Unnecessary.
2765	3/23/17	7.0	Unnecessary.
2808	3/27/17	10.0	Unnecessary.
2837	3/29/17	8.5	Unnecessary.
2817	4/5/17	8.0	Unnecessary.
2929	4/6/17	8.0	Duplicative.
2942	4/7/17	8.0	Unnecessary.
2956	4/8/17	9.5	Vague.
2983	4/11/17	12.5	Unnecessary.
3034	4/17/17	10.0 reduced to 7.0 (3.0)	Trial.
3045	4/18/17	12.5 reduced to 7.0 (5.5)	Trial.
3058	4/19/17	10.0 reduced to 7.0 (3.0)	Trial.
3069	4/30/17	12.0 reduced to 7.0 (3.0)	Trial.
3099	4/25/17	10.0 reduced to 7.0 (3.0)	Trial.
3108	4/26/17	10.0 reduced to 7.0 (3.0)	Trial.
3116	4/27/17	10.0 reduced to 7.0 (3.0)	Trial.
3121	4/28/17	11.0	Unnecessary.
3135	5/1/17	10.0 reduced to 7.0 (3.0)	Trial.
3141	5/2/17	10.0 reduced to 7.0 (3.0)	Trial.
3146	5/3/17	10.0 reduced to 7.0 (3.0)	Trial.
3154	5/4/17	10.0 reduced to 7.0 (3.0)	Trial.
3167	5/8/17	10.0 reduced to 7.0 (3.0)	Trial.
3173	5/9/17	10.0 reduced to 7.0 (3.0)	Trial.
3178	5/10/17	10.0 reduced to 7.0 (3.0)	Trial.
3184	5/11/17	10.0 reduced to 7.0 (3.0)	Trial.
3200	5/15/17	10.0 reduced to 7.0 (3.0)	Trial.
3206	5/16/17	10.0 reduced to 7.0 (3.0)	Trial.
3211	5/17/17	16.0 reduced to 7.0 (9.0)	Trial/unnecessary.
3228	5/21/17	7.0	Unnecessary.
3232	5/22/17	10.0 reduced to 7.0 (3.0)	Trial.
3239	5/23/17	10.0 reduced to 7.0 (3.0)	Trial.
3244	5/24/17	8.0 reduced to 7.0 (1.0)	Trial
3266	5/30/16	10.0 reduced to 7.0 (3.0)	Trial.
3271	5/31/16	10.0 reduced to 7.0 (3.0)	Trial.
3276	6/1/16	8.0 reduced to 7.0 (1.0)	Trial.
3281	6/3/16	6.0	Unnecessary.

Matthew Meyers:

Record	Date	Modification	Reason
1099	4/14/16	9.0 reduced to 6.0 (3.0)	Excessive.
1145	4/28/16	4.0 reduced to 2.0 (2.0)	Excessive.
1172	5/13/16	0.4	Unrelated.
1183	5/18/16	0.8	Unrelated.
1189	5/19/6	6.0	Unrelated.
1193	5/20/16	0.5	Unrelated.
1206	5/30/16	0.4	Vague.
1272	6/21/16	0.4	Unrelated.
1273	6/21/16	0.3	Unrelated.
1312	7/1/16	0.3	Unrelated.
1313	7/1/16	0.3	Unrelated.
1346	7/11/16	0.5	Unrelated.
1353	7/12/16	2.0 reduced to 1.0 (1.0)	Excessive.
1369	7/20/16	0.4	Unrelated.
1405	8/3/16	1.2	Unrelated.
1406	8/3/16	5.6 reduced to 4.0 (1.6)	Excessive.
1432	8/9/16	0.3	Unrelated.
1441	8/10/16	0.3	Unrelated.
1456	8/12/16	0.5	Unrelated.
1488	8/24/16	0.3	Unrelated.
1513	9/1/16	0.5	Unrelated.
1534	9/7/16	7.5 reduced to 5.0 (1.5)	Excessive.
1545	9/8/16	0.4	Unrelated.
1546	9/8/16	0.8	Unrelated.
1599	9/19/16	10 reduced to 8.0 (2.0)	Excessive.
1605	9/20/16	0.3	Unrelated.
1623	9/26/16	0.4	Unrelated.
1624	9/26/17	1.4	Unrelated.
1673	10/6/16	1.5	Unrelated.
1674	10/6/16	0.4	Unrelated.
1700	10/13/16	0.2	Unrelated.
1701	10/13/16	0.2	Unrelated.
1703	10/13/16	0.4	Unrelated.
1721	10/21/16	0.4	Unrelated.
1722	10/21/16	0.5	Unrelated.
1723	10/21/16	0.5	Unrelated.
1744	11/1/16	1.3	Unrelated.
1767	11/4/16	1.9	Vague.
1769	11/4/16	0.4	Unrelated.
1771	11/4/16	0.4	Unrelated.
1779	11/7/16	8.0 reduced to 6.0 (2.0)	Excessive.
2007	12/15/16	1.2 reduced to 0.7 (0.5)	Excessive.
2044	12/27/16	0.4	Vague.

2109	1/13/17	0.4	Unnecessary.
2285	2/8/17	0.4	Unrelated..
2302	2/10/17	1.3 reduced to 0.5 (0.8)	Unnecessary.
2369	2/15/17	1.2	Unrelated.
2387	2/16/17	0.8	Vague.
2428	2/20/17	5.0 reduced to 3.0 (2.0)	Excessive.
2454	2/22/17	3.0 reduced to 1.0 (2.0)	Excessive.
2566	3/4/17	10.0	Vague
2567	3/4/17	7.0	Vague.
2614	3/9/17	0.4	Unrecoverable.
2715	3/17/17	6.8 reduced to 4.0 (2.0)	Excessive.
2769	3/23/17	0.8	Unrelated.
2770	3/23/17	0.5	Unrelated.
2785	3/24/17	0.6	Unrelated.
2786	3/24/17	0.3	Unrelated.
2788	3/24/17	0.5	Vague.
2875	3/31/17	5.0 reduced to 3.0 (2.0)	Excessive.
2887	4/2/17	1.0	Vague.
2932	4/6/17	6.0 reduced to 3.0 (3.0)	Excessive.
2969	4/10/17	3.5 reduced to 1.0 (2.5)	Excessive.
2987	4/11/17	5.0 reduced to 3.0 (2.0)	Excessive.
3011	4/13/17	5.0 reduced to 3.0 (2.0)	Excessive.
3036	4/17/17	10.0	Trial.
3047	4/18/17	10.0	Trial.
3060	4/19/17	10.0	Trial.
3249	5/25/17	0.4	Unrelated.
3250	5/25/17	0.4	Unrelated.
3251	5/25/17	0.4	Unrelated.
3252	5/2/17	0.4	Unrelated.
3277	6/1/17	7.0	Trial.

Perry Adair:

Record	Date	Modification	Reason
1329	7/6/17	0.3	Vague.
1668	10/5/16	0.6 reduced to 0.2 (0.4)	Excessive.
1689	10/10/16	0.5	Vague.
2098	1/11/17	4.5	Unnecessary.
2148	1/22/17	4.1	Unnecessary.
2160	1/24/17	1.5 reduced to 0.5 (1.0)	Excessive.
2196	1/27/17	0.4	Unnecessary.
2229	2/1/17	1.5 reduced to 0.5 (1.0)	Excessive.
2241	2/2/17	1.9	Unnecessary.
2305	2/10/17	1.1	Unnecessary.
2325	2/13/17	2.2 reduced to 0.4 (1.8)	Excessive.
2350	2/14/17	5.8	Unnecessary.
2370	2/15/17	5.6 reduced to 1.2 (4.4)	Excessive.
2405	2/17/17	2.5 reduced to 0.4 (2.1)	Excessive.
2421	2/19/17	4.5 reduced to 0.9 (3.6)	Excessive.
2457	2/22/17	7.8 reduced to 2.3 (5.5)	Excessive.
2508	2/27/17	1.7 reduced to 0.5 (1.2)	Excessive.
2526	2/28/17	6.1 reduced to 1.2 (4.9)	Excessive.
2538	3/1/17	4.4	Vague.
2549	3/2/17	5.5	Unnecessary.
2568	3/4/17	8.0	Vague.
2727	3/20/17	5.0	Unnecessary.
2754	3/22/17	3.4	Unnecessary/vague.
2771	3/23/17	6.0	Unnecessary.
2789	3/24/17	6.5	Unnecessary.
2911	4/4/17	7.0 reduced to 4.0 (3.0)	Excessive.
3037	4/17/17	10.0 reduced to 7.0 (3.0)	Trial.
3048	4/18/17	10.0 reduced to 7.0 (3.0)	Trial.
3061	4/19/17	10.0 reduced to 7.0 (3.0)	Trial.
3072	4/20/17	10.0 reduced to 7.0 (3.0)	Trial.
3096	4/24/17	10.0 reduced to 7.0 (3.0)	Trial.
3101	4/25/17	10.0 reduced to 7.0 (3.0)	Trial.
3109	4/26/17	10.0 reduced to 7.0 (3.0)	Trial.
3118	4/27/17	10.0 reduced to 7.0 (3.0)	Trial.
3137	5/1/17	10.0 reduced to 7.0 (3.0)	Trial.
3143	5/2/17	10.0 reduced to 7.0 (3.0)	Trial.
3148	5/3/17	10.0 reduced to 7.0 (3.0)	Trial.
3156	5/4/17	10.0 reduced to 7.0 (3.0)	Trial.
3169	5/8/17	10.0 reduced to 7.0 (3.0)	Trial.
3174	5/9/17	10.0 reduced to 7.0 (3.0)	Trial.
3181	5/10/17	10.0 reduced to 7.0 (3.0)	Trial.
3185	5/11/17	10.0 reduced to 7.0 (3.0)	Trial.

3201	5/15/17	10.0 reduced to 7.0 (3.0)	Trial.
3208	5/16/17	10.0 reduced to 7.0 (3.0)	Trial.
3213	5/17/17	10.0 reduced to 7.0 (3.0)	Trial.
3253	5/25/17	10.0 reduced to 7.0 (3.0)	Trial.
3268	5/30/17	6.0	Unnecessary.
3278	6/1/17	4.0	Unnecessary.

Sanjay Kurian

Record	Date	Modification	Reason
1092	4/12/16	6.0 reduced to 3.0 (2.0)	Excessive.
1211	5/31/16	1.5	Unrelated.
1221	6/2/16	5.5	Unrelated.
1222	6/3/16	4.5	Unrelated.
1350	7/11/16	1.5 reduced to 0.4 (1.1)	Excessive.
1376	7/25/16	3.4	Vague.
1379	7/26/16	5.4 reduced to 3.4 (2.0)	Duplicative.
1471	8/19/16	3.0	Unrelated.
2053	12/28/16	3.5	Vague.
2063	12/29/16	2.5	Vague.
2177	1/25/17	6.0 reduced to 1.0 (5.0)	Excessive.
2198	1/27/17	6.5 reduced to 2.0 (4.5)	Clerical.
2207	1/30/17	5.6 reduced to 2.0 (3.6)	Clerical.
2220	1/31/17	6.5 reduced to 2.0 (4.5)	Clerical.
2233	2/1/17	10.0 reduced to 3.0 (7.0)	Vague/clerical.
2242	2/2/17	4.5 reduced to 1.5 (3.0)	Clerical.
2258	2/3/17	6.0	Vague.
2499	2/26/17	2.5	Unnecessary.
2569	3/4/17	9.0	Vague.
2572	3/5/17	4.0 reduced to 1.2 (2.8)	Clerical.
2582	3/6/17	5.5 reduced to 1.2 (4.3)	Clerical/vague.
2665	3/14/17	2.5 reduced to 0.9 (1.4)	Clerical.
2682	3/15/17	4.5 reduced to 1.2 (3.3)	Clerical/vague.
2846	3/29/17	5.0	Vague.
2928	4/6/17	6.0	Vague.
2936	4/6/17	10.0 reduced to 2.2 (8.2)	Clerical/vague.
3075	4/20/17	11.0 reduced to 7.0. (4.0)	Trial.
3097	4/24/17	12.0 reduced to 7.0.(5.0)	Trial.
3102	4/25/17	14.0 reduced to 7.0.(7.0)	Trial.
3110	4/26/17	12.0 reduced to 7.0 (5.0)	Trial.
3118	4/27/17	12.0 reduced to 7.0 (5.0)	Trial.
3119	4/27/17	10.0 reduced to 7.0 (3.0)	Trial.
3139	5/1/17	12.0 reduced to 7.0 (5.0)	Trial.
3144	5/2/17	12.0 reduced to 7.0 (5.0)	Trial.
3151	5/3/17	10.0 reduced to 7.0 (3.0)	Trial.
3157	5/4/17	10.0 reduced to 7.0 (3.0)	Trial.
3170	5/8/17	10.0 reduced to 7.0 (3.0)	Trial.
3175	5/9/17	10.0 reduced to 7.0 (3.0)	Trial.
3182	5/10/17	10.0 reduced to 7.0 (3.0)	Trial.
3187	5/11/17	10.0 reduced to 7.0 (3.0)	Trial.
3203	5/15/17	10.0 reduced to 7.0 (3.0)	Trial.
3209	5/16/17	14.0 reduced to 7.0 (7.0)	Trial.
3214	5/17/17	10.0 reduced to 7.0 (3.0)	Trial.

3236	5/22/17	10.0 reduced to 7.0 (3.0)	Trial.
3242	5/23/17	15.0 reduced to 7.0 (8.0)	Trial.
3246	5/24/17	15.0 reduced to 7.0 (8.0)	Trial.
3254	5/25/17	13.0 reduced to 7.0 (6.0)	Trial.
3258	5/26/17	8.0 reduced to 7.0 (1.0)	Trial.
3269	5/30/17	9.0 reduced to 7.0 (2.0)	Trial.
3274	5/31/17	9.0 reduced to 7.0 (2.0)	Trial.

Vincenzo Mogavero :

Record	Date	Modification	Reason
1675	10/6/16	0.3 reduced to 0.1 (0.2)	Excessive.
1729	10/24/16	0.4	Vague.
1838	11/17/16	1.0	Duplicative.
1878	11/22/16	1.6 reduced to 0.4 (1.2)	Excessive.
1928	11/30/16	0.6	Vague.
2066	12/30/16	1.0 reduced to 0.3 (0.7)	Excessive.
2132	1/18/17	0.5 reduced to 0.1 (0.4)	Excessive.
2134	1/18/17	0.3	Vague.
2167	1/24/17	0.8 reduced to 0.4 (0.4)	Excessive.
2192	1/26/17	0.4	Vague.
2200	1/27/17	0.3 reduced to 0.1 (0.2)	Excessive.
2209	1/30/17	0.5 reduced to 0.2 (0.3)	Excessive.
2261	2/3/17	2.5 reduced to 0.3 (2.2)	Excessive.
2292	2/8/17	0.6	Vague.
2314	2/10/17	1.6 reduced to 0.4 (1.2)	Excessive.
2330	2/13/17	3.5	Vague.
2415	2/17/17	0.4 reduced to 0.1 (0.3)	Excessive.
2493	2/24/17	1.4 reduced to 0.4 (1.0)	Excessive.
2514	2/27/17	0.6 reduced to 0.3 (0.3)	Excessive.
2564	3/3/17	7.0	Vague.
2584	3/6/17	0.3 reduced to 0.1 (0.2)	Excessive.
2607	3/8/17	6.7	Duplicative.
2636	3/10/17	0.4 reduced to 0.2 (0.2)	Excessive.
2718	3/17/17	6.0 reduced to 1.0 (5.0)	Excessive.
2747	3/21/17	1.4	Vague.
2914	4/4/17	5.6	Duplicative.
2953	4/7/17	5.8	Excessive.
2995	4/11/17	3.8	Duplicative.
3083	4/21/17	5.2 reduced to 1.2 (4.0)	Excessive.
3171	5/8/17	1.4	Vague.
3176	5/9/17	0.8	Vague.
3177	5/9/17	1.3	Vague.
3237	5/22/17	10.5	Unnecessary.
3280	6/2/17	2.0	Vague.

Martin Cabalar:

Record	Date	Modification	Reason
1114	4/18/16	0.3 reduced to 0.1 (0.2)	Clerical.
1176	5/16/16	0.3	Vague.
1192	5/20/16	0.3 reduced to 0.1 (0.2)	Clerical
1199	5/25/16	0.8 reduced to 0.4 (0.4)	Excessive.
1200	5/26/16	0.2	Vague.
1240	6/12/16	3.5	Duplicative.
1311	7/1/16	0.2	Vague.
1326	7/6/16	0.4	Vague.
1331	7/7/16	0.3	Vague.
1336	7/8/16	1.2 reduced to 0.4 (0.8)	Excessive.
1346	7/11/16	0.5	Unnecessary.
1357	7/13/16	0.3	Unnecessary.
1381	7/29/16	0.8	Vague.
1388	8/1/16	0.2	Vague.
1392	8/1/16	0.6	Vague.
1395	8/2/16	0.4	Vague.
1439	8/10/16	0.4 reduced to 0.2 (0.2)	Clerical.
1440	8/10/16	0.4 reduced to 0.2 (0.2)	Clerical.
1461	8/17/16	2.3	Vague.
1481	8/23/16	0.5 reduced to 0.2 (0.3)	Clerical.
1499	8/29/16	2.0	Vague.
1523	9/2/16	2.7	Duplicative.
1533	9/7/16	6.5	Unnecessary.
1719	10/21/16	1.5 reduced to 0.5 (1.0)	Excessive.
1720	10/21/16	1.5 reduced to 0.5 (1.0)	Excessive.
1778	11/7/16	4.5	Unnecessary.
1779	11/7/16	8.0	Unnecessary.
1856	11/19/16	1.0 reduced to 0.3 (0.7)	Excessive.
1875	11/22/16	1.5	Vague.
1923	11/30/16	3.5	Unnecessary.
1965	12/7/16	0.5	Vague.
2018	12/18/16	0.8 reduced to 0.2 (0.6)	Clerical
2113	1/16/17	8.0 reduced to 1.5 (6.5)	Clerical.
2252	2/3/17	1.5 reduced to 0.4 (1.1)	Excessive.
2403	2/17/17	0.3	Vague.
2486	2/24/17	0.3	Vague.
2518	2/28/17	2.5	Duplicative.
2556	3/3/17	5.5	Unnecessary.
2613	3/9/17	1.0	Vague.
2630	3/10/17	2.0	Vague.
2713	3/17/17	3.5	Unnecessary.
2824	3/28/17	1.5	Clerical.
2841	3/29/17	2.5	Clerical.

2856	3/30/17	1.0	Clerical.
2873	3/31/17	3.5	Unnecessary.
3264	5/29/17	3.8	Vague.

Andrea Titone:

Record	Date	Modification	Reason
1111	4/18/16	2.1 reduced to 1.0 (1.1)	Clerical.
1153	5/3/16	1.0	Clerical/vague.
1165	5/10/16	0.3	Clerical.
1185	5/19/16	1.5 reduced to 0.4 (0.6)	Clerical.
1217	6/2/16	0.5	Vague.
1245	6/14/16	2.0 reduced to 0.9 (1.1)	Clerical.
1269	6/21/16	5.0	Vague.
1277	6/23/16	2	Vague.
1283	6/24/16	6.0 reduced to 2.8 (3.2)	Clerical.
1293	6/27/16	3.2	Vague.
1363	7/18/16	2.0 reduced to 0.9 (1.1)	Clerical.
1380	7/29/16	0.5 reduced to 0.2 (0.3)	Clerical.
1404	8/3/16	0.4 reduced to 0.2 (0.2)	Clerical.
1532	9/7/16	1.0 reduced to 0.4 (0.6)	Clerical.
1549	9/9/16	0.7 reduced to 0.3 (0.4)	Clerical.
1562	9/12/16	3.5	Duplicative.
1576	9/15/16	1.2 reduced to 0.6 (0.6)	Clerical.
1620	9/23/16	0.4 reduced to 0.2 (0.2)	Clerical.
1652	10/4/16	1.0 reduced to 0.5 (0.5)	Clerical.
1693	10/12/16	0.5	Vague.
1708	10/17/16	0.5	Vague.
1713	10/19/16	1.5 reduced to 0.4 (1.1)	Excessive/ clerical.
1730	10/25/16	2.5 reduced to 0.9 (1.6)	Excessive/ Clerical.
1739	11/1/16	2.0 reduced to 0.5 (1.5)	Excessive.
1750	11/2/16	1.0 reduced to (0.3)	Excessive.
1802	11/14/16	0.5	Vague.
1831	11/17/16	0.5	Vague.
1886	11/23/16	0.3	Vague.
1936	12/2/16	3.5 reduced to 1.0 (2.5)	Excessive.
1976	12/9/16	2.0 reduced to 0.4 (1.6)	Excessive.
1984	12/12/16	5.5	Vague.
2020	12/19/16	0.5	Vague.
2035	12/22/16	5.0	Duplicative.
2115	1/17/17	4.5	Duplicative.
2125	1/18/17	1.5 reduced to 0.4 (1.1)	Excessive.
2149	1/23/17	2.5	Vague.
2169	1/25/17	8.5	Duplicative.
2225	2/1/17	4.0 reduced to 1.0 (3.0)	Excessive.
2236	2/2/17	1.0 reduced to 0.2 (0.8)	Clerical.
2246	2/3/17	5.0 reduced to 2.7 (2.3)	Clerical.
2270	2/7/17	2.0 reduced to 0.9 (1.1)	Clerical.

2396	2/17/17	3.5	Duplicative.
2419	2/19/17	0.3	Vague.
2423	2/20/17	0.5	Vague.
2447	2/22/17	3.0	Vague.
2466	2/23/17	1.2	Vague.
2480	2/24/17	1.0	Vague.
2544	3/2/17	3.0	Vague.
2599	3/8/17	3.5 reduced to 1.5 (2.0)	Clerical/ Vague.
2610	3/9/17	6.5 reduced to 3.0 (3.5)	Clerical.
2849	3/30/17	3.0 reduced to 1.0 (2.0)	Clerical.
2891	4/3/17	4.0	Duplicative/ Vague.
2928	4/6/17	6.0 reduced to 1.0 (5.0)	Clerical/ Vague.
2955	4/8/17	2.2	Duplicative.
2964	4/10/17	2.0	Vague.
3007	4/13/17	3.0	Excessive/ Vague.
3030	4/17/17	3.5	Excessive/ Vague.
3042	4/18/17	5.3 reduced to 2.0 (3.3)	Clerical/ Vague.
3079	4/21/17	5.0 reduced to 2.0 (3.0)	Clerical.
3093	4/24/17	5.0 reduced to 1.0 (4.0)	Clerical.
3114	4/27/17	1.5 reduced to 0.8 (0.7)	Clerical.
3120	4/28/17	4.0 reduced to 2.0 (2.0)	Clerical.