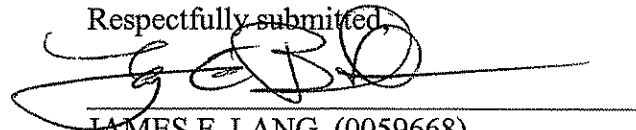


IN THE COURT OF COMMON PLEAS
LAKE COUNTY, OHIO

STATE OF OHIO EX REL.	)	CASE NO. 04CV001080
ROBERT MERRILL, TRUSTEE, <i>et al.</i> ,)	
	)	JUDGE EUGENE A. LUCCI
Plaintiffs-Relators,)	
)	
vs.)	
)	
STATE OF OHIO, DEPARTMENT OF	)	PLAINTIFF OLG'S RENEWED AND
NATURAL RESOURCES, <i>et al.</i>,	)	SUPPLEMENTED MOTION FOR FEES
)	
Defendants-Respondents.)	

Pursuant to Section 2335.39 of the Ohio Revised Code, Plaintiff Ohio Lakefront Group, Inc. ("OLG" or "Plaintiff"), renews and supplements its prior motion for an order awarding OLG its attorney fees against Defendants State of Ohio ("State") and Ohio Department of Natural Resources ("ODNR") (collectively also the "State"). As discussed fully in the attached Brief in Support, which is incorporated by reference, OLG, after a judgment in this Court and two victories on appeal, is the prevailing party on the questions certified by the Court for this class action. The State's position in initiating the matter in controversy was not substantially justified, indeed was contrary to law that has been settled for more than 130 years, and has resulted in OLG incurring a significant amount of attorney fees. Consequently, OLG requests that the Court grant this Motion and award OLG its attorney fees incurred to date in connection with this action in the amount of \$509,453.16 plus \$68,791.33 in related expenses.

Respectfully submitted,



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IN THE COURT OF COMMON PLEAS
LAKE COUNTY, OHIO

STATE OF OHIO EX REL.)	CASE NO. 04CV001080
ROBERT MERRILL, TRUSTEE, <i>et al.</i> ,)	
	)	JUDGE EUGENE A. LUCCI
Plaintiffs-Relators,)	
)	
vs.)	
	)	BRIEF IN SUPPORT OF PLAINTIFF
STATE OF OHIO, DEPARTMENT OF	)	OLG'S RENEWED AND
NATURAL RESOURCES, <i>et al.</i>,	)	SUPPLEMENTED MOTION FOR FEES
)	
Defendants-Respondents.)	

Plaintiff OLG respectfully requests, pursuant to Section 2335.39 of the Ohio Revised Code, that the Court award it compensation for the fees it has incurred in connection with this action and the subsequent appeals. Faced with a direct challenge from the State to their ownership of lakefront land, class plaintiffs including OLG had no choice but to bring this action to defend their long-standing property rights. Indeed, prior to commencing this action, class plaintiffs specifically directed the State to then-Attorney General Lee Fisher's legal opinion issued to ODNR in 1993 which found that the boundary of the State's territory in Lake Erie is the water's edge, but the State deliberately refused to follow Ohio law. As the Ohio Supreme Court itself noted, in ruling in favor of OLG, the law on the location of the boundary has been clear and contrary to the position advanced by the State in these proceedings for more than 130 years. Having now defeated the State, and prevailed in defending the property rights of the thousands of littoral property owners along Lake Erie, OLG is entitled to an award compensating it for the attorney fees incurred as a result of the State's unjustified actions.

I. Procedural Background

In the 1990's, ODNR began requiring littoral landowners to enter into submerged land leases with the State to use land located below the ordinary high water mark – a mark which ODNR then arbitrarily set at an elevation of 573.4 feet IGLD (1985) (the "State's OHW").

ODNR had not previously required submerged land leases for property located up to the State's OHW. Littoral landowners rightly saw this as an attack on their established and previously unchallenged property rights and together with OLG filed this class action lawsuit against ODNR and the State on May 28, 2004. OLG amended the Complaint on July 2, 2004. On December 15, 2004, the Court denied the State's motion to dismiss and scheduled a hearing on OLG's motion to certify a class for March 4, 2005. The State waited until February 23, 2005 – only nine days before the class certification hearing – to file its responsive pleading, which included a counterclaim against OLG and other class plaintiffs and frivolous cross-claims against the United States of America and the United States Army Corps of Engineers. On June 8, 2006, after the case was removed to federal court, and then remanded after dismissal of the “claims” against the United States and the Army Corps of Engineers, the State agreed to stipulate with OLG to class certification on three agreed questions of law. The Court certified the class, and those three questions of law, on June 9, 2006.

The parties then fully briefed their own separate motions for summary judgment on each of the three certified questions in the summer of 2007. At the same time, ODNR selected independent outside legal counsel to represent it in this matter and, on July 13, 2007, having reviewed OLG's motion for summary judgment, ODNR withdrew its opposition to OLG's claims. Although the new administration and ODNR recognized that ODNR's previous position had not been justified by existing Ohio law, Attorney General Marc Dann nevertheless elected to continue pursuing the State's position that it owned all littoral property on Lake Erie lakeward of the State's OHW.

On December 11, 2007, the Court entered an order denying the State's motion for summary judgment and granting OLG's motion in part. In sum, the Court rejected the State's contention that the State's OHW was the boundary between the public trust territory and private property rights and held – as the prior Ohio Attorney General had similarly opined to ODNR in 1993 – that the water's edge was instead the proper legal boundary.

The State did not abandon its position and on January 8, 2008, appealed this Court's judgment. On August 24, 2009, after extensive briefing by all parties, and oral argument, the Eleventh District unanimously affirmed this Court's ruling that the State's OHW was not the boundary and affirmed with minor modification the boundary line adopted by this Court.

Having now lost a second time, the State still did not change course. On October 7, 2009, the State appealed that ruling to the Ohio Supreme Court. Most recently, on September 14, 2011, again after extensive briefing by the parties and various amici, and after oral argument, the Supreme Court in a unanimous opinion rejected the State's contention that the State's OHW was the appropriate boundary between the public trust territory and private property and affirmed the boundary adopted by this Court with minor modifications.

As the party that has prevailed over the State, OLG seeks an award of the fees it incurred to date over seven years to defend against this unnecessary challenge to the class members' littoral property rights. It initially filed this Motion on January 10, 2008. On January 18, 2008, the State moved to stay the Motion. The Court's order was appealed at the same time and the Court did not then rule on the Motion for Fees. In its September 14, 2011 opinion, the Supreme Court directed that the matter "is remanded to the trial court for further proceedings on pending claims." 2011-Ohio-4612, ¶65. Accordingly, OLG renews and supplements its still-pending Motion here to also account for those fees and expenses incurred since January 2008.

II. Discussion

OLG has a statutory right to an award of attorneys fees as the prevailing party in this dispute with the State. *See* Ohio Rev. Code § 2335.39. Section 2335.39 of the Ohio Revised Code, which is entitled "Compensation for fees incurred by prevailing party in connection with action or appeal[,]" provides in pertinent part that:

. . .in a civil action, or appeal of a judgment in a civil action, to which the state is a party . . . the prevailing eligible party is entitled, upon filing a motion in accordance with this division, to compensation for fees incurred by that party in connection with the action or appeal...

Ohio Rev. Code § 2335.39(B)(1). Subsection (B)(1) further provides that such a motion for fees shall be filed "with the court within thirty days after the court enters final judgment in the action or appeal[]" and shall "do all of the following:

- (a) Identify the party;
- (b) Indicate that the party is the prevailing eligible party and is entitled to receive an award of compensation for fees;
- (c) Include a statement that the state's position in initiating the matter in controversy was not substantially justified;

(d) Indicate the amount sought as an award;

(e) Itemize all fees sought in the requested award. The itemization shall include a statement from any attorney who represented the prevailing eligible party, that indicates the fees charged, the actual time expended, and the rate at which the fees were calculated.”

Ohio Rev. Code § 2335.39(B)(1)(a-e).

Once a prevailing eligible party such as OLG timely files such a motion, “the state has the burden of proving that its position in initiating the matter in controversy was substantially justified[.]” As explained further below, the State cannot meet that burden. Thus, OLG is entitled to an award compensating it for attorneys fees incurred in connection with this dispute.

Each of the five statutory requirements are addressed below in order.

A. Identification of OLG.

OLG is a duly formed non-profit corporation which represents, and most of whose members are, owners of littoral property on Lake Erie. (First Amended Complaint at ¶ 2.) OLG filed this action against ODNR and the State on May 28, 2004, and has retained attorneys from the law firm of Calfee, Halter & Griswold LLP in Cleveland, Ohio to represent it and the class members throughout these proceedings.

B. OLG Is the Prevailing Eligible Party and Entitled to an Award of Fees.

OLG is now a prevailing eligible party. An “eligible party” is defined as a “party to an action or appeal involving the state[.]” Ohio Rev. Code § 2335.39(A)(2).¹ A “prevailing eligible party” is further defined as “an eligible party that prevails in an action or appeal involving the state.” Ohio Rev. Code § 2335.39(A)(5). In light of OLG’s participation in this action involving the State, OLG is an “eligible party.” Further, in light of this Court’s December 11, 2007 order which with respect to the boundary of the public trust both denied the State’s motion for summary judgment and in part granted OLG’s motion, the Eleventh District’s August 24, 2009 judgment entry affirming this Court’s order with minor modification on the location of the boundary and lastly the Supreme Court’s September 14, 2011 opinion again affirming this Court’s order with minor modification on the boundary, OLG is a “prevailing eligible party.” As such, OLG is entitled to an award of fees from the State.

¹ Pursuant to Ohio Rev. Code § 2335.39(A)(2)(c), a corporation with a net worth exceeding \$5 million at the time the action is filed cannot be a prevailing party. However, as a volunteer non-profit organization, at no time has OLG had a net worth approaching or resembling \$5 million.

C. The State's Position in Initiating the Matter Was Not Substantially Justified.

The State's position in initiating the matter in controversy was not substantially justified. First, it was the State, not OLG, that initiated the matter in controversy. Though OLG was the first to file claims in this dispute, the operative initiating act for purposes of this motion is not the filing of the action, but the State's initiation of the underlying conflict.² As the Ohio Supreme Court recently clarified, Section 2335.39 will "permit fees where the state initiates either the *conduct* that gave rise to the litigation *or* initiates the litigation caused by the controversy." *State ex rel. R.T.G., Inc. v. State*, 98 Ohio St. 3d 1, 14 (2002) ("If fees ... [w]ere permitted only where the state initiated the legal action, the protection that R.C. 2334.39 [sic] would not be available where landowners, such as in the instant case, were compelled to initiate legal action to get relief from the state."); see *Child Care Provider Certification Dep't v. Harris*, 2003-Ohio-6500, ¶¶ 21-22 (Cuyahoga 2003) (citing *RTG* on same point); see also *Warren's Eastside Auto Sales v. Ohio Dep't of Public Safety*, 2003-Ohio-5702, ¶ 21, n.1 (Trumbull 2003) (same). The State initiated the conduct that led to this action by prohibiting plaintiff landowners, including members of OLG, from using their property to the extent it was located below the State's OHW, regardless of fee ownership of that land, unless and until Plaintiffs agreed to pay ODNR to lease that land they owned back from ODNR. (First Amended Complaint at ¶¶ 1, 10-13, 24-30.) Plaintiffs, including OLG, were forced by the State's conduct to file this action so as to vindicate their property rights.

A few years prior to the filing of this action, the State had sought and received the opinion of then Attorney General Lee Fisher that persons owning littoral property, not the State, held title to the land between the water's edge and the State's OHW. This is consistent with the rulings of Ohio courts stretching back more than 130 years, and with ODNR's statements from the late 1970s through the late 1990s that the boundary of Lake Erie was the water's edge, not an ordinary high water mark. Thus, in forging ahead with its attack on class members' property rights, the State was ignoring its own publications, the opinion and advice of Ohio's chief legal officer, and the unanimous and long-standing refrain of Ohio courts.

² The State too, along with ODNR, has filed its own claims in this dispute – counterclaims against a number of class plaintiffs and OLG. Those counterclaims were effectively denied by the Court's December 11, 2007 order, by the August 24, 2009 judgment entry of the Eleventh District and by the September 14, 2011 opinion of the Ohio Supreme Court.

This Court certified three questions for class determination and the parties filed summary judgment briefs on each. After reading the summary judgment motions filed by OLG and by the Attorney General, ODNR elected to adopt a “new regulatory policy” and announced that it would “honor the apparently valid property deeds of the plaintiff-relator lakefront owners” unless this Court adopted the Attorney General’s position. Despite this express change in policy, the State, through Attorney General Marc Dann, persisted in enforcing this disclaimed boundary against plaintiffs and OLG. On December 11, 2007, the Court entered an order granting OLG’s motion in part and denying the State’s motion. Specifically, the Court held that plaintiffs have title to land down to the “water’s edge,” which, rather than the State’s OHW which the Court rejected, was the boundary of the public trust territory.

In January 2008, Attorney General Marc Dann appealed that order on behalf of the State, but then resigned shortly thereafter in May 2008. He was replaced by Nancy Rogers, and she continued the appeal on behalf of the State, which again wrongly maintained that the State’s OHW was the boundary between the public trust and private lands. In January 2009, Richard Cordray became the next Attorney General, though again nothing changed in the State’s position.

On August 24, 2009, the Eleventh District Court of Appeals first dismissed the State from the action for lack of standing, and then “respectfully reject[ed]” the contention that the State’s OHW was the boundary. 2009-Ohio-4256, ¶77. Further, it affirmed this Court’s ruling on the location of the boundary at the water’s edge, modifying it only slightly to the “line of contact with a body of water with the land *between the high and low water mark.*” *Id.* at ¶127 (emphasis in original).

Attorney General Cordray, on behalf of the State, appealed the Eleventh District’s opinion, both as to his standing, but also as to the ruling on the public trust boundary, maintaining the State’s position that the boundary was the State’s OHW. Though the office of the Attorney General switched again in January 2011, prior to oral argument before the Supreme Court, new and current Attorney General Mike DeWine did not change course and argued in favor of the State’s position that the boundary was the State’s OHW.

On September 14, 2011, the Ohio Supreme Court affirmed the Eleventh District’s holding that the State’s OHW was not the boundary between the public trust and private lands. 2011-Ohio-4612, ¶50. The Ohio Supreme Court also affirmed the Eleventh District’s ruling on

the location of the public trust boundary (*Id.* at ¶65), modifying it again only slightly to be “the line where the water usually stands when free from disturbing causes,” a line which it noted does not change from moment to moment and which had been established by the Supreme Court “more than 130 years ago” (*Id.* at ¶49).

In pursuing a position which the State knew from the start had no support, the State acted in a manner that was not substantially justified. Most notably, as the Supreme Court held, the law on the boundary has been clear, and contrary to the State’s position, for “more than 130 years[.]”

D. Award of Fees Sought in the Amount of \$578,244.49.

OLG seeks to recover \$578,244.49 in payments for legal costs made by it in connection with this action, consisting of \$509,453.16 in hourly billings plus expenses totaling \$68,791.33.

Ohio Rev. Code § 2335.39(A)(3) defines “fees” subject to recovery as “reasonable attorney’s fees, in an amount not to exceed seventy-five dollars per hour or a higher hourly fee as approved by the court.” The General Assembly set the seventy-five dollar per hour presumption in 1984 in Am. Sub. S.B. 102, and it has not been adjusted since then. Thus, the determination of reasonable attorney’s fees essentially is at the sound discretion of the trial court.

E. Itemization of Fees.

As noted in our initial motion, through December 31, 2007, Calfee, Halter & Griswold LLC (“Calfee”) charged OLG hourly fees in the amount of \$280,683.96 for its representation of OLG and the class in this action plus \$22,758.78 for actual expenses incurred. (*See* Statement of James F. Lang, partner with Calfee, attached to the initial motion, and hereto again, as Exhibit A.) Each attorney’s and paralegal’s billing rate and hours worked during that time period were itemized on Attachment 1 to Exhibit A, and the expenses paid by OLG are itemized on Attachment 2 to Exhibit A.

Since January 1, 2008, through September 15, 2011, Calfee has charged OLG hourly fees in the amount of \$228,769.20 for its representation of OLG and the class plus \$14,032.55 for actual expenses incurred. (*See* Statement of Fritz E. Berckmueller, partner with Calfee, attached hereto as Exhibit B.) Each attorney’s and paralegal’s billing rate and hours worked during that time period were itemized on Attachment 1 to Exhibit B, and the expenses incurred are itemized on Attachment 2 to Exhibit B. Itemized billing statements can be made available for review subject to appropriate protections.

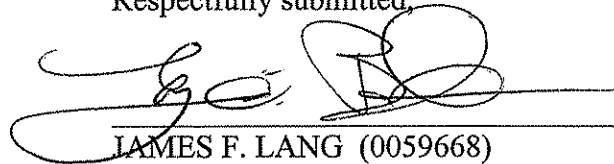
In addition, OLG paid \$32,000 in expenses on its own to a separate appellate consultant in connection with the Ohio Supreme Court proceedings.

This action has been ongoing for more than seven years, some of that as a result of the State's filing of motions and pleadings which unnecessarily delayed the Court's consideration of the substantive issues presented. This action has involved heavy motion practice and briefing, including the State's efforts to dismiss the action and oppose class certification, as well as the State's failed attempt to add the United States of America and the Army Corps of Engineers as parties to this action in an attempt to avoid resolution of these claims by a state court. The proceedings on appeal stretched out over years. Given the State's opposition to squaring its policy with long-settled Ohio law and the complexity of the issues presented, the fees incurred by OLG were reasonable.

III. Conclusion

For the foregoing reasons, and as provided in Ohio Rev. Code § 2335.39, Plaintiff Ohio Lakefront Group, Inc. requests that the Court grant this Motion and enter an order awarding OLG \$578,244.49 from the State as compensation for the attorneys fees and legal expenses incurred through September 15, 2011 in connection with defending their rights and pursuing this action. It remains to be seen if the State will concede the relief that should flow from the Supreme Court's opinion; if it does not, Plaintiff Ohio Lakefront Group, Inc. reserves the right to move the Court at a later date for any additional fees it is required to incur to obtain the requested relief.

Respectfully submitted,



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Counsel for Plaintiff OLG

CERTIFICATE OF SERVICE

A copy of the foregoing **PLAINTIFF OLG'S RENEWED AND SUPPLEMENTED MOTION FOR FEES** and **BRIEF IN SUPPORT OF PLAINTIFF OLG'S RENEWED AND SUPPLEMENTED MOTION FOR FEES** was served, via e-mail and regular U.S. Mail, upon the following, this 14th day of October, 2011:

Cynthia K. Frazzini, Esq.
John P. Bartley, Esq.
Assistant Attorneys General
Environmental Enforcement Section
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Columbus, Ohio 43215



One of the Attorneys for Plaintiff OLG

EXHIBIT A

IN THE COURT OF COMMON PLEAS
LAKE COUNTY, OHIO

STATE OF OHIO EX REL.	)	CASE NO. 04CV001080
ROBERT MERRILL, TRUSTEE, <i>et al.</i> ,)	
	)	JUDGE EUGENE A. LUCCI
Plaintiffs-Relators,)	
)	
vs.)	
)	
STATE OF OHIO, DEPARTMENT OF)	
NATURAL RESOURCES, <i>et al.</i>,	)	STATEMENT OF ATTORNEY
	)	JAMES F. LANG
Defendants-Respondents.)	

JAMES F. LANG, an attorney representing plaintiff OLG in this action, states the following:

1. I am a partner in the law firm of Calfee, Halter & Griswold LLC (“Calfee”). As the responsible partner for the litigation captioned above, I have personal knowledge of the statements made herein.
2. Calfee was retained in 2004 by the Ohio Lakefront Group, Inc. (“OLG”) to represent it in a dispute with the State of Ohio and the Ohio Department of Natural Resources over the boundary between the public and private property abutting Lake Erie in Ohio.
3. Calfee has represented OLG throughout this action. Calfee was appointed class counsel in 2006. Calfee has had several attorneys and support personnel working on this action over the course of the action.
4. Through December 31, 2007, as shown on Attachment 1, Calfee has billed OLG or accrued time to be billed to OLG of at least \$280,683.96 for work directly related to pursuing its claims in this action. That sum is the product of a total of 1,152.46 hours worked and billed in connection with this dispute as shown on Attachment 1. Since 2004, the hourly rates of Calfee attorneys and paralegals billing time to this dispute has ranged from \$140 per hour to \$335 per hour.
5. Additionally, as shown on Attachment 2, Calfee has billed OLG \$22,758.78 for expenses incurred in litigating this action to a successful conclusion, including \$10,298.20 for publication of the legal notice of class certification.

6. These fees and expenses were reasonably incurred to prevail against the State of Ohio in this action.

Dated: January 10, 2008


JAMES F. LANG

Chart of Legal Services Billed by Rate and Hours: *State of Ohio ex rel. Robert Merrill, Trustee, et al. vs. State of Ohio, Department of Natural Resources, et al.*

Billing Attorney/Paralegal	Year	Rate	Hours	Billed Amount
Lang, James - Partner	2007	335	184.2	61,707
	2006	315	80.55	25,375.73
	2005	300	116.7	35,010
	2004	280	85.1	23,828
	2004	Flat	76.4	7,500
Berckmueller, Fritz - Associate	2007	215	257.7	55,405.50
	2006	195	57.81	11,270.73
Sullivan, K. James - Associate	2007	215	48.2	10,363
	2006	195	28.4	5,538
	2005	180	97.9	17,623.50
Grendell, Henry – Associate	2004	215	56.3	12,104.50
Mulcahy, Michael – Senior Atty	2006	330	0.3	99
	2005	330	8.8	2,904
	2004	330	18.5	6,105
Sybyl, Jennifer - Paralegal	2007	165	5.7	940.50
	2006	160	15.7	2,512
Berliner, Stacy - Associate	2004	140	10.2	1,428
Moses, Kim - Associate	2006	275	0.5	137.50
	2004	240	3.3	792
Szabo, Magda - Senior Attorney	2006	200	0.2	40
			1152.46	280,683.96

LTD

Description	Amount	Billed Amount
L.D. Phone - Non Cash	64.12	64.12
Duplicating	1,824.60	1,824.60
Cash Payments	-6.67	-6.67
Delivery Fees	1,743.73	1,743.73
Filing Fee	175.00	175.00
Newspaper Advertisement	10,298.20	10,298.20
Prof Services-Other	1,455.64	1,455.64
Telecopy	254.00	254.00
Database Fees	9,787.25	6,879.96
Duplicating-Binding	70.20	70.20
Total	25,666.07	22,758.78

EXHIBIT B

IN THE COURT OF COMMON PLEAS
LAKE COUNTY, OHIO

STATE OF OHIO EX REL.	)	CASE NO. 04CV001080
ROBERT MERRILL, TRUSTEE, <i>et al.</i> ,)	
	)	JUDGE EUGENE A. LUCCI
Plaintiffs-Relators,)	
)	
vs.)	
)	
STATE OF OHIO, DEPARTMENT OF)	
NATURAL RESOURCES, <i>et al.</i>,	)	STATEMENT OF ATTORNEY
	)	FRITZ E. BERCKMUELLER
Defendants-Respondents.)	

FRITZ E. BERCKMUELLER, an attorney representing plaintiff OLG in this action, states the following:

1. I am a partner in the law firm of Calfee, Halter & Griswold LLC (“Calfee”) and have personal knowledge of the statements made herein.
2. Calfee has represented the Ohio Lakefront Group, Inc. (“OLG”) in a dispute with the State of Ohio and the Ohio Department of Natural Resources over the boundary between the public and private property abutting Lake Erie in Ohio.
3. Calfee has represented OLG in this action in the Trial Court and through the two appeals, first to the Eleventh District Appellate Court and then the Ohio Supreme Court. Calfee has had several attorneys and support personnel working on this action over the course of the action.
4. Between January 1, 2008 and September 15, 2011, as shown on Attachment 1, Calfee has billed OLG or accrued time to be billed to OLG of at least \$228,769.20 for work directly related to pursuing its claims in this action. That sum is the product of a total of 724.9 hours worked and billed in connection with this dispute as shown on Attachment 1. Since 2008, the hourly rates of Calfee attorneys and paralegals billing time to this dispute have ranged from \$175 per hour to \$475 per hour.
5. Additionally, as shown on Attachment 2, between January 1, 2008 and September 15, 2011, Calfee has billed OLG \$14,032.55 for expenses incurred in litigating this action to a successful conclusion.

6. These fees and expenses were reasonably incurred to prevail against the State of Ohio in this action.

Dated: October 14, 2011



FRITZ E. BERCKMUELLER

Attachment 1 to Exhibit B

Chart of Legal Services Billed by Rate and Hours: <i>State of Ohio ex rel. Robert Merrill, Trustee, et al. vs. State of Ohio, Department of Natural Resources, et al.</i>				
Billing Attorney/Paralegal	Year	Rate	Hours	Billed Amount
Lang, James - Partner	2011	435	53.8	\$ 23,403.00
	2010	405	139.9	\$ 56,659.50
	2009	375	42.0	\$ 15,750.00
	2008	360	57.8	\$ 20,808.00
Berckmueller, Fritz - Partner	2011	315	16.7	\$ 5,260.50
	2010	285	134.4	\$ 38,304.00
	2009	255	33.9	\$ 8,644.50
	2008	240	174.0	\$ 41,760.00
Wallach, Mark - Partner	2011	550	5.7	\$ 3,135.00
Jones, Christopher - Partner	2011	475	3.0	\$ 1,425.00
Pappas, Leah - Partner	2010	450	0.6	\$ 270.00
Mino, John M. - Partner	2011	475	1.2	\$ 570.00
Ward, Christopher M. - Associate	2010	257	3.6	\$ 925.20
	2009	235	0.3	\$ 70.50
Kelly, Gabrielle - Associate	2010	218	38.0	\$ 8,284.00
Hutson, Beverly - Paralegal	2008	175	20.0	\$ 3,500.00
			724.9	\$ 228,769.20

Attachment 2 to Exhibit B

Description	Amount
Long Distance Telephone	\$ 45.40
Duplicating/Binding	\$ 3,619.20
Delivery Fees	\$ 694.19
Telecopy	\$ 30.00
Database Fees	\$ 9,114.58
Mileage	\$ 51.93
Travel Expenses	\$ 477.25
Total Expenses:	\$ 14,032.55