

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re Scotts EZ Seed Litigation

Case No. 12-cv-4727 (VB) (PED)

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**DECLARATION OF TIMOTHY J. PETER IN SUPPORT OF PLAINTIFFS' MOTION  
FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND MOTION FOR  
ATTORNEYS' FEES, COSTS AND EXPENSES, AND INCENTIVE AWARDS**

I, Timothy J. Peter, declare as follows:

1. I am an attorney duly licensed to practice in the Commonwealth of Pennsylvania. On February 28, 2018, this Court granted my Motion for Admission *Pro Hac Vice* in this Court (Dkt. No. 200). I am a partner at Faruqi & Faruqi, LLP, (the “Faruqi Firm”), one of the firms appointed by this court as Class Counsel in its January 26, 2015 Memorandum Opinion. During my time at the Faruqi Firm, I served in various capacities, including Chair of the firm’s Consumer Litigation Department and one of the lead attorneys on this matter. I submit this declaration in support of Plaintiffs’ motions for final approval of class action settlement and for an award of attorneys’ fees, costs, and expenses, and incentive awards to the proposed class representatives. I have personal knowledge of the facts set forth in this declaration, and, if called as a witness, could and would competently testify thereto under oath.

2. The Faruqi Firm is a national law firm with offices in New York, Pennsylvania, California, Georgia, and Delaware. The Faruqi Firm’s practice focuses on complex and class action litigation involving consumer, antitrust, wage & hour, corporate governance, and securities matters. The Faruqi Firm has extensive experience in the litigation, trial and resolution of complex class actions.

3. Attached hereto as **Exhibit A** is a current resume detailing the Faruqi Firm’s experience.

4. As set forth below, through Plaintiffs’ counsel’s diligent prosecution of this litigation over a period of six years, a significant multi-state settlement has been achieved with Defendants The Scotts Miracle-Gro Company, Inc. and The Scotts Company LLC (collectively, “Defendants” or “Scotts”). Class Counsel are proud of the proposed settlement (the “Settlement”) preliminary approved by the Court in its June 21, 2018 Order and respectfully submit that the Settlement is fair, reasonable, adequate, and in the best interests of all Class Members, and therefore should be finally approved by this Court.

5. As set forth below, through Plaintiffs’ diligent prosecution of this case, Plaintiffs reached a significant settlement with Scotts, with Class Members receiving substantial monetary

relief. Class Members presenting proof of purchase bearing the products' purchase price can receive up to \$300. Class Members presenting proof of purchase without a purchase price can receive up to \$90. Class Members without proof of purchase, but who attest to their purchases of the products, can receive up to \$45. This a tremendous result for all Class Members.

6. Importantly, the costs of notice and administration of the Settlement, and all fees and costs to be paid to Class Counsel, do not diminish the benefits provided to the Class. Rather, Defendants are paying these costs in addition to – and not out of – the recovery to the Class.

7. In recognition of the substantial efforts by Class Counsel and the benefits achieved for the Class through this Settlement, Class Counsel request that the Court approve payment of an award of \$9,700,000 in attorneys' fees, litigation costs, and expenses. Defendants have agreed to pay this amount, subject to Court approval, in addition to and not from the relief provided to the Class under the Settlement.

8. This amount is fair to both the Class and Class Counsel and warrants Court approval. The fee request is within the range of fees customarily awarded in similar actions and is justified in light of the substantial benefit conferred on the Class, the risks undertaken, and the quality and extent of the services performed, as set forth herein and in the accompanying moving papers.

9. I am familiar with the facts and circumstances of the case, having actively participated in all aspects of this action since January 2016, including the negotiation of the Settlement.

10. Plaintiffs' counsel have achieved what I believe is an excellent Settlement. Such a Settlement is a reflection of the dedication and professionalism of the parties and their counsel.

11. All of the Faruqi Firm's work on this matter has been performed on a contingency basis.

12. The Faruqi Firm has maintained detailed and contemporaneous records of the time spent by its lawyers, law clerks, and paralegals on this action. I have carefully reviewed the time

records and I believe them to be accurate. Attached hereto as **Exhibit B** is a summary of the hours spent litigating this matter and the lodestar calculation utilizing our current standard billing rates.

13. Attached hereto as **Exhibit C** are my firm's detailed billing diaries for this matter presented in chronological order.

14. As of September 13, 2018, the total hours billed by our firm is 3,698.60. The total lodestar based on the law firm's current rates is \$1,994,244.00 as of that same date.<sup>1</sup> The Second Circuit has held that the use of current rates is proper since such rates compensate for inflation and the loss of use of funds. *See Reiter v. MTA New York City Transit Auth.*, 457 F.3d 224, 232 (2d Cir. 2006).

15. Throughout my involvement in this case, I did my part in ensuring that the tasks necessary to prosecute this case were allocated among the attorneys in my office and were conducted efficiently, without undue duplication of effort, and at minimal expenses. Not being paid by the hour, Plaintiffs' counsel in this case had an incentive to conduct their efforts efficiently. So too, being responsible for advancing all expenses, Plaintiffs' counsel had an incentive not to expend funds unnecessarily.

16. All of the time we are claiming was reasonably devoted to advancing and protecting the interests of our clients and the public in this case, and would have been billed to a fee-paying client. The rates charged for all timekeepers are consistent with the rates charged in this forum for similar work performed by attorneys of comparable skill, experience, and reputation. The hourly rates of the partners, associates, and paralegals listed in **Exhibit B** have been approved by various courts. Expenses are accounted for and billed separately and are not duplicated in our professional billing rates.

17. In addition, Faruqi & Faruqi expended \$242,001.92 in out-of-pocket expenses in connection with the prosecution of this case. Attached as **Exhibit D** is a chart showing those expenses by category. The actual expenses incurred in the prosecution of this case are reflected

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<sup>1</sup> This time does not include any time spent on fee-related work.

on the computerized accounting records of my law office. Those accounting records are prepared by accounting staff from receipts and check records and accurately reflect all actual expenses incurred. Upon request, we will provide the Court with copies of documentation for each of the costs itemized above.

18. I expect my law firm to devote additional time and resources to this matter prior and subsequent to final approval.

19. Based on my knowledge and experience, the hourly rates charged by my firm are within the range of market rates charged by attorneys of equivalent experience, skill, and expertise.<sup>2</sup>

20. I have general familiarity with the range of hourly rates typically charged by plaintiffs' class action counsel in this District and throughout the United States, both on a current basis and historically. In determining my firm's hourly rates from year to year, my partners and I have consciously taken market rates into account and have aligned our rates with the market.

21. In addition to my general familiarity with market rates and my review of the hourly rates claimed by other class action counsel, my conclusion that the Faruqi Firm's hourly rates are reasonable is bolstered by the following authorities and evidence which found the firm's hourly rates to be reasonable: *E.g., Potzner v. Tommie Copper Inc.*, No. 15 CIV. 3183 (AT), slip op. (S.D.N.Y. May, 4 2018) (approving partner rates of \$795 per hour, associates at \$400 per hour and paralegals at \$275-\$400 per hour); *McIntyre v. Chelsea Therapeutics International, Ltd.*, No. 3:12-cv-00213, 2016 U.S. Dist. LEXIS 139275 (W.D.N.C. Sept. 19, 2016) (approving partner rates of \$725 per hour, associates at \$325-425 per hour, and paralegals at \$200-250 per hour); *In re Titanium Dioxide Antitrust Litig.*, No. 10-CV-00318, 2013 U.S. Dist. LEXIS 176099 (D. Md. Dec. 13, 2013) (approving rates at \$675-725 per hour for partners, \$400-585 per hour for associates, and \$260-275 per hour for paralegals); *In re Geron Corp. Sec. Litig.*, No. 3:14-CV-01224-CRB (N.D. Cal. July 21, 2017) (\$795 for partners and \$375-550 for associates was deemed reasonable);

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<sup>2</sup> The legal authorities supporting the requested fees and expenses are set forth in Class Counsel's separate memorandum of law in support of the Fee and Expense Application.

*In re Dynavax Sec. Litig.*, No. 3:13-cv-02796-CRB (N.D. Cal. Feb 10, 2017) (\$550-850 for partners and \$400-550 for associates was reasonable); *Forcellati v. Hyland's, Inc.*, No. CV 12-1983-GHK (MRWx), slip op. (C.D. Cal. Aug. 14, 2017) (approving partner rates at \$550-\$950 per hour, associates rates at \$400-560 per hour, and paralegals at \$260-375 per hour); *Astiana v. Kashi Co.*, Case No. 11-CV-1967-H (BGS), 2014 U.S. Dist. LEXIS 127624 (S.D. Cal. Sept. 2, 2014) (\$675-\$875 per hour for partners, \$375-510 per hour for associates, and \$245-315 for paralegals); *In re Am. Apparel S'holder Litig.*, No. CV 10-06352 MMM (JCGx), 2014 U.S. Dist. LEXIS 184548, at \*80 (C.D. Cal. July 28, 2014) (approved hourly rates of \$735 for partners, \$395 for associates, and \$150-250 for support staff); *In re Alexia Foods, Inc. Litigation*, Case No. 4:11-cv-06119 PJH (N.D. Cal. Dec. 12, 2013) (hourly rates of \$650-875 for partners and \$390-450 for associates was approved); *In re Haier Freezer Consumer Litigation*, Case No. C 11-02911 EJD (N.D. Cal. Oct. 25, 2013) (\$645-850 per hour for partners, \$375-535 for associates, and \$250-265 for paralegals); *Cox v. Clarus Marketing Group, LLC.*, 291 F.R.D. 473, 483 (S.D. Cal. 2013) (\$625-850 for partners, \$390-535 for associates, and \$265-300 for paralegals); *Rossi v. Proctor & Gamble Co.*, No. 11-7238 (JLL), 2013 U.S. Dist. LEXIS 143180, at \*30 (D.N.J. Oct. 3, 2013) (\$650-\$850 for partners, \$375-535 for associates, and \$235-265 for paralegals); *Milliron v. T-Mobile USA*, No. 08-CV-04149, 2009 U.S. Dist. LEXIS 101201 (D.N.J. July 17, 2009) (\$450-675 for partners and \$235 for paralegals was reasonable); *Rodriguez v. CitiMortgage, Inc.*, Case No. 11-cv-4718, slip op. (S.D.N.Y. Oct. 6, 2015) (partner rate of \$775 was reasonable); *Shop-Vac Mktg. & Sales Practices Litig.*, No. 2380, 2016 U.S. Dist. LEXIS 170841, at \*45-46 (M.D. Pa. Dec. 9, 2016) (approving rate of \$750 per hour for partner); *Aron v. Crestwood Midstream Partners LP*, No. 4:15-CV-1367 2016 US Dist. LEXIS 152427, at \*28-32 (S.D. Tex Oct. 14, 2016) (\$775-795 for partners, \$450 for associates, and \$275-375 for paralegals was reasonable).

22. My firm undertook this representation on a wholly contingent basis recognizing that the risk of non-payment has been high throughout this litigation. There were substantial uncertainties in the viability of this case as a class action, as well as substantial uncertainties in the merits of the underlying claims, and the ability to collect on any judgment that might be obtained.

We also faced the ongoing risk that another group of plaintiffs might settle the case and we would not obtain any payment for the time we spent on the case. Although we believed the case to be meritorious, a realistic assessment shows that the risks inherent in the resolution of the liability issues, protracted litigation in this action as well as the probable appeals process, are great.

23. Had we not reached this Settlement with Defendants, we would have vigorously prosecuted the case at trial. We were therefore at great risk for non-payment. In addition, as described above, we have advanced material expenses that would not have been reimbursed absent a successful result.

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

Executed on this 5th day of October, 2018.

  
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Timothy J. Peter

**EXHIBIT A**





Faruqi & Faruqi, LLP focuses on complex civil litigation, including securities, antitrust, wage and hour, consumer, and pharmaceutical class actions as well as shareholder derivative and merger and transactional litigation. The firm is headquartered in New York, and maintains offices in California, Delaware, Pennsylvania and Georgia.

Since its founding in 1995, Faruqi & Faruqi, LLP has served as lead or co-lead counsel in numerous high-profile cases which have provided significant recoveries to investors, consumers and employees.

## PRACTICE AREAS

### SECURITIES FRAUD LITIGATION

From its inception, Faruqi & Faruqi, LLP has devoted a substantial portion of its practice to class action securities fraud litigation. In *In re PurchasePro.com, Inc. Securities Litigation*, No. CV-S-01-0483 (JLQ) (D. Nev.), as co-lead counsel for the class, Faruqi & Faruqi, LLP secured a \$24.2 million settlement in a securities fraud litigation even though the corporate defendant was in bankruptcy. As noted by Senior Judge Justin L. Quackenbush in approving the settlement, ***“I feel that counsel for plaintiffs evidenced that they were and are skilled in the field of securities litigation.”***

Other past achievements include: *In re Olsten Corp. Sec. Litig.*, No. 97-CV-5056 (RDH) (E.D.N.Y.) (recovered \$24.1 million dollars for class members) (Judge Hurley stated: “The quality of representation here I think has been excellent.”), *In re Tellium, Inc. Sec. Litig.*, No. 02-CV-5878 (FLW) (D.N.J.) (recovered \$5.5 million dollars for class members); *In re Mitcham Indus., Inc. Sec. Litig.*, No. H-98-1244 (S.D. Tex.) (recovered \$3 million dollars for class members despite the fact that corporate defendant was on the verge of declaring bankruptcy), and *Ruskin v. TIG Holdings, Inc.*, No. 98 Civ. 1068 LLS (S.D.N.Y.) (recovered \$3 million dollars for class members).

Recently, Faruqi & Faruqi, LLP, as sole lead counsel, won a historic appeal in the United States Court of Appeals for the Fourth Circuit in *Zak v. Chelsea Therapeutics Inc. Int’l, Ltd.*, Civ. No. 13-2730 (2015), where the Court reversed a trial court’s *scienter* ruling for the first time since the enactment of the Private Securities Litigation Reform Act of 1995 (“PSLRA”). The Court remanded the case to the district court, where Faruqi & Faruqi, LLP defeated defendants’ motion to dismiss and subsequently obtained final approval of a \$5.5 million settlement for the class. *McIntyre v. Chelsea Therapeutics Int’l, LTD*, No. 12-CV-213 (MOC) (DCK) (W.D.N.C.). In *In re Avalanche Biotechnologies Sec. Litig.*, No. 3:15-cv-03185-JD (N.D. Cal.), Faruqi & Faruqi, LLP served as sole lead counsel for the class in the federal court action, and, together with counsel in the parallel state court action, secured final approval of a \$13 million global settlement of both actions on January 19, 2018. In *Rihn v. Acadia Pharmaceuticals, Inc.*, No. 3:15-cv-00575-BTM-DHB (S.D. Cal.), the court denied defendants’ first motion to dismiss, and on January 8, 2018, Faruqi & Faruqi, LLP, as sole lead counsel for the class, secured final approval of a \$2.95 million



settlement for the class, which represented approximately 36% of the total recognized losses claimed by the class. In *In re Geron Corp., Sec. Litig.*, No. 14-CV-1424 (CRB) (N.D. Cal.), Faruqi & Faruqi, LLP, as sole lead counsel for the class, defeated defendants' motion to dismiss and, on July 21, 2017, obtained final approval of a settlement awarding \$6.25 million to the class. Also, in *In re Dynavax Techs. Corp. Sec. Litig.*, No. 13-CV-2796 (CRB) (N.D. Cal.), Faruqi & Faruqi, LLP, as sole lead counsel for the class, defeated defendants' motion to dismiss, and on February 6, 2017, secured final approval of a \$4.5 million settlement on behalf of the class. In *In re L&L Energy, Inc. Sec. Litig.*, No. 13-cv-6704 (RA) (S.D.N.Y.), Faruqi & Faruqi, LLP, as co-lead counsel, obtained final approval on July 31, 2015 of a \$3.5 million settlement for the class. In *In re Ebix, Inc. Securities Litigation*, No. 11-cv-2400 (RWS) (N.D. Ga.), the court denied defendants' motion to dismiss and Faruqi & Faruqi, LLP, as sole lead counsel, obtained final approval on June 13, 2014 of a \$6.5 million settlement for the class. In *Shapiro v. Matrixx Initiatives, Inc.*, No. CV-09-1479 (PHX) (ROS) (D. Ariz.), Faruqi & Faruqi, LLP, as co-lead counsel for the class, defeated defendants' motion to dismiss, succeeded in having the action certified as a class action, and secured final approval of a \$4.5 million settlement for the class. See also *In re Longwei Petroleum Inv. Holding Ltd. Sec. Litig.*, No. 13 Civ. 214 (HB) (S.D.N.Y.) (as sole lead counsel, obtained final approval of a \$1.34 million settlement on behalf of the class); *Simmons v. Spencer, et al.*, No. 13 Civ. 8216 (RWS) (S.D.N.Y.) (as co-lead counsel obtained final approval of settlement awarding \$1.5 million to the class).

Additionally, Faruqi & Faruqi, LLP is serving as court-appointed lead counsel in the following cases:

- *Loftus v. Primero Mining Corp.*, No. 16-01034 (BRO) (RAO) (C.D. Cal.) (appointed sole lead counsel for the class);
- *Bielousov v. GoPro, Inc., et al.*, No. 4:16-CV-06654-CW (N.D. Cal.) (as sole lead counsel for the class, defeated defendants' motion to dismiss);
- *Attigui v. Tahoe Resources, Inc., et al.*, No. 2:17-cv-01868 (RFB) (NJK) (D. Nev.) (appointed sole lead counsel for the class).
- *Khanna v. Ohr Pharmaceutical, Inc.*, No. 1:18-cv-01284 (LAP) (S.D.N.Y.) (appointed sole-lead counsel for the class);
- *DeSmet v. Intercept Pharmaceuticals, Inc.*, No. 1:17-cv-07371 (LAK) (S.D.N.Y.) (appointed sole-lead counsel for the class); and
- *Lee v. Synergy Pharmaceuticals, Inc. Sec. Litig.*, No. 1:18-cv-00873 (AMD) (VMS) (E.D.N.Y.) (appointed as co-lead counsel for the class).

## SHAREHOLDER MERGER AND TRANSACTIONAL LITIGATION

Faruqi & Faruqi, LLP is nationally recognized for its excellence in prosecuting shareholder class actions brought nationwide against officers, directors and other parties responsible for corporate wrongdoing. Most of these cases are based upon state statutory or common law principles involving fiduciary duties owed to investors by corporate insiders as well as Exchange Act violations.



Faruqi & Faruqi, LLP has obtained significant monetary and therapeutic recoveries, including millions of dollars in increased merger consideration for public shareholders; additional disclosure of significant material information so that shareholders can intelligently gauge the fairness of the terms of proposed transactions and other types of therapeutic relief designed to increase competitive bids and protect shareholder value. As noted by Judge Timothy S. Black of the United States District Court for the Southern District of Ohio in appointing lead counsel *Nichting v. DPL Inc.*, Case No. 3:11-cv-14 (S.D. Ohio), “[a]lthough all of the firms seeking appointment as Lead Counsel have impressive resumes, the Court is most impressed with Faruqi & Faruqi.”

For example, in *Hall v. Berry Petroleum Co.*, No. 8476-VCG (Del. Ch.), Faruqi & Faruqi, LLP as sole lead counsel was credited by the Delaware Chancery Court with contributing to an increase in exchange ratio in an all-stock transaction that provided Berry Petroleum Co. stockholders with an additional \$600 million in consideration for their shares as well as the disclosure of additional material information regarding the transaction. The court noted at the settlement hearing “[t]he ability of petitioning counsel [Faruqi] is known to the Court, and plaintiff’s counsel [Faruqi] are well versed in the prosecution of corporate law actions.” Faruqi & Faruqi, LLP achieved a similar result in *In Re Energysolutions, Inc. Shareholder Litigation*, Cons. C.A. No. 8203-VCG (Del. Ch.), in which the Faruqi Firm, as co-lead counsel, was credited in part with an increase in the merger consideration from \$3.75 to \$4.15 in cash per Energysolution share by the acquirer Energy Capital, and credited with additional material disclosures distributed to stockholders. In approving the settlement of the case and noting that the price increase amounted to an extra \$36 million for stockholders, the Delaware Court stated that the standing and ability of the stockholders’ counsel, including Faruqi & Faruqi, LLP and its co-counsel, is “...among the highest in our bar.” See *In Re Energysolutions, Inc. S’holder Litig.*, Cons. C.A. No. 8203-VCG (Del. Ch. Feb. 11, 2014). In *In Re Jefferies Group, Inc. Shareholders Litigation*, C.A. No. 8059-CB (Del. Ch.), Faruqi & Faruqi, LLP acted as co-lead counsel representing Jefferies Group, Inc. stockholders in challenging the transaction with Leucadia National Corporation. After years of vigorous litigation, the parties reached a settlement that recovered \$70 million additional consideration for the former Jefferies Group Inc. stockholders.

In *In re Playboy Enterprises, Inc. Shareholders Litigation*, Consol. C.A. No. 5632-VCN (Del. Ch.), Faruqi & Faruqi, LLP achieved a substantial post close settlement of \$5.25 million. In *In re Cogent, Inc. Shareholders Litigation*, Consol. C.A. No. 5780-VC (Del. Ch.) Faruqi & Faruqi, LLP, as co-lead counsel, obtained a post-close cash settlement of \$1.9 million after two years of hotly contested litigation; In *Rice v. Lafarge North America, Inc., et al.*, No. 268974-V (Montgomery Cty., Md. Circuit Ct.), Faruqi & Faruqi, LLP, as co-lead counsel represented the public shareholders of Lafarge North America (“LNA”) in challenging the buyout of LNA by its French parent, Lafarge S.A., at \$75.00 per share. After discovery and intensive injunction motions practice, the price per share was increased from \$75.00 to \$85.50 per share, or a total



benefit to the public shareholders of \$388 million. The Lafarge court gave Class counsel, including Faruqi & Faruqi, LLP, shared credit with a special committee appointed by the company's board of directors for a significant portion of the price increase.

Similarly, in *In re: Hearst-Argyle Shareholder Litig.*, Lead Case No. 09-Civ-600926 (N.Y. Sup. Ct.) as co-lead counsel for plaintiffs, Faruqi & Faruqi, LLP litigated, in coordination with Hearst-Argyle's special committee, an increase of over 12.5%, or \$8,740,648, from the initial transaction value offered for Hearst-Argyle Television Inc.'s stock by its parent company, Hearst Corporation. Faruqi & Faruqi, LLP, in *In re Alfa Corp. Shareholder Litig.*, Case No. 03-CV-2007-900485.00 (Montgomery Cty, Ala. Cir. Ct.) was instrumental, along with the Company's special committee, in securing an increased share price for Alfa Corporation shareholders of \$22.00 from the originally-proposed \$17.60 per share offer, which represented over a \$160 million benefit to class members, and obtained additional proxy disclosures to ensure that Alfa shareholders were fully-informed before making their decision to vote in favor of the merger, or seek appraisal.

Moreover, in *In re Fox Entertainment Group, Inc. S'holders Litig.*, Consolidated C.A. No. 1033-N (Del. Ch. 2005), Faruqi & Faruqi, LLP, a member of the three (3) firm executive committee, and in coordination with Fox Entertainment Group's special committee, created an increased offer price from the original proposal to shareholders, which represented an increased benefit to Fox Entertainment Group, Inc. shareholders of \$450 million. Also, in *In re Howmet Int'l S'holder Litig.*, Consolidated C.A. No. 17575 (Del. Ch. 1999) Faruqi & Faruqi, LLP, in coordination with Howmet's special committee, successfully obtained an increased benefit to class members of \$61.5 million dollars).

Recently, in *In re Orchard Enterprises, Inc. Stockholder Litigation*, C.A. No. 7840-VCL (Del. Ch.), Faruqi & Faruqi, LLP acted as co-lead counsel with two other firms. That action involved the approval of a merger by Orchard's Board of Directors pursuant to which Dimensional Associates LLC would cash-out the stock of Orchard's minority common stockholders at a price of \$2.05 per share and then take Orchard private. On April 11, 2014, the parties reached an agreement to settle their claims for a payment of \$10.725 million to be distributed among the Class, which considerably exceeded the \$2.62 per share difference between the \$2.05 buyout price and the \$4.67 appraisal price determined in *In re Appraisal of The Orchard Enterprises, Inc.*, C.A. No. 5713-CS, 2012 WL 2923305 (Del. Ch. July 18, 2012).

Faruqi also has noteworthy successes in achieving injunctive or declaratory relief pre and post close in cases where corporate wrongdoing deprives shareholders of material information or an opportunity to share in potential profits. In *In re Harleysville Group, Inc. S'holders Litigation*, C.A. No. 6907-VCP (Del. Ch. 2014), Faruqi as sole lead counsel obtained significant disclosures for stockholders pre-close and secured valuable relief post close in the form of an Anti-Flip Provision providing former stockholders with 25% of any profits in Qualifying Sale. In April 2012, Faruqi as sole lead obtained an unprecedented



injunction in *Knee v. Brocade Communications Systems, Inc.*, No. 1-12-CV-220249, slip op. at 2 (Cal. Super. Ct. Apr. 10, 2012) (Kleinberg, J.). In *Brocade*, Faruqi, as sole lead counsel for plaintiffs, successfully obtained an injunction enjoining Brocade's 2012 shareholder vote because certain information relating to projected executive compensation was not properly disclosed in the proxy statement. (Order After Hearing [Plaintiff's Motion for Preliminary Injunction; Motions to Seal]). In *Kajaria v. Cohen*, No. 1:10-CV-03141 (N.D. Ga., Atlanta Div.), Faruqi & Faruqi, LLP, succeeded in having the district court order Bluelinx Holdings Inc., the target company in a tender offer, to issue additional material disclosures to its recommendation statement to shareholders before the expiration of the tender offer.

## SHAREHOLDER DERIVATIVE LITIGATION

Faruqi & Faruqi, LLP has extensive experience litigating shareholder derivative actions on behalf of corporate entities. This litigation is often necessary when the corporation has been injured by the wrongdoing of its officers and directors. This wrongdoing can be either active, such as the wrongdoing by certain corporate officers in connection with purposeful backdating of stock-options, or passive, such as the failure to put in place proper internal controls, which leads to the violation of laws and accounting procedures. A shareholder has the right to commence a derivative action when the company's directors are unwilling or unable, to pursue claims against the wrongdoers, which is often the case when the directors themselves are the wrongdoers.

The purpose of the derivative action is threefold: (1) to make the company whole by holding those responsible for the wrongdoing accountable; (2) the establishment of procedures at the company to ensure the damaging acts can never again occur at the company; and (3) make the company more responsive to its shareholders. Improved corporate governance and shareholder responsiveness are particularly valuable because they make the company a stronger one going forward, which benefits its shareholders. For example, studies have shown the companies with poor corporate governance scores have 5-year returns that are 3.95% below the industry average, while companies with good corporate governance scores have 5-year returns that are 7.91 % above the industry-adjusted average. The difference in performance between these two groups is 11.86%. *Corporate Governance Study: The Correlation between Corporate Governance and Company Performance*, Lawrence D. Brown, Ph.D., Distinguished Professor of Accountancy, Georgia State University and Marcus L. Caylor, Ph.D. Student, Georgia State University. Faruqi & Faruqi, LLP has achieved all three of the above stated goals of a derivative action. The firm regularly obtains significant corporate governance changes in connection with the successful resolution of derivative actions, in addition to monetary recoveries that inure directly to the benefit of the company. In each case, the company's shareholders indirectly benefit through an improved market price and market perception.



In *In re UnitedHealth Group Incorporated Derivative Litig.*, Case No. 27 CV 06-8065 (Minn. 4th Judicial Dist. 2009) Faruqi & Faruqi, LLP, as co-lead counsel for plaintiffs, obtained a recovery of more than \$930 million for the benefit of the Company and corporate governance reforms designed to make UnitedHealth a model of corporate responsibility and transparency. **At the time, the settlement reached was believed to be the largest settlement ever in a derivative case.** See "UnitedHealth's Former Chief to Repay \$600 Million," Bloomberg.com, December 6, 2007 ("the settlement . . . would be the largest ever in a 'derivative' suit . . . according to data compiled by Bloomberg.").

As co-lead counsel in *Weissman v. John, et al.*, Cause No. 2007-31254 (Tex. Harris County 2008) Faruqi & Faruqi, LLP, diligently litigated a shareholder derivative action on behalf of Key Energy Services, Inc. for more than three years and caused the company to adopt a multitude of corporate governance reforms which far exceeded listing and regulatory requirements. Such reforms included, among other things, the appointment of a new senior management team, the realignment of personnel, the institution of training sessions on internal control processes and activities, and the addition of 14 new accountants at the company with experience in public accounting, financial reporting, tax accounting, and SOX compliance.

More recently, Faruqi & Faruqi, LLP concluded shareholder derivative litigation in *The Booth Family Trust, et al. v. Jeffries, et al.*, Lead Case No. 05-cv-00860 (S.D. Ohio 2005) on behalf of Abercrombie & Fitch Co. Faruqi & Faruqi, LLP, as co-lead counsel for plaintiffs, litigated the case for six years through an appeal in the U.S. Court of Appeals for the Sixth Circuit where it successfully obtained reversal of the district court's ruling dismissing the shareholder derivative action in April 2011. Once remanded to the district court, Faruqi & Faruqi, LLP caused the company to adopt important corporate governance reforms narrowly targeted to remedy the alleged insider trading and discriminatory employment practices that gave rise to the shareholder derivative action.

The favorable outcome obtained by Faruqi & Faruqi, LLP in *In re Forest Laboratories, Inc. Derivative Litigation*, Lead Civil Action No. 05-cv-3489 (S.D.N.Y. 2005) is another notable achievement for the firm. After more than six years of litigation, Faruqi & Faruqi, LLP, as co-lead counsel, caused the company to adopt industry-leading corporate governance measures that included rigorous monitoring mechanisms and Board-level oversight procedures to ensure the timely and complete publication of clinical drug trial results to the investing public and to deter, among other things, the unlawful off-label promotion of drugs.

## ANTITRUST LITIGATION

The attorneys at Faruqi & Faruqi, LLP represent direct purchasers, competitors, third-party payors, and consumers in a variety of individual and class action antitrust cases brought under Sections 1 and 2 of the Sherman Act. These actions, which typically seek treble damages under Section 4 of the Clayton Act,



have been commenced by businesses and consumers injured by anticompetitive agreements to fix prices or allocate markets, conduct that excludes or delays competition, and other monopolistic or conspiratorial conduct that harms competition.

**Actions for excluded competitors.** Faruqi & Faruqi represents competitors harmed by anticompetitive practices that reduce their sales, profits, and/or market share. One representative action is *Babyage.com, Inc., et al. v. Toys "R" Us, Inc., et al.* where Faruqi & Faruqi was retained to represent three internet retailers of baby products, who challenged a dominant retailer's anticompetitive scheme, in concert with their upstream suppliers, to impose and enforce resale price maintenance in violation of §§ 1 and 2 of the Sherman Act and state law. The action sought damages measured as lost sales and profits. This case was followed extensively by the Wall Street Journal. After several years of litigation, this action settled for an undisclosed amount.

**Actions for direct purchasers.** Faruqi & Faruqi represents direct purchasers who have paid overcharges as a result of anticompetitive practices that raise prices. These actions are typically initiated as class actions. A representative action on behalf of direct purchasers is *Rochester Drug Co-Operative, Inc. v. Warner Chilcott Public Limited Company, et al.*, No. 12-3824 (E.D. Pa.), in which Faruqi & Faruqi was appointed co-lead counsel for the proposed plaintiff class under Federal Rule of Civil Procedure 23(g). Faruqi & Faruqi's attorneys are counsel to direct purchasers (typically wholesalers) in multiple such class actions.

**Actions for third-party payors.** Faruqi & Faruqi represents, both in class actions and in individual actions, insurance companies who have reimbursed their policyholders at too high a rate due to anticompetitive prices that raise prices. One representative action is *In re Tricor Antitrust Litigation*, No. 05-360 (D. Del.), where Faruqi & Faruqi represented PacifiCare and other large third-party payors challenging the conduct of Abbott Laboratories and Laboratories Fournier in suppressing generic drug competition, in violation of §§ 1 and 2 of the Sherman Act. The *Tricor* litigation settled for undisclosed amount in 2010.

**Results.** Faruqi & Faruqi's attorneys have consistently obtained favorable results in their antitrust engagements. Non-confidential results include the following: *In re Skelaxin (Metaxalone) Antitrust Litig.*, No. 12-md-2343, (E.D. Tenn.) (\$73 million settlement); *In re Wellbutrin XL Antitrust Litig.*, No. 08-2431 (E.D. Pa.) (\$37.5 million partial settlement); *In re Iowa Ready-Mixed Concrete Antitrust Litigation*, No. C 10-4038 (N.D. Iowa) (\$18.5 million settlement); *In re Metoprolol Succinate Direct Purchaser Antitrust Litigation*, 06-52 (D. Del.) (\$20 million settlement); *In re Ready-Mixed Concrete Antitrust Litigation*, No. 05-979 (S.D. Ind.) (\$40 million settlement); *Rochester Drug Co-Operative, Inc., et al. v. Braintree Labs, Inc.*, No. 07-142-SLR (D. Del.) (\$17.25 million settlement).



A more complete list of Faruqi & Faruqi's active and resolved antitrust cases can be found on its web site at [www.faruqilaw.com](http://www.faruqilaw.com).

## CONSUMER PROTECTION LITIGATION

Attorneys at Faruqi & Faruqi, LLP have advocated for consumers' rights, successfully challenging some of the nation's largest and most powerful corporations for a variety of improper, unfair and deceptive business practices. Through our efforts, we have recovered hundreds of millions of dollars and other significant remedial benefits for our consumer clients.

For example, in *Bates v. Kashi Co., et al.*, Case No. 11-CV-1967-H BGS (S.D. Cal. 2011), as co-lead counsel for the class, Faruqi & Faruqi, LLP secured a \$5.0 million settlement fund on behalf of California consumers who purchased Kashi products that were deceptively labeled as "nothing artificial" and "all natural." The settlement provides class members with a full refund of the purchase price in addition to requiring Kashi to modify its labeling and advertising to remove "All Natural" and "Nothing Artificial" from certain products. As noted by Judge Marilyn L. Huff in approving the settlement, "*Plaintiffs' counsel has extensive experience acting as class counsel in consumer class action cases, including cases involving false advertising claims.*" Moreover, in *Thomas v. Global Vision Products*, Case No. RG-03091195 (California Superior Ct., Alameda Cty.), Faruqi & Faruqi, LLP served as co-lead counsel in a consumer class action lawsuit against Global Vision Products, Inc., the manufacturer of the Avacor hair restoration product and its officers, directors and spokespersons, in connection with the false and misleading advertising claims regarding the Avacor product. Though the company had declared bankruptcy in 2007, Faruqi & Faruqi, LLP, along with its co-counsel, successfully prosecuted two trials to obtain relief for the class of Avacor purchasers. In January 2008, a jury in the first trial returned a verdict of almost \$37 million against two of the creators of the product. In November 2009, another jury awarded plaintiff and the class more than \$50 million in a separate trial against two other company directors and officers. This jury award represented the largest consumer class action jury award in California in 2009 (according to VerdictSearch, a legal trade publication).

Additionally, in *Rodriguez v. CitiMortgage, Inc.*, Case No. 11-cv-04718-PGG-DCF (S.D.N.Y. 2011), Faruqi & Faruqi, LLP, as co-lead class counsel, reached a significant settlement with CitiMortgage related to improper foreclosure practices of homes owned by active duty servicemembers. The settlement was recently finalized pursuant to a Final Approval Order dated October 6, 2015, which provides class members with a monetary recovery of at least \$116,785.00 per class member, plus the amount of any lost equity in the foreclosed property.

Below is a non-exhaustive list of settlements where Faruqi & Faruqi, LLP and its partners have served as lead or co-lead counsel:





- *In re Sinus Buster Products Consumer Litig.*, Case No. 1:12-cv-02429-ADS-AKT (E.D.N.Y. 2012). The firm represented a nationwide class of purchasers of assorted cold, flu and sinus products. A settlement was obtained, providing class members with a cash refund up to \$10 and requiring defendant to discontinue the marketing and sale of certain products.
- *In re: Alexia Foods, Inc. Litigation.*, Case No. 4:11-cv-06119 (N.D. Cal. 2011). The firm represented a proposed class of all persons who purchased certain frozen potato products that were deceptively advertised as “natural” or “all natural.” A settlement was obtained, providing class members with the cash refunds up to \$35.00 and requiring defendant to cease using a synthetic chemical compound in future production of the products.
- *In re: Haier Freezer Consumer Litig.*, Case No. 5:11-CV-02911-EJD (N.D. Cal. 2011). The firm represented a nationwide class of consumers who purchased certain model freezers, which were sold in violation of the federal standard for maximum energy consumption. A settlement was obtained, providing class members with cash payments of between \$50 and \$325.80.
- *Loreto v. Coast Cutlery Co.*, Case No. 11-3977 SDW-MCA (D.N.J. 2011) The firm represented a proposed nationwide class of people who purchased stainless steel knives and multi-tools that were of a lesser quality than advertised. A settlement was obtained, providing class members with a full refund of the purchase price.
- *Rossi v Procter & Gamble Company.*, Case No. 11-7238 (D.N.J. 2011). The firm represented a nationwide class of consumers who purchased deceptively marketed “Crest Sensitivity” toothpaste. A settlement was obtained, providing class members with a full refund of the purchase price.
- *In re: Michaels Stores Pin Pad Litig.*, Case No. 1:11-CV-03350 CPK (N.D. Ill. 2011). The firm represented a nationwide class of persons against Michaels Stores, Inc. for failing to secure and safeguard customers’ personal financial data. A settlement was obtained, which provided class members with monetary recovery for unreimbursed out-of-pocket losses incurred in connection with the data breach, as well as up to four years of credit monitoring services.
- *Kelly, v. Phiten*, Case No. 4:11-cv-00067 JEG (S.D. Iowa 2011). The firm represented a proposed nationwide class of consumers who purchased Defendant Phiten USA’s jewelry and other products, which were falsely promoted to balance a user’s energy flow. A settlement was obtained, providing class members with up to 300% of the cost of the product and substantial injunctive relief requiring Phiten to modify its advertising claims.
- *In re: HP Power-Plug Litigation*, Case No. 06-1221 (N.D. Cal. 2006). The firm represented a proposed nationwide class of consumers who purchased defective laptops manufactured by defendant. A settlement was obtained, which provided full relief to class members, including among other benefits a cash payment up to \$650.00 per class member, or in the alternative, a repair free-of-charge and new limited warranties accompanying repaired laptops.
- *Delre v. Hewlett-Packard Co.*, C.A. No. 3232-02 (N.J. Super. Ct. 2002). The firm represented a proposed nationwide class of consumers (approximately 170,000 members) who purchased, HP dvd-100i dvd-writers (“HP 100i”) based on misrepresentations regarding the write-once (“DVD+R”) capabilities of the HP 100i and the compatibility of DVD+RW disks written by HP 100i with DVD players and other optical storage devices. A settlement was obtained, which provided full relief to class members, including among other benefits, the replacement of defective HP 100i with its more current, second generation DVD writer, the HP 200i, and/or refunds the \$99 it had charged some consumers to upgrade from the HP 100i to the HP 200i prior to the settlement.

In addition, Faruqi & Faruqi, LLP and its partners are currently serving as lead or co-lead counsel in the following class action cases:

- *Dei Rossi et al. v. Whirlpool Corp.*, Case No. 2:12-cv-00125-TLN-JFM (E.D. Cal. 2012) (representing a certified class of people who purchased mislabeled KitchenAid brand refrigerators from Whirlpool Corp.)



- *In re: Scotts EZ Seed Litigation*, Case No. 7:12-cv-04727-VB (S.D.N.Y. 2012) (representing a certified class of purchasers of mulch grass seed products advertised as a superior grass seed product capable of growing grass in the toughest conditions and with half the water.)
- *Forcellati et al., v Hyland's, Inc. et al.*, Case No. 2:12-cv-01983-GHK-MRW (C.D. Cal. 2012) (representing a certified nationwide class of purchasers of children's cold and flu products.)
- *Avram v. Samsung Electronics America, Inc., et al.*, Case No. 2:11-cv-06973 KM-MCA (D.N.J. 2011) (representing a proposed nationwide class of persons who purchased mislabeled refrigerators from Samsung Electronics America, Inc. for misrepresenting the energy efficiency of certain refrigerators.)
- *Dzielak v. Whirlpool Corp., et al.*, Case No. 12-CIV-0089 SRC-MAS (D.N.J. 2011) (representing a proposed nationwide class of purchasers of mislabeled Maytag brand washing machines for misrepresenting the energy efficiency of such washing machines.)
- *In re: Shop-Vac Marketing and Sales Practices Litigation*, Case No. 4:12-md-02380-YK (M.D. Pa. 2012) (representing a proposed nationwide class of persons who purchased vacuums or Shop Vac's with overstated horsepower and tank capacity specifications.)
- *In re: Oreck Corporation Halo Vacuum And Air Purifiers Marketing And Sales Practices Litigation*, MDL No. 2317 (the firm was appointed to the executive committee, representing a proposed nationwide class of consumers who purchased vacuums and air purifiers that were deceptively advertised effective in eliminating common viruses, germs and allergens.)

## EMPLOYMENT PRACTICES LITIGATION

Faruqi & Faruqi, LLP is a recognized leader in protecting the rights of employees. The firm's Employment Practices Group is committed to protecting the rights of current and former employees nationwide. The firm is dedicated to representing employees who may not have been compensated properly by their employer or who have suffered investment losses in their employer-sponsored retirement plan. The firm also represents individuals (often current or former employees) who assert that a company has allegedly defrauded the federal or state government.

Faruqi & Faruqi represents current and former employees nationwide whose employers have failed to comply with state and/or federal laws governing minimum wage, hours worked, overtime, meal and rest breaks, and unreimbursed business expenses. In particular, the firm focuses on claims against companies for (i) failing to properly classify their employees for purposes of paying them proper overtime pay, or (ii) requiring employees to work "off-the-clock," and not paying them for all of their actual hours worked.

In prosecuting claims on behalf of aggrieved employees, Faruqi & Faruqi has successfully defeated summary judgment motions, won numerous collective certification motions, and obtained significant monetary recoveries for current and former employees. In the course of litigating these claims, the firm has been a pioneer in developing the growing area of wage and hour law. In *Creely, et al. v. HCR ManorCare, Inc.*, C.A. No. 3:09-cv-02879 (N.D. OH), Faruqi & Faruqi, along with its co-counsel, obtained one of the first decisions to reject the application of the Supreme Court's Fed. R. Civ. P. 23 certification analysis in *Wal-Mart Stores, Inc. v. Dukes et. al.*, 131 S. Ct. 2541 (2011) to the certification process of collective actions brought pursuant to the Fair Labor Standards Act of 1938 ("FLSA"). The firm, along with its co-counsel,



also recently won a groundbreaking decision for employees seeking to prosecute wage and hour claims on a collective basis in *Symczyk v. Genesis Healthcare Corp. et al.*, No. 10-3178 (3d Cir. 2011). In *Symczyk*, the Third Circuit reversed the district court's ruling that an offer of judgment mooted a named plaintiff's claim in an action asserting wage and hour violations of the FLSA. Notably, the Third Circuit also affirmed the two-step process used for granting certification in FLSA cases. The *Creely* decision, like the Third Circuit's *Genesis* decision, will invariably be relied upon by courts and plaintiffs in future wage and hour actions.

Some of the firm's notable recoveries include *Bazzini v. Club Fit Management, Inc.*, C.A. No. 08-cv-4530 (S.D.N.Y. 2008), wherein the firm settled a FLSA collective action lawsuit on behalf of tennis professionals, fitness instructors and other health club employees on very favorable terms. Similarly, in *Garcia, et al., v. Lowe's Home Center, Inc., et al.*, C.A. No. GIC 841120 (Cal. Sup. Ct. 2008), Faruqi & Faruqi served as co-lead counsel and recovered \$1.6 million on behalf of delivery workers who were unlawfully treated as independent contractors and not paid appropriate overtime wages or benefits.

The firm's Employment Practices Group also represents participants and beneficiaries of employee benefit plans covered by the Employee Retirement Income Security Act of 1974 ("ERISA"). In particular the firm protects the interests of employees in retirement savings plans against the wrongful conduct of plan fiduciaries. Often, these retirement savings plans constitute a significant portion of an employee's retirement savings. ERISA, which codifies one of the highest duties known to law, requires an employer to act in the best interests of the plan's participants, including the selection and maintenance of retirement investment vehicles. For example, an employer who administers a retirement savings plan (often a 401(k) plan) has a fiduciary obligation to ensure that the retirement plan's assets (including employee and any company matching contributions to the plan) are directed into appropriate and prudent investment vehicles.

Faruqi & Faruqi has brought actions on behalf of aggrieved plan participants where a company and/or certain of its officers breached their fiduciary duty by allowing its retirement plans to invest in shares of its own stock despite having access to materially negative information concerning the company which materially impacted the value of the stock. The resulting losses can be devastating to employees' retirement accounts. Under certain circumstances, current and former employees can seek to hold their employers accountable for plan losses caused by the employer's breach of their ERISA-mandated duties.

The firm's Employment Practices Group also represents whistleblowers in actions under both federal and state False Claims Acts. Often, current and former employees of business entities that contract with, or are otherwise bound by obligations to, the federal and state governments become aware of wrongdoing that causes the government to overpay for a good or service. When a corporation perpetrates such fraud, a whistleblower may sue the wrongdoer in the government's name to recover up to three times actual damages and additional civil penalties for each false statement made. Whistleblowers who initiate



such suits are entitled to a portion of the recovery attained by the government, generally ranging from 15% to 30% of the total recovery.

False Claims Act cases often arise in context of Medicare and Medicaid fraud, pharmaceutical fraud, defense contractor fraud, federal government contractor fraud, and fraudulent loans and grants. For instance, in *United States of America, ex rel. Ronald J. Streck v. Allergan, Inc. et al.*, No. 2:08-cv-05135-ER (E.D. Pa.), Faruqi & Faruqi represents a whistleblower in an un-sealed case alleging fraud against thirteen pharmaceutical companies who underpaid rebates they were obliged to pay to state Medicaid programs on drugs sold through those programs.

Based on its experience and expertise, the firm has served as the principal attorneys representing current and former employees in numerous cases across the country alleging wage and hour violations, ERISA violations and violations of federal and state False Claims Acts.

## ATTORNEYS

### NADEEM FARUQI

Mr. Faruqi is Co-Founder and Managing Partner of the firm. Mr. Faruqi oversees all aspects of the firm's practice areas. Mr. Faruqi has acted as sole lead or co-lead counsel in many notable class or derivative action cases, such as: *In re Olsten Corp. Secs. Litig.*, C.A. No. 97-CV-5056 (E.D.N.Y.) (recovered \$25 million dollars for class members); *In re PurchasePro, Inc., Secs. Litig.*, Master File No. CV-S-01-0483 (D. Nev. 2001) (\$24.2 million dollars recovery on behalf of the class in securities fraud action); *In re Avatex Corp. S'holders Litig.*, C.A. No. 16334-NC (Del. Ch. 1999) (established certain new standards for preferred shareholders rights); *Dennis v. Pronet, Inc.*, C.A. No. 96-06509 (Tex. Dist. Ct.) (recovered over \$15 million dollars on behalf of shareholders); *In re Tellium, Inc. Secs. Litig.*, C.A. No. 02-CV-5878 (D.N.J.) (class action settlement of \$5.5 million); *In re Tenet Healthcare Corp. Derivative Litig.*, Lead Case No. 01098905 (Cal. Sup. Ct. 2002) (achieved a \$51.5 million benefit to the corporation in derivative litigation).

Upon graduation from law school, Mr. Faruqi was associated with a large corporate legal department in New York. In 1988, he became associated with Kaufman Malchman Kirby & Squire, specializing in shareholder litigation, and in 1992, became a member of that firm. While at Kaufman Malchman Kirby & Squire, Mr. Faruqi served as one of the trial counsel for plaintiff in *Gerber v. Computer Assocs. Int'l, Inc.*, 91-CV-3610 (E.D.N.Y. 1991). Mr. Faruqi actively participated in cases such as: *Colaprico v. Sun Microsystems*, No. C-90-20710 (N.D. Cal. 1993) (recovery in excess of \$5 million on behalf of the shareholder class); *In re Jackpot Secs. Enters., Inc. Secs. Litig.*, CV-S-89-805 (D. Nev. 1993) (recovery in excess of \$3 million on behalf of the shareholder class); *In re Int'l Tech. Corp. Secs. Litig.*, CV 88-440 (C.D.



Cal. 1993) (recovery in excess of \$13 million on behalf of the shareholder class); and *In re Triangle Inds., Inc. S'holders Litig.*, C.A. No. 10466 (Del. Ch. 1990) (recovery in excess of \$70 million).

Mr. Faruqi earned his Bachelor of Science Degree from McGill University, Canada (B.Sc. 1981), his Master of Business Administration from the Schulich School of Business, York University, Canada (MBA 1984) and his law degree from New York Law School (J.D., *cum laude*, 1987). Mr. Faruqi was Executive Editor of New York Law School's Journal of International and Comparative Law. He is the author of "Letters of Credit: Doubts As To Their Continued Usefulness," Journal of International and Comparative Law, 1988. He was awarded the Professor Ernst C. Stiefel Award for Excellence in Comparative, Common and Civil Law by New York Law School in 1987.

Mr. Faruqi is licensed to practice law in New York and is admitted to the United States District Courts for the Southern, Eastern and Western Districts of New York, and the District of Colorado, and the United States Court of Appeals for the Second and Third Circuits.

## LUBNA M. FARUQI

Ms. Faruqi is Co-Founder of Faruqi & Faruqi, LLP. Ms. Faruqi is involved in all aspects of the firm's practice. Ms. Faruqi has actively participated in numerous cases in federal and state courts which have resulted in significant recoveries for shareholders.

Ms. Faruqi was involved in litigating the successful recovery of \$25 million to class members in *In re Olsten Corp. Secs. Litig.*, C.A. No. 97-CV-5056 (E.D.N.Y.). She helped to establish certain new standards for preferred shareholders in Delaware in *In re Avatex Corp. S'holders Litig.*, C.A. No. 16334-NC (Del. Ch. 1999). Ms. Faruqi was also lead attorney in *In re Mitcham Indus., Inc. Secs. Litig.*, Master File No. H-98-1244 (S.D. Tex. 1998), where she successfully recovered \$3 million on behalf of class members despite the fact that the corporate defendant was on the verge of declaring bankruptcy.

Upon graduation from law school, Ms. Faruqi worked with the Department of Consumer and Corporate Affairs, Bureau of Anti-Trust, the Federal Government of Canada. In 1987, Ms. Faruqi became associated with Kaufman Malchman Kirby & Squire, specializing in shareholder litigation, where she actively participated in cases such as: *In re Triangle Inds., Inc. S'holders Litig.*, C.A. No. 10466 (Del. Ch. 1990) (recovery in excess of \$70 million); *Kantor v. Zondervan Corp.*, C.A. No. 88 C5425 (W.D. Mich. 1989) (recovery of \$3.75 million on behalf of shareholders); and *In re A.L. Williams Corp. S'holders Litig.*, C.A. No. 10881 (Del. Ch. 1990) (recovery in excess of \$11 million on behalf of shareholders).

Ms. Faruqi graduated from McGill University Law School at the age of twenty-one with two law degrees: Bachelor of Civil Law (B.C.L.) (1980) and a Bachelor of Common Law (L.L.B.) (1981).

Ms. Faruqi is licensed to practice law in New York and is admitted to the United States District Court for the Southern District of New York.



## PETER KOHN

Mr. Kohn is a partner in Faruqi & Faruqi, LLP's Pennsylvania office.

Prior to joining the firm, Mr. Kohn was a shareholder at Berger & Montague, P.C., where he prepared for trial several noteworthy lawsuits under the Sherman Act, including *In re Buspirone Patent & Antitrust Litigation*, MDL No. 1410 (S.D.N.Y.) (\$220M settlement), *In re Cardizem CD Antitrust Litigation*, No. 99-MD-1278 (E.D. Mich.) (\$110M settlement), *Meijer, Inc. v. Warner-Chilcott*, No. 05-2195 (D.D.C.) (\$22M settlement), *In re Relafen Antitrust Litigation*, No. 01-12239 (D. Mass.) (\$175M settlement), *In re Remeron Direct Purchaser Antitrust Litigation*, No. 03-cv-0085 (D.N.J.) (\$75M settlement), *In re Terazosin Hydrochloride Antitrust Litigation*, No. 99-MDL-1317 (S.D. Fla.) (\$72.5M settlement), and *In re Tricor Direct Purchaser Antitrust Litig.*, No. 05-340 (D. Del.) (\$250M settlement). The court appointed him as co-lead counsel for the plaintiffs in *In re Pennsylvania Title Ins. Antitrust Litig.*, No. 08cv1202 (E.D. Pa.) (pending action on behalf of direct purchasers of title insurance alleging illegal cartel pricing under § 1 of the Sherman Act).

A sampling of Mr. Kohn's reported cases in the antitrust arena includes *In re Solodyn (Minocycline Hydrochloride) Antitrust Litig.*, Civil Action No. 14-md-02503-DJC, 2015 U.S. Dist. LEXIS 125999 (D. Mass. Aug. 14, 2015) (denying motion to dismiss reverse payment claims under the Sherman Act); *King Drug Co. of Florence v. Cephalon, Inc.*, 88 F. Supp. 3d 402 (E.D. Pa. 2015) (reverse payment claims under the Sherman Act survived summary judgment); *In re Suboxone (Buprenorphine Hydrochloride & Naloxone) Antitrust Litig.*, 64 F. Supp. 3d 665 (E.D. Pa. 2014) (denying motion to dismiss product hopping claims under the Sherman Act); *In re Lidoderm Antitrust Litig.*, 74 F. Supp. 3d 1052 (N.D. Cal. 2014) (denying motion to dismiss reverse payment claims under the Sherman Act); *Mylan Pharms., Inc. v. Warner Chilcott Pub.*, No. 12-3824, 2013 U.S. Dist. LEXIS 152467 (E.D. Pa. June 11, 2013) (denying motion to dismiss product hopping claims under the Sherman Act); *In re Hypodermic Prods. Antitrust Litig.*, 484 Fed. Appx. 669 (3d Cir. 2012) (issue of direct purchaser standing under *Illinois Brick*); *Wallach v. Eaton Corp.*, 814 F. Supp. 2d 428 (D. Del. 2011) (application of the Third Circuit's "complete involvement" exception to the *in pari delicto* doctrine); *Delaware Valley Surgical Supply Inc. v. Johnson & Johnson*, 523 F.3d 1116 (9th Cir. 2008) (issue of direct purchaser standing under *Illinois Brick*); *Babyage.com, Inc. v. Toys "R" Us, Inc.*, 558 F. Supp.2d 575 (E.D. Pa. 2008) (denying defendants' motion to dismiss following the Supreme Court's decisions in *Twombly* and *Leegin*, and for the first time in the Third Circuit adopting the Merger Guidelines method of relevant market definition); *J.B.D.L. Corp. v. Wyeth-Ayerst Laboratories, Inc.*, 485 F.3d 880 (6th Cir. 2007) (affirming summary judgment in exclusionary contracting case); and *Babyage.com, Inc. v. Toys "R" Us, Inc.*, 458 F. Supp.2d 263 (E.D. Pa. 2006) (discoverability of surreptitiously recorded statements prior to deposition of declarant).



Mr. Kohn is a 1989 graduate of the University of Pennsylvania (B.A., English) and a 1992 *cum laude* graduate of Temple University Law School, where he was senior staff for the *Temple Law Review* and received awards for trial advocacy. Mr. Kohn was recognized as a “recommended” antitrust attorney in the Northeast in 2009 by the Legal 500 guide ([www.legal500.com](http://www.legal500.com)) and was chosen by his peers as a “SuperLawyer” in Pennsylvania in 2009 - 2013, and 2016. Mr. Kohn was an invited speaker at the ABA Section of Antitrust Law’s 2016 Spring Meeting in Washington, D.C., for the Health Care & Pharmaceuticals and State Enforcement Committee’s program, “Exclusionary or Not? Product Hopping and REMS.” He was also invited to speak for the ABA Section of Antitrust Law’s program “Product Hopping Cases: Where Are We and Where Are We Headed” in December 2015, as well as Harris Martin Publishing’s Antitrust Pay-for-Delay Litigation Conference in 2014 and 2015. In 2011, Mr. Kohn was selected as a Fellow in the Litigation Counsel of America, a trial lawyer honorary society composed of less than one-half of one percent of American lawyers. He is a member of the bars of the Supreme Court of Pennsylvania (1992-present), the United States District Court for the Eastern District of Pennsylvania (1995-present), the United States District Court for the Eastern District of Michigan (2010-present), the United States Court of Appeals for the Third Circuit (2000-present), the United States Court of Appeals for the Sixth Circuit (2005-present), the United States Court of Appeals for the Ninth Circuit (2016-present), and the United States Court of Appeals for the Federal Circuit (2011-present).

## **RICHARD W. GONNELLO**

Richard W. Gonnello is a partner in Faruqi & Faruqi, LLP’s New York office.

Prior to joining the firm, Mr. Gonnello was a partner at Entwistle & Cappucci LLP and an associate at Latham & Watkins LLP. He began his career representing large corporations in litigation, arbitration, and governmental investigations. Mr. Gonnello now represents shareholders in securities fraud cases and other investment disputes.

Mr. Gonnello has represented institutional and individual investors in obtaining substantial recoveries in numerous class actions, including *In re Royal Ahold Sec. Litig.*, No. 03-md-01539 (D. Md. 2003) (\$1.1 billion) and *In re Tremont Securities Law, State Law and Insurance Litigation*, No. 08-cv-11117 (S.D.N.Y. 2011) (\$100 million+). Mr. Gonnello has also obtained favorable recoveries for institutional investors pursuing direct securities fraud claims, including cases against *Qwest Communications International, Inc.* (\$175 million+) and *Tyco Int’l Ltd* (\$21 million).

Mr. Gonnello has successfully argued numerous cases, including *Zak v. Chelsea Therapeutics Int’l, Ltd.*, Civ. No. 13-2370 (2015), which was before the Fourth Circuit Court of Appeals and resulted in the Court’s first reversal of a district court’s dismissal in the twenty years since the Private Securities Litigation Reform Act was enacted in 1995.



Mr. Gonnello has co-authored the following articles: "*Staeher' Hikes Burden of Proof to Place Investor on Inquiry Notice*," New York Law Journal, December 15, 2008; and "*Potential Securities Fraud: 'Storm Warnings' Clarified*," New York Law Journal, October 23, 2008.

Mr. Gonnello attended the University of Chicago, where he was named to the Dean's List every quarter, and thereafter graduated *summa cum laude* from Rutgers University in 1995, where he was named Phi Beta Kappa. He received his law degree from UCLA School of Law (J.D. 1998), and was a member of the UCLA Journal of Environmental Law & Policy.

Mr. Gonnello is licensed to practice law in New York and is admitted to the United States District Courts for the Southern and Eastern Districts of New York and the United States Court of Appeals for the Second, Fourth, Seventh and Ninth Circuits.

## JOSEPH T. LUKENS

Mr. Lukens is a partner in Faruqi & Faruqi, LLP's Pennsylvania office.

Mr. Lukens was a shareholder at the Philadelphia firm of Hangley Aronchick Segal Pudlin & Schiller, where he represented large retail pharmacy chains as opt-out plaintiffs in numerous lawsuits under the Sherman Act. Among those lawsuits were *In re Brand Name Prescription Drugs Antitrust Litigation* (MDL 897, N.D. Ill.), *In re Terazosin Hydrochloride Antitrust Litigation* (MDL 1317, S.D. Fla.), *In re TriCor Direct Purchaser Antitrust Litigation* (05-605, D. Del.), *In re Nifedipine Antitrust Litigation* (MDL1515, D.D.C.), *In re OxyContin Antitrust Litigation* (04-3719, S.D.N.Y), and *In re Chocolate Confectionary Antitrust Litigation* (MDL 1935, M.D. Pa.). While the results in the opt-out cases are confidential, the parallel class actions in those matters which are concluded have resulted in settlements exceeding \$1.1 billion.

Earlier in his career, Mr. Lukens concentrated in commercial and civil rights litigation at the Philadelphia firm of Schnader, Harrison, Segal & Lewis. The types of matters that Mr. Lukens handled included antitrust, First Amendment, contracts, and licensing. Mr. Lukens also worked extensively on several notable *pro bono* cases including *Commonwealth v. Morales*, which resulted in a rare reversal on a second post-conviction petition in a capital case in the Pennsylvania Supreme Court.

Mr. Lukens graduated from LaSalle University (B.A. Political Science, *cum laude*, 1987) and received his law degree from Temple University School of Law (J.D., *magna cum laude*, 1992) where he was an editor on the *Temple Law Review* and received several academic awards. After law school, Mr. Lukens clerked for the Honorable Joseph J. Longobardi, Chief Judge for the United States District Court for the District of Delaware (1992-93). Mr. Lukens is a member of the bars of the Supreme Court of Pennsylvania (1992-present), the United States Supreme Court (1996-present); the United States District Court for the Eastern District of Pennsylvania (1993-present), the United States Court of Appeals for the





Third Circuit (1993-present), and the United States Court of Appeals for the District of New Jersey (1994-present).

Mr. Lukens has several publications, including: *Bringing Market Discipline to Pharmaceutical Product Reformulations*, 42 Int'l Rev. Intel. Prop. & Comp. Law 698 (September 2011) (co-author with Steve Shadowen and Keith Leffler); *Anticompetitive Product Changes in the Pharmaceutical Industry*, 41 Rutgers L.J. 1 (2009) (co-author with Steve Shadowen and Keith Leffler); *The Prison Litigation Reform Act: Three Strikes and You're Out of Court — It May Be Effective, But Is It Constitutional?*, 70 Temp. L. Rev. 471 (1997); *Pennsylvania Strips The Inventory Search Exception From Its Rationale – Commonwealth v. Nace*, 64 Temp. L. Rev. 267 (1991).

## STUART J. GUBER

Stuart J. Guber is a Partner in Faruqi & Faruqi, LLP's Pennsylvania office.

Mr. Guber focuses his practice on representing institutional and individual investors in class actions under the federal securities laws, shareholder derivative suits and mergers and acquisitions litigation, as well as other complex litigation representing consumers. During his 25-year career as a securities and complex litigator, Mr. Guber, as one of the lead attorneys, has successfully litigated numerous shareholder cases to settlement and verdict including *In re Rite Aid Pharmacy Sec. Litig.*, No. MDL 1360 (E.D. Pa.) (\$320 Million settlement of securities class action); *In re Tycom Ltd. Sec. Litig.*, No. 03-CV-03540 (D. Conn.) (\$79 million settlement in securities class action); *In re Providian Financial Corp. Sec. Litig.*, No. 01-CV-3952 (N.D. Cal.) (\$65 million settlement in securities class action); *In re Bell South Corp. Sec. Litig.*, No. 02-CV-2142 (N.D. Ga.) (\$35 million settlement in securities class action); *In re Evergreen Ultra Short Opportunities Fund Sec. Litig.*, No. 1:08-CV-11064 (D. Mass.) (\$25 million class action securities settlement in which participating class members will recover over 65% of their losses); *Robbins v. Koger Properties*, No. 90-896-civ-J-10 (M.D. Flo.) (plaintiffs' trial counsel in jury verdict awarding \$81.3 million in damages); *Maiocco, et al. v. Greenway Capital Corp., et al.*, NASD No. 94-04396 (Lead trial counsel for plaintiffs in securities arbitration awarding \$227,000 in compensatory damages and \$100,000 in punitive damages); *Solomon v. T.F.M., Inc.* (achieved defense verdict as lead trial counsel in securities arbitration representing Philadelphia Stock Exchange options trading firm); *Minerva Group LP v. Keane*, Index No. 800621 (Sup. Ct. NY) (mergers and acquisitions case settled for amendments to merger agreement, additional disclosures and a price bump per share to be paid shareholders from \$8.40 per share to \$9.25 per share in merger consideration). Mr. Guber has successfully litigated consumer class actions (for e.g., *Nepomuceno v. Knights of Columbus*, No. Civ. A. 96 C 4789 (N.D. Ill.), settled for \$22 million in life insurance vanishing premium consumer fraud case) and successfully defended at trial a union health and welfare fund being sued by a healthcare provider (*Centre for Neuro Skills, Inc.-Texas v. Specialties & Paper Products Union*



No. 527 Health and Welfare Fund, No. CC-07-10150-A ( Cty. Ct. Dallas, Tex.), lead trial defense counsel securing a directed verdict in favor of defendant).

Mr. Guber has also been involved as lead or co-lead counsel in litigation producing a number of noteworthy published decisions including: *South Ferry LP v. Killinger*, 542 F.3d 776 (9th Cir. 2008); *Koehler v. Brody*, 483 F.3d 590 (8th Cir. 2007); *Wagner v. First Horizon Pharm. Corp.*, 464 F.3d 1273 (11th Cir. 2006); *Garfield v. NDC Health*, 466 F.3d 1255 (11th Cir. 2006); *In re Cerner Corp. Sec. Litig.*, 425 F.3d 1079 (8th Cir. 2005); *Nevius v. Read-Rite Corp.*, 335 F.3d 843 (9th Cir. 2003); *Robbins v. Koger Properties*, 116 F.3d 1441 (11th Cir. 1997); *Schreiber v. Kellogg*, 50 F.3d 264 (3d Cir. 1995); *In re Evergreen Ultra Short Opportunities Fund Se. Litig.*, 275 F.R.D. 382 (D. Mass. 2011) *Marsden v. Select Med. Corp.*, 246 F.R.D. 480 (E.D. Pa. 2007); *In re Friedman's Inc. Securities Litigation*, 385 F. Supp. 2d 1345 (N.D. Ga. 2005); *In re Bellsouth Corp. Sec. Litig.*, 355 F. Supp. 2d 1350 (N.D. Ga. 2005); *Tri-Star Farms Ltd. v. Marconi, PLC, et al.*, 225 F. Supp. 2d 567 (W.D. Pa. 2002); *In re Campbell Soup Company Securities Litigation*, 145 F. Supp. 2d 574 (D.N.J. 2001); *In re Rite Aid Corp. Securities Litigation*, 146 F. Supp. 2d 706 (E.D. Pa. 2001); *In re ValuJet, Inc. Securities Litigation*, 984 F. Supp. 1472 (N.D. Ga.1997); *Schreiber v. Kellogg*, 194 B.R. 559 (E.D. Pa. 1996); *Schreiber v. Kellogg*, 839 F. Supp. 1157 (E.D. Pa. 1993); *Schreiber v. Kellogg*, 838 F. Supp. 998 (E.D. Pa.1993).

Mr. Guber is admitted to practice before the state bars of Pennsylvania and Georgia and is admitted to numerous federal courts including: United States District Courts for the Eastern District of Pennsylvania, Northern District of Georgia, Eastern District of Michigan and District of Colorado; and the United States Circuit Courts of Appeals for the First, Third, Eighth, Ninth, Tenth and Eleventh Circuits. He graduated with a Juris Doctor from Temple University School of Law (1990) and with a B.S. in Business Administration, majoring in accounting from Temple University (1986).

## **JAMES M. WILSON, JR.**

James M. Wilson, Jr. is a Partner in Faruqi & Faruqi LLP's New York office

Prior to joining Faruqi & Faruqi, Mr. Wilson was a partner at Chitwood Harley Harnes, LLP, and a senior associate with Reed Smith, LLP. Mr. Wilson has represented institutional pension funds, corporations and individual investors in courts around the country and obtained significant recoveries, including the following securities class actions: *In re ArthroCare Sec. Litig.* No. 08-0574 (W.D. Tex.) (\$74 million); *In re Maxim Integrated Prod. Sec. Litig.*, No. 08-0832 (N.D.Cal.) (\$173 million); *In re TyCom Ltd. Sec. Litig.*, MDL No. 02-1335 (D.N.H.) (\$79 million); and *In re Providian Fin. Corp. Sec. Litig.*, No. 01-3952 (N.D. Cal.). Mr. Wilson also has obtained significant relief for shareholders in merger suits, including the following: *In re Zoran Corporation Shareholders Litig.*, No. 6212-VCP (Del. Chancery); and *In re The Coca-Cola Company Shareholder Litigation*, No. 10-182035 (Fulton County Superior Ct.).



Mr. Wilson has authored numerous articles addressing current developments including the following Expert Commentaries published by Lexis Nexis: *The Liability Faced By Financial Institutions From Exposure To Subprime Mortgages*; *Losses Attributable To Sub-Prime Mortgages*; *The Supreme Court's Decision in Stoneridge Investment Partners, LLC v. Scientific-Atlanta, Inc. et al.*; *Derivative Suite by LLC Members in New York: Tzolis v. Wolff*, 10 N.Y.3d 100 (Feb. 14, 2008).

Mr. Wilson obtained his undergraduate degree from Georgia State University (B.A. 1988), his law degree from the University of Georgia (J.D. 1991), and Masters in Tax Law from New York University (LL.M. 1992). He is licensed to practice law in Georgia and New York and is admitted to the United States District Courts for Middle and Northern Districts of Georgia, the Eastern and Southern Districts of New York, the Eastern District of Michigan and the District of Colorado, and the United States Courts of Appeals for the Second, Fifth and Eleventh Circuits.

## **ROBERT W. KILLORIN**

Robert W. Killorin is a Partner with the firm, and is based in Atlanta. His practice is focused on shareholder merger and securities litigation. Mr. Killorin is an accomplished trial lawyer with over twenty years of experience in civil litigation. Prior to joining Faruqi & Faruqi, Mr. Killorin was a partner at the firm of Chitwood Harley Harnes, LLP where he specialized in complex securities litigation. Mr. Killorin has represented numerous individual plaintiffs, as well as institutional pension funds, corporations and individual investors in courts around the country. He has obtained significant recoveries, including the following securities class actions: *In re FireEye, Inc. Sec. Litig.*, No. 14-266866 (\$10 million settlement pending); *In re ArthroCare Sec. Litig.* No. 08-0574 (W.D. Tex.) (\$74 million); *In re Maxim Integrated Prod. Sec. Litig.*, No. 08-0832 (N.D. Cal.) (\$173 million); *In re TyCom Ltd. Sec. Litig.*, MDL No. 02-1335 (D.N.H.) (\$79 million); and *In re Providian Fin. Corp. Sec. Litig.*, No. 01-3952 (N.D. Cal.). Mr. Killorin has obtained significant relief for shareholders in merger suits, including the following: *In re The Coca-Cola Company Shareholder Litigation*, No. 10-182035 (Fulton County Superior Ct.).

Mr. Killorin authored "Preparing Clients to Testify" – Chapter 19 of *Civil Trial Practice, Winning Techniques of Successful Trial Attorneys*, Lawyers and Judges Publishing Company (2000), and has written articles and lectured on various legal topics. He is listed in Who's Who in American Law and is an AV® Preeminent™ Peer Review Rated attorney.

Mr. Killorin obtained his undergraduate degree from Duke University (B.A., cum laude, 1980) and his law degree from the University of Georgia (J.D. 1983) where he was on the national mock trial team and a national moot court team. He is licensed to practice law in Georgia and is admitted to the United States Supreme Court, the United States Courts of Appeals for the Tenth and Eleventh Circuits, and the United States District Courts for Middle and Northern Districts of Georgia.



## **BRADLEY J. DEMUTH**

Bradley J. Demuth's practice is focused on complex antitrust litigation with particular expertise in cases involving pharmaceutical overcharges resulting from delayed generic entry schemes, price fixing, and other anticompetitive conduct. Mr. Demuth is a partner in the firm's New York office.

Upon graduating, cum laude, from American University Washington College of Law (1999), Mr. Demuth served as a law clerk to the United States Court of Appeals for the Second Circuit. While thereafter associated with Cadwalader, Wickersham & Taft LLP and Skadden, Arps, Slate, Meager & Flom LLP, Mr. Demuth successfully represented several national and multinational corporate defendants in a wide range of antitrust and other commercial disputes. His antitrust experience includes litigating issues in the pharmaceutical, high-tech, professional sports, consumer goods, luxury goods, financial benchmarking, commodities, and industrial materials contexts. In 2008, Mr. Demuth received the Pro Bono Service Award for briefing and arguing an appeal made to the New York Supreme Court Appellate Term (1st Dep't) on behalf of displaced low-income tenants. From 2009-2010, Mr. Demuth served as a Special Assistant Corporation Counsel and acting lead trial counsel for the City of New York, where among other favorable resolutions, he obtained a verdict for the City after a two-week trial in *Richardson v. City of New York* (Index. No. 14216-99).

Upon joining the Plaintiffs' bar in 2012, Mr. Demuth has made notable contributions in several high-profile pharmaceutical antitrust cases that resulted in significant recoveries, including in:

- *American Sales Company, LLC v. Pfizer, Inc.* (E.D. Va.) (re Celebrex) (October 2017 \$94 million dollar settlement pending final approval);
- *In re Aggrenox Antitrust Litigation* (D. Conn.) (\$146 million settlement);
- *Castro v. Sanofi Pasteur, Inc.* (D.N.J.) (re Menactra) (\$61.5 million settlement); and
- *In re Flonase Antitrust Litigation* (E.D. Pa.) (\$150 million settlement).

Mr. Demuth is also currently involved in several other pending high-profile pharmaceutical antitrust matters including: *In re Generic Pharmaceutical Pricing Antitrust Litigation* (E.D. Pa.); *In re Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litigation* (E.D.N.Y.); and *In re Intuniv Antitrust Litigation* (D. Mass.).

Mr. Demuth is a member of the New York State bar and is admitted to practice before the United States Court of Appeals for the Second Circuit, and the United States District Courts for the Southern and Eastern Districts of New York and the District of Colorado.

## **TIMOTHY J. PETER**

Timothy J. Peter is a Partner in Faruqi & Faruqi, LLP's Pennsylvania office and focuses his practice



on securities law and complex civil litigation.

Prior to joining Faruqi & Faruqi, Mr. Peter was an Associate at Cohen Placittella & Roth, P.C. where he was involved in such high profile litigation as: *In re Vioxx Products Liability Litigation* (\$8.25 million recovery for the Commonwealth of Pennsylvania) and *In re Evergreen Ultra Short Opportunities Fund Securities Litigation* (\$25 million class action securities settlement in which participating class members will recover over 65% of their losses). In addition, Mr. Peter played an important role in the resolution of *In re Minerva Group LP v. Mod-Pac Corp., et al.*, in which defendants increased the price of an insider buyout from \$8.20 to \$9.25 per share, a significant victory for shareholders. Prior to attending law school, Mr. Peter worked for one of largest financial institutions in the world where he gained significant insight into the inner workings of the financial services industry.

Mr. Peter is a 2009 cum laude graduate of the Michigan State University College of Law, where he served as an associate editor of the *Journal of Medicine and Law*. He received his undergraduate degree in Economics from the College of Wooster in 2002.

Mr. Peter is admitted to practice in the Commonwealth of Pennsylvania and the U.S. District Court for the Eastern District of Pennsylvania.

## ADAM STEINFELD

Adam Steinfeld is a Partner in Faruqi & Faruqi, LLP's New York office. He practices in the area of antitrust litigation with a focus on competition in the pharmaceutical industry.

Mr. Steinfeld has litigated successfully with significant contributions in *In re Buspirone Patent & Antitrust Litigation*, MDL No. 1410 (S.D.N.Y.) (\$220M settlement); *In re Cardizem CD Antitrust Litigation*, No. 99-MD-1278 (E.D. Mich.) (\$110M settlement); *In re Relafen Antitrust Litigation*, No. 01-12239 (D. Mass.) (\$175M settlement); *In re Remeron Direct Purchaser Antitrust Litigation*, No. 03-cv-0085 (D.N.J.) (\$75M settlement); *In re Terazosin Hydrochloride Antitrust Litigation*, No. 99-MDL-1317 (S.D. Fla.) (\$72.5M settlement); *In re Tricor Direct Purchaser Antitrust Litig.*, No. 05-340 (D. Del.) (\$250M settlement); and *Mylan Pharms., Inc. v. Warner Chilcott*, No. 12-cv-3824 (E.D. Pa.) (\$12 million settlement).

Prior to joining Faruqi & Faruqi, Mr. Steinfeld was associated with Grant and Eisenhofer, P.A. (2011-2015) and a partner at Garwin, Gerstein and Fisher, LLP, New York (1997-2009).

Mr. Steinfeld is the author of *Nuclear Objections: The Persistent Objector and the Legality of the Use of Nuclear Weapons*, 62 *Brooklyn L. Rev.* 1635 (winter, 1996).

Mr. Steinfeld received his law degree from Brooklyn Law School (J.D., 1997) where he was an editor on the *Brooklyn Law Review* and received several academic awards. Mr. Steinfeld is a member of the bars of the States of New York, New Jersey and Massachusetts; and is admitted to practice before the United States District Courts for the District New Jersey, Eastern District of New York, Southern District of



New York, and Western District of New York. Mr. Steinfeld graduated from Brandeis University (B.A., Politics, 1994).

## **MICHAEL VAN GORDER**

Michael Van Gorder's practice is focused on securities litigation. Mr. Van Gorder is a Partner in the firm's Delaware office.

Prior to joining F&F, Mr. Van Gorder served as a law clerk to the Honorable James T. Vaughn, Jr. of the Delaware Supreme Court (2015-16). While attending law school, Mr. Van Gorder served as the Editor-in-Chief of the Delaware Journal of Corporate Law and was selected as a Josiah Oliver Wolcott Fellow with the Delaware Supreme Court. Before law school, Mr. Van Gorder worked in the private bank of a global financial services firm where he held multiple securities licenses.

Mr. Van Gorder has authored the following article: *Boilermakers v. Chevron: Are Board Adopted Arbitration Bylaws Valid Under Delaware's General Corporation Law?*, 39 Del. J. Corp. L. 443 (2014).

Mr. Van Gorder received his J.D., magna cum laude, from Widener University School of Law (2015). Mr. Van Gorder received his B.S., Business Management, 2008; M.B.A., Finance, 2011, from Wilmington University.

Mr. Van Gorder is licensed to practice law in the state of Delaware and is admitted to the United States District Courts for the District of Delaware and District of Colorado.

## **BENJAMIN HEIKALI**

Benjamin Heikali's practice is focused on securities and consumer litigation. Mr. Heikali is a Partner in the firm's Los Angeles office.

Prior to joining F&F, Mr. Heikali interned at the U.S. Securities and Exchange Commission, Division of Enforcement, focusing on municipal bond litigation and financial fraud work.

Mr. Heikali graduated U.C.L.A. School of Law (J.D., 2015). During law school, Mr. Heikali was awarded the Masin Family Academic Excellence Award for outstanding performance; and the 2015 American College of Bankruptcy Law Meet, "Best Term Sheet." As well, Mr. Heikali served as Staff Editor of the U.C.L.A. Entertainment Law Review. Mr. Heikali received his B.A. in Psychology, with honors, from University of Southern California, 2012.

Mr. Heikali is licensed to practice law in California and is admitted to practice before the United States District Courts for the Central, Northern, Southern, and Eastern Districts of California and the United States Court of Appeals for the Ninth Circuit.



## **NINA VARINDANI**

Nina Varindani is a Partner in Faruqi & Faruqi, LLP's New York office.

Prior to joining the firm, Ms. Varindani practiced commercial litigation at Milber Makris Plousadis & Seiden, LLP where she represented directors, officers and other professionals and corporations in complex commercial litigation in federal and state courts. Additionally, Ms. Varindani gained further litigation experience in law school through internships at Collen IP and the New York State Judicial Institute.

Ms. Varindani is licensed to practice law in New York and is admitted to practice before the United States District Courts for the Southern District of New York and the Eastern District of New York.

Ms. Varindani graduated from the George Washington University (B.A. in Psychology, 2006) and Pace Law School (J.D., 2010).

## **INNESSA MELAMED HUOT**

Innessa Melamed Huot is a Partner in the firm's New York office and focuses her practice on employment law and wage and hour class action litigation.

Ms. Huot represents employees across the country in both individual and class action lawsuits. Ms. Huot has litigated cases in both federal and state courts, involving FLSA claims, state wage and hour violations, discrimination and harassment claims, retaliation matters, FMLA and ADA violations, breach of contract disputes, and other employment-related violations. Ms. Huot has served as lead or co-lead counsel in numerous cases filed against major businesses and corporations, and has successfully recovered millions of dollars on behalf of her clients.

Ms. Huot is active in multiple bar associations, including the Brooklyn Bar Association's Young Lawyers Section, American Bar Association's Section of Labor and Employment, the National Employment Lawyers Association (NELA), and the American Association for Justice (AAJ).

Ms. Huot earned her J.D., *magna cum laude*, from Pace Law School and her M.B.A. in Finance, *summa cum laude*, from Pace Lubin School of Business. Ms. Huot graduated from Syracuse University with a B.A., *summa cum laude*, in Political Science and International Relations.

Ms. Huot is licensed to practice law in New York, New Jersey, and Connecticut and is admitted to practice before the United States District Courts for the Southern District, Eastern District, Western District, and Northern District of New York, the District of New Jersey, and the Second Circuit Court of Appeals.

## **MEGAN SULLIVAN**

Megan Sullivan is a Partner in Faruqi & Faruqi, LLP's New York office.



Prior to joining the firm, Ms. Sullivan was a litigation associate at Crosby & Higgins LLP where she represented institutional and individual investors in securities arbitrations before FINRA and counseled corporate clients in commercial disputes in federal court. Additionally, Ms. Sullivan gained further litigation experience in law school through internships at the Kings County District Attorney's Office and the Adjudication Division of the New York City Department of Consumer Affairs.

Ms. Sullivan graduated from the University of California, Los Angeles (B.A., History, 2008) and from Brooklyn Law School (J.D., *cum laude*, 2011). While at Brooklyn Law School, Ms. Sullivan served as Associate Managing Editor of the Brooklyn Journal of Corporate, Financial and Commercial Law.

Ms. Sullivan is licensed to practice law in the State of New York, and is admitted to the United States District Courts for the Southern and Eastern Districts of New York and the United States Court of Appeals for the Ninth Circuit.

## **KATHERINE M. LENAHAN**

Katherine M. Lenahan is a Partner in Faruqi & Faruqi, LLP's New York office.

Prior to joining Faruqi & Faruqi, Ms. Lenahan practiced securities litigation at Entwistle & Cappucci LLP. Ms. Lenahan gained further experience through internships for the Honorable Sherry Klein Heitler, Administrative Judge for Civil Matters, First Judicial District, and the Kings County District Attorney's Office.

Ms. Lenahan graduated from Fordham University (B.A., Political Science, *magna cum laude*, 2009) and Fordham University School of Law (J.D., 2012). While at Fordham Law School, Ms. Lenahan served as an associate editor of the Fordham Intellectual Property, Media and Entertainment Law Journal and was a fellow at the Center on Law and Information Policy.

Ms. Lenahan is licensed to practice law in New York, and is admitted to the United States District Court for the Southern District of New York, and the United States Courts of Appeals for the Second and Ninth Circuits.

## **STEPHEN G. DOHERTY**

Stephen Doherty is Senior Counsel in the Pennsylvania office of Faruqi & Faruqi, LLP. Mr. Doherty practices in the area of antitrust law and is significantly involved in prosecuting antitrust class actions on behalf of direct purchasers of brand name and generic drugs and charging pharmaceutical manufacturers with price fixing and with illegally blocking the market entry of less expensive competitors.

Earlier in his career, Mr. Doherty litigated consumer fraud and employment discrimination cases in both state and federal courts in Pennsylvania and New Jersey. He has served on numerous volunteer boards, including Gilda's Club of Delaware Valley and the BCBA Pro Bono Committee, has served as a





volunteer instructor for VITA Education Services, and as a pro bono lawyer for the Consumer Bankruptcy Assistance Project.

Mr. Doherty is a 1992 graduate of Temple University Law School, where he was senior staff for the Temple Law Review and received several academic awards and is the author of Joint Representation Conflicts of Interest: Toward A More Balanced Approach, 65 Temp. L. Rev. 561 (1992). Mr. Doherty is a 1988 graduate of Dickinson College (B.A., Anthropology and Latin American Studies).

## NEILL CLARK

Mr. Clark is Of Counsel in Faruqi and Faruqi, LLP's Pennsylvania office.

Before joining the firm, Mr. Clark was an associate at Berger & Montague, P.C. where he was significantly involved in prosecuting antitrust class actions on behalf of direct purchasers of brand name drugs and charging pharmaceutical manufacturers with illegally blocking the market entry of less expensive competitors.

Eight of those cases have resulted in substantial settlements totaling over \$950 million: *In re Cardizem CD Antitrust Litig.* settled in November 2002 for \$110 million; *In re Buspirone Antitrust Litig.* settled in April 2003 for \$220 million; *In re Relafen Antitrust Litig.* settled in February 2004 for \$175 million; *In re Platinol Antitrust Litig.* settled in November 2004 for \$50 million; *In re Terazosin Antitrust Litig.* settled in April 2005 for \$75 million; *In re Remeron Antitrust Litig.* settled in November 2005 for \$75 million; *In re Ovcon Antitrust Litig.* settled in 2009 for \$22 million; and *In re Tricor Direct Purchaser Antitrust Litig.* settled in April 2009 for \$250 million.

Mr. Clark was also principally involved in a case alleging a conspiracy among hospitals and the Arizona Hospital and Healthcare Association to depress the compensation of per diem and traveling nurses, *Johnson et al. v. Arizona Hospital and Healthcare Association et al.*, No. CV07-1292 (D. Ariz.).

Mr. Clark was selected as a "Rising Star" by Pennsylvania Super Lawyers and listed as one of the Top Young Lawyers in Pennsylvania in the December 2005 edition of Philadelphia Magazine. Two cases in which he has been significantly involved have been featured as "Noteworthy Cases" in the NATIONAL LAW JOURNAL articles, "The Plaintiffs' Hot List" (*In re Tricor Antitrust Litig.* October 5, 2009 and *Johnson v. Arizona Hosp. and Healthcare Ass'n.*, October 3, 2011).

Mr. Clark graduated cum laude from Appalachian State University in 1994 and from Temple University Beasley School of Law in 1998, where he earned seven "distinguished class performance" awards, an oral advocacy award and a "best paper" award.



## DAVID CALVELLO

David Calvello is an Associate in Faruqi & Faruqi, LLP's New York office where his focus is litigating Antitrust matters.

Mr. Calvello graduated from the University of Richmond (B.S., 2011) with a double major in Finance and Political Science and Pace Law School (J.D., *magna cum laude*, 2014). He is licensed to practice law in New York and New Jersey and is admitted to practice before the United States District Court for New Jersey.

Prior to joining Faruqi & Faruqi, Mr. Calvello was as an Associate at Kaufman Borgeest & Ryan, LLP where he focused primarily on insurance coverage matters with respect to Directors & Officers (D&O), Errors & Omissions (E&O), and Professional Liability lines of coverage. In law school, Mr. Calvello served as an editor on the Pace International Law Review and received the New Rochelle Bar Association Award upon graduation. He was also very active in moot court competitions, and competed in the Willem C. Vis International Commercial Arbitration Moot held in Vienna, Austria.

## SHERIEF MORSY

Sherief Morsy's practice is focused on securities litigation. Mr. Morsy is an Associate in the firm's New York office.

Prior to joining F&F, Mr. Morsy was a litigation associate at a New York law firm where he specialized in New York State Appellate practice. Mr. Morsy also gained litigation experience as an intern with the Honorable Shira A. Sheindlin, Southern District of New York (2013). He interned as well with a New York securities firm, a multinational corporation, and the King's County DA's office.

Mr. Morsy received his J.D., cum laude, from Brooklyn Law School, 2014. While at Brooklyn Law School, Mr. Morsy was a Notes and Comments Editor of the Brooklyn Law Review. He is the author of The JOBS Act and Crowdfunding: How Narrowing the Secondary Market Handicaps Fraud Plaintiffs, 79 Brook. L. Rev. (2014), Brooklyn Law Review, Vol. 79, Issue 3. Mr. Morsy received his B.A. in Political Science and Philosophy, Rutgers University, 2010.

Mr. Morsy is licensed to practice law in New York and New Jersey and is admitted to the United States District Courts for the Southern and Eastern Districts of New York and the District of New Jersey.

## ALEX HARTZBAND

Alex Hartzband's practice is focused on employment litigation. Mr. Hartzband is an associate in the firm's New York office.



Prior to joining F&F, Mr. Hartzband was an associate at a prominent New York firm where he represented employees on an individual and class basis on employment matters including, but not limited to: discrimination; sexual harassment; whistleblower retaliation; and breach of contract. As well during law school, Mr. Hartzband worked with a New York firm that represented labor unions and individual employees. Mr. Hartzband was a member of Fordham Law's Moot Court Board.

Mr. Hartzband earned his J.D. from Fordham University School of Law (J.D. 2015). Mr. Hartzband earned his undergraduate degree from George Washington University (B.A., History, 2012).

Mr. Hartzband is licensed to practice law in New York and New Jersey. Further, Mr. Hartzband is admitted to practice before the United States District Courts for the Southern and Eastern Districts of New York.

## **ALEX B. HELLER**

Alex B. Heller's practice is focused on securities litigation. Mr. Heller is an associate in the firm's Pennsylvania office.

Prior to joining F&F, Mr. Heller was an associate at a prominent law firm in Philadelphia where he focused on commercial litigation and corporate counsel matters.

While attending law school, Mr. Heller worked as a law clerk for a large national law firm and as a legal intern for KPMG. During law school, Mr. Heller served as a research assistant to the Law & Economics Center at George Mason University School of Law. Mr. Heller, also during law school, served as an associate editor for the George Mason Law Review.

Mr. Heller is a Certified Public Accountant (CPA). Prior to law school, he practiced public accounting at PricewaterhouseCoopers LLP and Mazars USA LLP, providing audit and assurance services.

Mr. Heller has authored the following articles: Corporate Death Penalty: Prosecutorial Discretion and the Indictment of SAC Capital, 22 GEO. MASON L. REV. 763 (2015); Co-Author, Cybersecurity Disclosures in SEC Filings: When, How, BLOOMBERG BNA (March 13, 2015).

Mr. Heller earned his J.D. from George Mason University School of Law (J.D. 2015). Mr. Heller earned his undergraduate degree from American University (B.S. Business Administration, Accounting Specialization, 2008).

Alex is licensed to practice law in Pennsylvania and New Jersey. Alex is admitted to practice before the United States District Court for the Eastern District of Pennsylvania and the United States Court of Appeals for the Third Circuit.

## **KRISTYN FIELDS**

Kristyn Fields' practice is focused on antitrust litigation. Ms. Fields is an Associate in the firm's



New York office.

Prior to joining F&F, Ms. Fields interned for the Honorable Martin Marcus, New York Supreme Court, Bronx County. As well, Ms. Fields participated in the Brooklyn Law Incubator & Policy Clinic providing pro bono counsel to emerging start-up companies. While at Brooklyn Law School, Ms. Fields served as an Executive Articles Editor of the Brooklyn Journal of Corporate, Financial & Commercial Law. Also, Ms. Fields was a member of the Moot Court Honor Society.

Ms. Fields earned her J.D. from Brooklyn Law School (2016). Ms. Fields earned her undergraduate degree from Boston College (B.A., Political Science, 2013).

Ms. Fields is licensed to practice law in New York.

## **PATRICK J. COLLOPY**

Patrick Collopy's practice is focused on employment litigation. Mr. Collopy is an Associate in the firm's New York office.

Prior to joining the firm, Mr. Collopy served as a legal intern at a New York law firm. Mr. Collopy gained experience in employment law while interning on Capital Hill at the Congressional Office of Compliance. Additionally, gained further litigation experience as a legal intern at the Kings County District Attorney's Office.

Mr. Collopy earned his J.D. from Brooklyn Law School (2016) and his undergraduate degree from Fordham University (B.A., History; Minor in Economics, 2009).

Mr. Collopy is licensed to practice law in New York.

## **DILLON HAGIUS**

Dillon Hagius's practice is focused on securities litigation. Mr. Hagius is an Associate in the firm's New York office.

Prior to joining F&F, Mr. Hagius served as a judicial clerk in Maryland's 10th Judicial District. At UCLA Law School, Mr. Hagius was a research assistant; an Empirical Legal Scholar; a staff editor on the UCLA Journal of International Law and Foreign Affairs and travelled to the Eastern Congo to research gender violence. As well in law school, Mr. Hagius externed at the Securities and Exchange Commission in the Division of Corporation Finance, Office of the Enforcement Liaison and the Office of International Affairs.

Mr. Hagius earned his J.D. from UCLA School of Law, Los Angeles, CA (J.D. 2016, Dean's Scholarship). Mr. Hagius graduated from the University of Maryland, College Park (B.S. International Business with honors, 2013).



Mr. Hagijs is barred in the states of New York, Maryland, California and the District of Columbia, and the United States District Court for the Northern District of California.

## **JOSHUA NASSIR**

Joshua Nassir's practice is focused on consumer litigation. Mr. Nassir is an associate in the firm's California office.

Since joining the F&F team, Mr. Nassir has litigated numerous actions on behalf of consumers including, but not limited to, cases against Sun-Maid Growers of California; Innovation Ventures; LLC (5-hour ENERGY®); Dr Pepper Snapple Group, Inc.; Craft Brew Alliances, Inc. (Kona beer); and Skeeter Snacks, LLC.

Prior to Faruqi & Faruqi, Mr. Nassir worked with a prominent LA firm where he focused on litigation.

During law school, Mr. Nassir served as a full-time Judicial Extern for the Honorable Philip S. Gutierrez, United States District Court for the Central District of California. As well, he was a staff editor for the UCLA School of Law Journal of Environmental Law & Policy and was heavily involved in the school's Moot Court and Mock Trial tournaments.

Mr. Nassir earned his J.D. from UCLA School of Law, 2017. Mr. Nassir received his undergraduate degree from UCLA (B.A. History, cum laude, 2014.)

Mr. Nassir is admitted to practice in California.

**EXHIBIT B**

**SCOTT'S EZ SEED  
FARUQI & FARUQI, LLP  
TIME REPORT**

<b>PROFESSIONAL</b>	<b>HOURS</b>	<b>RATE</b>	<b>LODESTAR</b>
NADEEM FARUQI (P)	73.20	\$950	\$69,540.00
ADAM GONNELLI (P)	13.60	\$795	\$10,812.00
ANTONIO VOZZOLO (P)	559.10	\$795	\$444,484.50
JEFFREY BRIEM (SC)	58.10	\$725	\$42,122.50
TIMOTHY PETER (P)	486.40	\$675	\$328,320.00
INNESSA MELAMED (P)	56.60	\$595	\$33,677.00
CHRIS MARLBOROUGH (A)	20.80	\$555	\$11,544.00
MILES SCHREINER (A)	403.60	\$500	\$201,800.00
COURTNEY MACCARONE (A)	842.50	\$450	\$379,125.00
ANDREA CLISURA (A)	223.90	\$450	\$100,755.00
JAVIER HIDALGO (A)	6.30	\$425	\$2,677.50
CIRONG (AUDREY) KANG (A)	680.80	\$400	\$272,320.00
MEAGHAN WALTERS (A)	91.20	\$400	\$36,480.00
STEVE DOHERTY (PL)	2.50	\$375	\$937.50
DEREK BEHNKE (PL)	61.20	\$375	\$22,950.00
MICHAEL LOBOSCO (PL)	35.20	\$310	\$10,912.00
DANIELA MERCADO (PL)	6.50	\$325	\$2,112.50
ANTHONY ALOISE (PL)	35.90	\$350	\$12,565.00
DANIELLE SERPICA (PL)	22.00	\$275	\$6,050.00
TERESA MALONEY (PL)	4.50	\$275	\$1,237.50
MIRIAM SAMPSON (PL)	14.70	\$260	\$3,822.00
<b>TOTALS</b>	3698.60		\$1,994,244.00

**EXHIBIT C**



Date	Lawyer	Hours	Explanation
3/20/12	Vozzolo, Antonio	5.30	Investigation and fact research re potential new matter (4.90); Review docket in related Pennington matter, complaint and exhibits a-d (ND Georgia) (.40)
3/21/12	Faruqi, Nadeem	0.20	Disc with AV re: potential new case
3/21/12	Vozzolo, Antonio	3.80	Fact research re new matter, review packaging, advertising (3.70); discussion with N Faruqi re potential new matter (.20)
3/22/12	Vozzolo, Antonio	3.70	Fact research re new matter(2.20); review TRO and exhibits in related matter (Pennington) (1.50)
3/24/12	Maccarone, Courtney	0.10	Discussion with A Vozzolo re matter.
3/24/12	Vozzolo, Antonio	3.80	Investigation and fact research new matter (3.60); Discussion with C Maccarone re new matter (.10); review ECF filing in related matter re transfer (.10)
3/26/12	Maccarone, Courtney	3.50	Conduct factual research on claims made by Scotts regarding its EZ Seed product (3.30); discussion with A Vozzolo re same (.20)
3/26/12	Vozzolo, Antonio	4.00	Investigation and fact research new matter (3.80); Discussion with C Maccarone re fact research/new matter(.20)
3/28/12	Maccarone, Courtney	5.00	Conduct factual research on representations made by Scotts regarding its EZ Seed product. Assess potential claims.
3/29/12	Maccarone, Courtney	3.00	Conducted factual research on claims made by Scotts regarding the EZ Seed product.
3/30/12	Vozzolo, Antonio	0.70	Review docket entry in related Pennington matter, transfer opp (.10); Fact research re sales, SEC filings re Def. (.60)
4/2/12	Maccarone, Courtney	9.50	Investigated claims made by Scotts regarding the company's EZ Seed product. Read and reviewed studies conducted on product.
4/3/12	Maccarone, Courtney	8.80	Investigated claims made by Scotts regarding the company's EZ Seed product. Read and reviewed studies conducted on product.
4/5/12	Maccarone, Courtney	9.50	Drafted complaint.
4/6/12	Maccarone, Courtney	8.40	Drafted complaint.
4/6/12	Vozzolo, Antonio	2.80	Review draft complaint (.70); Review order denying TRO in related Georgia matter (.30); Review docket in related E.D. Virginia matter, review complaint filed re false advertising ref EZ Seed(Scotts vs Pennington), TRO (1.80)
4/9/12	Maccarone, Courtney	6.50	Drafted complaint.
4/9/12	Maccarone, Courtney	3.50	Drafted complaint.
4/9/12	Vozzolo, Antonio	5.10	Review/edit Draft Complaint (fact research re same) (3.70); Corresp re same (.20); Review TRO/ Opposition to TRO; MTD, supplemental TRO in related matter E.D. Virginia (1.20)
4/10/12	Maccarone, Courtney	0.40	Discussion with AV regarding potential claims against Scotts.
4/10/12	Vozzolo, Antonio	4.50	Discussion with C Maccarone re draft complaint (.40); Discussion with N Deckant re legal research, grass seed laws (.30); Legal research re potential preemption arguments (2.40); Review edit draft complaint (1.40)
4/12/12	Maccarone, Courtney	8.00	Conducted legal research on seed law of the various states regarding arbitration of seed law violations (7.70); Discussion with A Vozzolo re same (.30).
4/12/12	Vozzolo, Antonio	0.30	Discussion with C Maccarone re arbitration issue/grass seed laws (.30)
4/13/12	Maccarone, Courtney	4.50	Conducted legal research on seed law of the various states regarding arbitration of seed law violations.
4/17/12	Maccarone, Courtney	6.70	Reviewed filings in Lanham Act case pending against Scotts.
4/18/12	Maccarone, Courtney	5.50	Read and reviewed studies conducted on EZ Seed product.
4/18/12	Maccarone, Courtney	3.80	Conducted legal research on seed law of the various states regarding arbitration of seed law violations.
4/19/12	Maccarone, Courtney	2.00	Read studies conducted on EZ Seed product and competitor products. Analyzed results. (1.80) Discussion with A Vozzolo re Nexgen studies (.20)
4/19/12	Vozzolo, Antonio	1.70	Review Scotts EZ Seed studies, Nexgen studies (1.0); Review corresp from N Deckant re studies (.10); Review answer to complaint in related ED Virginia matter (.40); Discussion with C Maccarone re Nexgen studies/legal strategy (.20)
4/20/12	Vozzolo, Antonio	0.30	Review corresp from J Marchese re April 3 letter to Scotts (.30)
4/21/12	Vozzolo, Antonio	1.70	Corresp with J Marchese re fact discovery, Transfer of underlying action to Virginia (.20); Fact research re same (.80); review anwer to complaint by pennington in related matter (.70)
5/4/12	Vozzolo, Antonio	0.60	Review docket in ED Virginia action (Pennington matter) (.60)
5/6/12	Vozzolo, Antonio	0.30	Corresp with J Marchese re litigation strategy (.30)
5/7/12	Vozzolo, Antonio	1.60	Discussion with J Marchese re litig strategy (.30); Corresp with potential plaintiffs (.50); T/call with potential plaintiffs (.80)
5/8/12	Maccarone, Courtney	4.50	Drafted pre-suit notice/demand letter (4.30). Discussion with A Vozzolo re same (.20)
5/8/12	Vozzolo, Antonio	2.20	Discussion with C Maccarone re draft demand letter (pre suit notice) (.20); Review draft demand letter (.30); T/call with potential plaintiffs (.40)
5/15/12	Vozzolo, Antonio	0.30	Discussion with J Marchese re litigation strategy (.20); Corresp re same (.10)
5/16/12	Vozzolo, Antonio	0.20	T/call with G. Eskinazi and J. Marchese (.20)

5/17/12	Vozzolo, Antonio	2.00	Discussion with J Marchese re litigation strategy (.30); Corresp with Plaintiffs 2x(.20) ; Review opp to prelim injunction in related Pennington matter and exhibits (1.50)
5/18/12	Maccarone, Courtney	0.80	Review / finalize pre-suit notice letter to defendants (.50) Discussion with A Vozzolo re same (.30)
5/18/12	Vozzolo, Antonio	2.60	Corresp with N Faruqi re Conflicts Check/status update (.10); Discussion with potential plaintiffs 2x (.60); Revision to pre-suit notice/draft demand letter (.30); Fact research re complaint (1.30); Discussion with C Maccarone re same pre-suit notice/fact research (.30)
6/8/12	Marlborough, Christopher	0.30	Reviewed Plaintiff info
6/11/12	Maccarone, Courtney	0.80	Drafted pre-suit notice and demand letters.
6/11/12	Marlborough, Christopher	0.50	Fact research/Reviewed related bird seed complaint
6/12/12	Maccarone, Courtney	2.50	Drafted pre-suit notice and demand letters (2.00); Discussion with A Vozzolo re same (.20); Discussion with A Vozzolo re retailer defendants (.30)
6/12/12	Marlborough, Christopher	3.50	Revised draft complaint (3.30); Discussion with A Vozzolo re same (.20)
6/12/12	Marlborough, Christopher	1.50	Fact Research re Patch Perfect connection.
6/12/12	Vozzolo, Antonio	1.80	Discussion with C Maccarone pre-suit notice/demand letter (.20); Discussion with C Maccarone re retailer defendants (.30); Discussion with C Marlborough re draft complaint (.20); Review/edit draft complaint (1.10)
6/13/12	Marlborough, Christopher	5.00	Revised complaint
6/13/12	Vozzolo, Antonio	2.20	Review/revise draft of complaint (1.50); t/call with potential plaintiff (.30); t/call with potential expert (.40)
6/15/12	Marlborough, Christopher	1.50	Fact Research
6/18/12	Clisura, Andrea	2.00	EZ Seed: Proofed complaint.
6/18/12	Clisura, Andrea	0.30	Discussion with A Vozzolo, C Maccarone, C Marlborough re draft complaint/litigation strategy
6/18/12	Faruqi, Nadeem	1.50	Review and edit complaint
6/18/12	Maccarone, Courtney	10.70	Review/edit complaint. Added additional defendant. Prepared for filing. (10.20) Discussion with C Marlborough, A Vozzolo, A Clisura re draft complaint/litigation strategy (.30); Discussion with A Vozzolo re notice of related case/ consolidation (.20)
6/18/12	Maloney, Teresa	2.50	Work on preparing SDNY Complaint; fix, format and proofread, prepare civil cover sheet, summons, rule 7.1 statement and riders to cover sheet (2.40); discussion with A Vozzolo re same (.10)
6/18/12	Marlborough, Christopher	0.30	Discussion with A Vozzolo, C Maccarone, A Clisura re draft complaint/litigation strategy
6/18/12	Vozzolo, Antonio	2.70	Discussion with C Marlborough, C Maccarone, A Clisura re litigation strategy and draft complaint (.30); Review/edit revised complaint (.90); Review pre-suit demand letter to retailer defendants (.30); Corresp with named plaintiffs (.30); discussion with C Maccarone re notice of related case/ consolidation (.20); Discussion with T Maloney re complaint/proofread (.10); t/call with potential expert (.60)
6/19/12	Maccarone, Courtney	1.00	Drafted statement of relatedness.
6/19/12	Maloney, Teresa	1.50	Make final edits and ready SDNY Complaint (1.0); Revise case initiating forms and statement of relatedness language; prepare copies for filing; scan file stamped docs, email case openings clerk with required filed docs (.50)
6/19/12	Sampson, Miriam	0.20	Discussion with A Vozzolo re admin, filing matters
6/19/12	Vozzolo, Antonio	2.50	Revisions to final draft of complaint (1.90); Review statement of relatedness (.10); Review CV of potential expert (.30); Discussion with M Sampson re admin, filing matters (.20)
6/20/12	Maloney, Teresa	0.10	Discussion with A Vozzolo re service matters.
6/20/12	Vozzolo, Antonio	0.30	Review fact research from J Marchese re EZ Seed Press Release from 2010 (.20); Discussion with T Maloney re service issues (.10)
6/26/12	Maloney, Teresa	0.10	Corresp with A Vozzolo re service matters.
6/26/12	Vozzolo, Antonio	0.90	Corresp with paralegal T Maloney re service matters (.10); Review draft stipulation re consolidation and organization (.70); Review standing order (.10)
6/28/12	Maloney, Teresa	0.20	Corresp and discussion with A Vozzolo re service.
6/28/12	Vozzolo, Antonio	0.30	Corresp and discussion with T Maloney re service (.20); Review corresp from J Marchese to defense counsel re service and consolidation matters (.10)
7/2/12	Maloney, Teresa	0.10	Follow up with A Vozzolo re service of retailer defendants.
7/2/12	Marlborough, Christopher	0.50	Call w True Value GC (.30) and follow up w AV (.20)
7/2/12	Vozzolo, Antonio	1.00	Follow up Teresa Maloney re service of retailer defendants (.10); Review ecf re Judge assignment (0.0); Review fact research from C Maccarone re NexGen studies (.70); Discussion with C Marlborough re True Value defendant(.20)
7/3/12	Marlborough, Christopher	0.20	Discussion with A Vozzolo re True Value Counsel.

7/3/12	Vozzolo, Antonio	0.80	Review corresp from C Marlborough re discussion with counsel for True Value defendant, discussion re same (.20); Review corresp from M Levitt re draft stipulation re consolidation and briefing schedule , filing of consolidated complaint and response deadlines (.20); Review corresp from S Bursor re redline and comments to draft stip (.40)
7/5/12	Vozzolo, Antonio	0.30	Review corresp with defendants re Draft Stipulation Requesting Consolidation and 23g Appointment (.30)
7/6/12	Marlborough, Christopher	0.50	Review of service issues (.30); Discussion with A Vozzolo re same (.20)
7/6/12	Vozzolo, Antonio	0.40	Review corresp with defendants re Draft Stipulation Requesting Consolidation and 23g Appointment (.20); discussion with C Marlborough re service matters (.20)
7/23/12	Vozzolo, Antonio	0.30	Review ECF notice re defendants Rule 7.1 Corporate Disclosure Statement (0.0); review revised draft re consolid/23G motion papers from A Bundle (.30)
7/25/12	Serpica, Danielle	0.00	Filed documents off of pacer and saved them to the p drive in the consumer case folders.
7/25/12	Serpica, Danielle	1.50	Filed documents off pacer and saved them on the p drive in the consumer case folders.
7/25/12	Vozzolo, Antonio	1.50	Review revised draft of 23g Motion Papers, Decl S Bursor (.30), review revisions from C Maccarone (.30); Revise/edit draft Vozzolo Declaration (.40); T/call with S. Bursor and J. Marchese re revised draft application for appointment of interim class counsel (.50)
7/26/12	Vozzolo, Antonio	0.30	Review revised draft of consolidation motion papers (.30)
7/27/12	Maccarone, Courtney	5.50	Final review / edit of Lead Counsel brief and drafted Vozzolo declaration (5.30). Discussion with A Vozzolo re same (.20).
7/27/12	Vozzolo, Antonio	1.10	Review final draft of Motion to Appoint Counsel and accompanying declarations (.50); discussion with C Maccarone re same (.20); redline/revise AV Declaration ISO(.40)
7/30/12	Vozzolo, Antonio	0.40	Review Letter/Corresp with Court (.10); Discussion with J Marchese re same (.30)
8/7/12	Vozzolo, Antonio	1.50	Review/edit Draft Consolidated Amended Complaint (1.50)
8/8/12	Faruqi, Nadeem	2.20	Review and edit consolidated complaint
8/8/12	Maccarone, Courtney	6.50	Proofed Consolidated Amended Complaint and Compared original complaint with Consolidated Amended Complaint to ensure all facts were included (6.30). Discussion with A Vozzolo re same (.20)
8/8/12	Marlborough, Christopher	1.50	Reviewed draft complaint.
8/8/12	Vozzolo, Antonio	1.80	Review edits to draft EZ Seed CAC (1.00); discussion with C Maccarone re edits (.20); Review corresp with cocounsel re strategy and edits (.20); T/call with named plaintiff (.40)
8/9/12	Vozzolo, Antonio	0.50	Review corresp re Consolidated Complaint (.20); discussion with J Marchese re same (.30)
8/10/12	Vozzolo, Antonio	0.70	Corresp with Plaintiffs re status update (.20); Follow up call re same (.30); Review Corresp to the Court (.20)
8/15/12	Vozzolo, Antonio	0.30	Review corresp re Draft Joint Status Report (.30)
8/17/12	Vozzolo, Antonio	0.30	review letter to Judge Briccetti (.30)
8/20/12	Vozzolo, Antonio	0.00	Review ECF notice re Consolidated Amended Complaint (0.0)
8/22/12	Vozzolo, Antonio	1.10	Review answer to Pennington amended complaint in related matter (.90); Review corresp re TrueValue, potential dismissal (.20)
8/23/12	Vozzolo, Antonio	0.40	Review corresp re stipulation dismissing retailer (.20); Corresp re proposed meeting dates for early resolution (.20)
8/27/12	Vozzolo, Antonio	0.30	Review corresp by and between parties re proposed meeting dates (.30)
8/28/12	Marlborough, Christopher	0.50	Conf A Vozzolo & J Marchese re settlement call.
8/28/12	Marlborough, Christopher	1.00	Research re changes in advertising.
8/28/12	Vozzolo, Antonio	1.50	T/conference re potential meeting, early resolution (.30); Review corresp re FTC Foia request, strategy (.30); Follow up discussion with J Marchese and C Marlborough re conference call (early resolution) (.50); review research from C Marlborough re advertising (.40)
8/29/12	Vozzolo, Antonio	0.30	Corresp with N Deckant, Scott B, J Marchese re third party discovery, FOIA, strategy (.30)
9/5/12	Vozzolo, Antonio	0.80	Corresp with Named plaintiffs re status update (.30); t/call with named plaintiff re same 2x (.50)
9/6/12	Vozzolo, Antonio	0.50	Review corresp from J Marchese re draft corresp to defendants, strategy (.20); Review True Value draft tolling agreement (.30)
9/7/12	Marlborough, Christopher	0.50	Reviewed True Value Tolling Agreement.
9/7/12	Vozzolo, Antonio	1.00	Review corresp with defendants re proposed conference call (.10); Review draft tolling agreement, Corresp re same (.40); T/call with S. Bursor and J. Marchese re litigation/case strategy (.50)
9/10/12	Marlborough, Christopher	1.50	Calls with Defs counsel (H&W) (1.00). Post call conf with AV (.50).
9/10/12	Vozzolo, Antonio	1.70	Corresp and t/call with defendants re potential early resolution (1.0); Review corresp from J Marchese re litigation strategy (.20); discussion with C Marlborough re settlement discussions (.50)
9/11/12	Vozzolo, Antonio	1.00	Review corresp from S Bursor re settlement demand (.20); Review Corresp from J Marchese to defendants re early resolution (.10); Discussion with J Marchese re same/strategy (.70)
9/13/12	Vozzolo, Antonio	0.90	Review corresp from J Marchese re strategy and Rule 16 conference (.20); T/call with potential expert (.70)
9/14/12	Vozzolo, Antonio	0.30	Review defendants redline to True Value draft tolling agreement (.20); Review corresp from J Marchese re same (.10)

9/18/12	Vozzolo, Antonio	0.30	Corresp by and between parties re True Value tolling agreement (.30)
9/19/12	Vozzolo, Antonio	0.20	Review Order on Motion to Appoint Counsel (.20)
9/22/12	Vozzolo, Antonio	0.20	Review order on Stipulation and Order of Dismissal (.20)
10/3/12	Vozzolo, Antonio	0.30	Review corresp from defendants re early resolution, exchange of informal data (.20); Corresp with J Marchese re same (.10)
10/9/12	Vozzolo, Antonio	3.40	Review Defendants, Scotts, Lowes Motion to Dismiss; Declarations of S Reagan in support and exhibits (2.30); Review Defendant Home Depot Motion to Dismiss (.90); Review corresp from J Marchese re strategy (.20)
10/11/12	Clisura, Andrea	0.30	Discussion with A Vozzolo re MTD.
10/11/12	Vozzolo, Antonio	0.80	Corresp and discussion with J Marchese re Extension Request to respond to MTD (.30); Review Corresp to and from defendants re same (.20); Discussion with A Clisura re Motions To Dismiss (.30)
10/12/12	Vozzolo, Antonio	0.50	Review Draft Stipulation for Extension of Time (.30); Corresp with parties re same (.20)
10/15/12	Vozzolo, Antonio	0.10	Review corresp from N Deckant re stipulation for Extension of Time (.10)
10/16/12	Vozzolo, Antonio	0.30	Review Stipulation and Order (.20); Corresp with J Marchese re same (.10)
10/22/12	Maccarone, Courtney	1.20	Read motion to dismiss in anticipation of drafting opposition brief (.90); Discussion with A Vozzolo re same (0.3)
10/22/12	Vozzolo, Antonio	0.40	Discussion with C Maccarone re Motions To Dismiss (.30); T/call with J. Marchese re MTD (.10)
10/24/12	Clisura, Andrea	6.40	EZ Seed: Began research for opposition to motion to dismiss.
10/25/12	Clisura, Andrea	10.40	EZ Seed: Research and drafting of motion to dismiss opposition.
10/26/12	Clisura, Andrea	11.00	EZ Seed: Research and drafting of motion to dismiss opposition.
10/26/12	Maccarone, Courtney	0.50	Read motion to dismiss brief in anticipation of drafting opposition brief.
10/29/12	Clisura, Andrea	9.80	EZ Seed: Research and drafting for motion to dismiss.
10/29/12	Maccarone, Courtney	9.50	Conducted legal research for motion to dismiss opposition (9.2); Discussion with A Vozzolo re same (.30)
10/29/12	Vozzolo, Antonio	0.30	Discussion with C Maccarone re MTD (.30)
10/30/12	Clisura, Andrea	5.00	EZ Seed: Research and drafting of opposition to MTD.
10/30/12	Maccarone, Courtney	7.00	Drafted sections of motion to dismiss opposition (6.60). Discussion with A Vozzolo re same (.40)
10/30/12	Vozzolo, Antonio	2.80	Review MTD filed by Defendants and draft opposition (2.4); discussion with C Maccarone re MTD opposition (.40)
10/31/12	Clisura, Andrea	7.00	EZ Seed: Research and drafting of opposition to motion to dismiss.
10/31/12	Maccarone, Courtney	9.50	Drafted sections of motion to dismiss opposition.
11/1/12	Clisura, Andrea	9.00	Scotts EZ Seed: Research and drafting of MTD opposition, especially sections on rule 9(b), unjust enrichment, NY GBL.
11/1/12	Maccarone, Courtney	7.50	Drafted sections of motion to dismiss opposition.
11/1/12	Maccarone, Courtney	2.50	Drafted stipulation for extension of time to respond to motion to dismiss (2.3); Discussion with A Vozzolo re same (.20)
11/1/12	Vozzolo, Antonio	0.70	Discussion with C Maccarone re stipulation (.20); t/call with S Reagan extension of time to respond to MTD (.30); Corresp and t/call with J Marchese re same (.20)
11/2/12	Hidalgo, Javier	0.50	Assist with finalizing stipulation (0.30); Discussion with A Vozzolo re same (.20)
11/2/12	Vozzolo, Antonio	2.00	Corresp by and between parties re stipulation of time to respond to mtd (.30); Discussion with J Hidalgo re same; (.20); review opinion re motion for preliminary injunction in related ED Virginia matter (.60); Review/edit draft section re MTD (.90)
11/4/12	Clisura, Andrea	2.50	Drafted sections of motion to dismiss opposition.
11/4/12	Maccarone, Courtney	5.50	Drafted sections of motion to dismiss opposition.
11/5/12	Clisura, Andrea	3.00	Draft sections of motion to dismiss opposition.
11/5/12	Faruqi, Nadeem	1.80	Review and edit motion to dismiss briefs
11/5/12	Maccarone, Courtney	5.00	Draft sections of motion to dismiss opposition.
11/5/12	Vozzolo, Antonio	1.60	Review/edit opp to MTD, legal research re same (2.10); Corresp with J Marchese re stip, strategy (.30); Review stip and order re extension to respond (.20)
11/6/12	Clisura, Andrea	7.00	Drafted sections of Home Depot motion to dismiss opposition.
11/6/12	Faruqi, Nadeem	3.20	Review and edit motion to dismiss briefs
11/6/12	Maccarone, Courtney	8.00	Drafted sections of Home Depot motion to dismiss opposition.
11/7/12	Clisura, Andrea	8.20	Drafted sections of Home Depot motion to dismiss opposition.
11/7/12	Faruqi, Nadeem	1.00	Review and edit motion to dismiss briefs
11/7/12	Maccarone, Courtney	7.50	Drafted sections of Home Depot motion to dismiss opposition.
11/7/12	Vozzolo, Antonio	2.30	Review/edit Opp to Home Depot MTD (2.30)
11/8/12	Maccarone, Courtney	7.00	Edited Home Depot Motion to Dismiss opposition.
11/8/12	Vozzolo, Antonio	2.40	Review/edit Opp to Home Depot MTD, F&F Section (2.40)

11/14/12	Clisura, Andrea	1.70	Scotts EZ Seed: Reviewed MTD opposition brief with C. Marlborough and discussed comments.
11/14/12	Marlborough, Christopher	2.00	Revised Opp to MTD, reviewed MTD opposition brief with A. Clisura and discussed comments (1.70); Discussion with A Vozzolo re same (.30)
11/14/12	Vozzolo, Antonio	1.10	Review revision from C Marlborough re Opp to MTD (.80); discussion with C Marlborough re Opp to MTD (.30)
11/19/12	Clisura, Andrea	6.00	Scotts EZ Seed: Review of and substantial edits to MTD opposition.
11/19/12	Maccarone, Courtney	0.30	Discussion with A Vozzolo re MTD opposition.
11/19/12	Serpica, Danielle	2.50	Reasearch for Anthony Vozzolo and file saving to P-drive (2.30); Discussion with A Vozzolo re same (.20).
11/19/12	Vozzolo, Antonio	4.70	Legal research re opp to MTD (1.60); Discussion with D Serpica re research (.20); Review and edit mtd opposition (2.40); Discussion with C Maccarone re same (.30); Review corresp from J Marchese re MTD opp briefing (.20)
11/20/12	Clisura, Andrea	9.00	EZ Seed: Helped to review, edit, revise, and finalize oppositions to motions to dismiss (8.50). Discussion with A Vozzolo re same (.50)
11/20/12	Vozzolo, Antonio	4.30	Review/redline draft of revised opp to MTD from A Clisura (2.50); legal research re same (.90); Discussion with A Clisura re same CLRA, UCL and FAL discussion (.50) ; discussion by and between colead counsel re MTD edits briefing and strategy (.40)
11/21/12	Serpica, Danielle	1.00	Update docket and save missing documents to P-drive.
12/7/12	Vozzolo, Antonio	1.10	Review corresp from C Marlborough re fact research, competitor action (.30); Review memorandum opinion on motion for preliminary injunction and strike in related Pennington Matter in ED Virginia (.80)
12/11/12	Vozzolo, Antonio	1.80	Review Reply Memoranda of Law in Support of Motion To Dismiss (1.6); Correps with J Marchese re same (.20)
3/21/13	Vozzolo, Antonio	2.00	Review Order re subject matter jurisdiction (.20); T/call with J Marchese re same (.30); Corresp by and between cocounsel re Order (.20); Legal research re same (1.30)
3/25/13	Vozzolo, Antonio	0.30	Discussion with J Marchese re litigation strategy, briefing re Judge's Order (.30)
3/27/13	Vozzolo, Antonio	0.80	Review Defendants supplemental Memorandum of Law (.80)
3/28/13	Vozzolo, Antonio	2.10	Review/edit Plaintiffs' Supplemental Brief re Subject Matter Jurisdiction Under CAFA and the MMWA (1.10); Legal research re same (.80); Review corresp from N Deckant re supplemental briefing (.20)
4/2/13	Vozzolo, Antonio	1.50	Legal research re Mag Moss/supplemental jurisdiction (.90); review/edit draft brief (.60)
4/3/13	Vozzolo, Antonio	0.00	Review ECF Notice re Plaintiffs supplemental brief (0.0)
5/23/13	Maccarone, Courtney	2.50	Read and analyzed motion to dismiss decision (2.20). Discussion with A Vozzolo re same (.30).
5/23/13	Sampson , Miriam	2.00	Prepare and finalize letter to clients enclosing order to motion to dismiss for Anthony Vozzolo.
5/23/13	Vozzolo, Antonio	1.90	Review Order on Motion to Dismiss (.60); Discussion with C Maccarone re Order on Motion to Dismiss (.30); Corresp with Plaintiffs re status update, order on MTD (.30); t/call with named plaintiff re same (.50); Discussion with S Bursor and J Marchese re MTD order (.20)
5/24/13	Vozzolo, Antonio	1.70	T/call with S Bursor and J Marchese re MTD decision (1.0); conf with Y Kopel, J Marchese and S Bursor about 26f conference and written discovery requests (.70)
5/28/13	Maccarone, Courtney	3.00	Reviewed/edited EZ Seed RFPs, Interrogatories, and Deposition Notices (2.6). Discussion with A Vozzolo re same (.40)
5/28/13	Vozzolo, Antonio	3.60	Review Order re Initial Case Management and Scheduling Conference (.70) ; Review draft discovery requests (.70); Discussion with C Maccarone re revisions to document requests (.40); Review/edit revised discovery requests (.80); Discussion with J Marchese re litigation strategy, filing of amended complaint, defendants answer deadline (.40); Corresp by and between plaintiffs counsel J Marchese, S Bursor re litigation strategy (.20); Review corresp with defendants re Rule 26f conference, initial document requests (.20); Review Defendants response re deadlines and discovery request matters (S Reagan) (.20)
5/29/13	Vozzolo, Antonio	0.50	review corresp from S Reagan re scheduling matters, discovery (.20); discussion with J Marchese re same and litigation strategy (.30)
5/30/13	Vozzolo, Antonio	0.10	Discussion with J Marchese re litigation strategy, potential amendment of Complaint (.10)
5/31/13	Maccarone, Courtney	0.50	Discussion with A Vozzolo re whether plaintiffs should amend complaint. Reviewed table of claims not dismissed.
5/31/13	Vozzolo, Antonio	2.50	Corresp by and between parties re stipulation to extend Defendants answer deadline and referencing amendment of complaint issue (.30); discussion with J Marchese re same (.20); Review and edit stipulation (.30); Discussion with C Maccarone re potential amendment to complaint/litigation strategy (.50); Review legal research, analysis of claims surviving MTD and analysis of potential amendment of Consolidated Class Action Complaint (1.20)
6/4/13	Maccarone, Courtney	3.50	Read recent news articles re board resignations; researched sales figures.
6/4/13	Vozzolo, Antonio	3.30	Fact research re EZ Seed financial transcripts/conference call transcripts (2.10); Discussion with S Amhad re same and additional research (.40); Review final stip (.30); T/call with S Bursor and J Marchese re company and product sales info (.50)
6/5/13	Behnke, Derek	5.00	Researching similar cases regarding discovery issues.
6/5/13	Maccarone, Courtney	0.20	Discussion with A Vozzolo re draft 26(f) report.
6/5/13	Vozzolo, Antonio	0.70	Review draft report 26(f) report (.50); Discussion with C Maccarone re same (.20)

6/6/13	Maccarone, Courtney	6.00	Reviewed 26(f) report (1.0); Participated on 26(f) conference call with defendants [AV [F&F]; JM ND [Bursor]; ZAM [K&S]; SPR JSP JBS [H&W]] (1.20); researched personal service of discovery documents(1.60); personally served discovery documents on Hunton & Williams (.40); Fact research re potential additional defendants (3.0)
6/6/13	Vozzolo, Antonio	3.20	Prepare for 26(f) Conference (.90); 26(f) conference with J Marchese and Defendants (1.20); Discussion re Proposed Dates for Discovery Plan and Scheduling Order (.80); Corresp by and between parties re discovery request, service issues, production protocol (.30)
6/11/13	Vozzolo, Antonio	0.30	Review corresp from J Marchese re litigation strategy/expert witnesses (.30)
6/13/13	Vozzolo, Antonio	1.10	Fact research re Scott Miracle quarterly conference call transcripts (.90); Discussion with S Ahmad re same (.20)
6/14/13	Vozzolo, Antonio	0.80	Review corresp and Draft/Proposed Protective Order (.80)
6/17/13	Vozzolo, Antonio	0.30	Review corresp by and between parties re document production protocol (.30)
6/18/13	Vozzolo, Antonio	0.50	T/call with N Deckant and J Marchese re defendant's proposed protective order and ESI protocol (.50)
6/19/13	Maccarone, Courtney	3.50	26(f) meet and confer conference call (3.00); discussed case with AV and JM [B&F] (.50).
6/19/13	Vozzolo, Antonio	3.50	Prep for meet and confer, meet and confer with defendants (3.0); T/conference with C Maccarone, J Marchese re litigation strategy, document production protocol (.50)
6/21/13	Vozzolo, Antonio	2.00	Review Defendants Answers and Affirm Defenses to Amended Complaint (1.30); Review corresp and updated discovery protocol from defendants (.70)
6/24/13	Maccarone, Courtney	3.50	Reviewed drafts of ESI protocol and protective order.
6/25/13	Maccarone, Courtney	2.50	Reviewed drafts of ESI protocol and protective order.
6/25/13	Maccarone, Courtney	7.00	Completed drafts of requests for production and interrogatories. Reviewed drafts of ESI protocol and protective order.
6/26/13	Clisura, Andrea	0.50	EZ Seed: Met with A. Vozzolo and M. Schreiner to discuss research regarding bifurcation of discovery prior to class certification motion.
6/26/13	Schreiner, Miles, D.	4.40	Legal research re. standards for bifurcated discovery
6/26/13	Schreiner, Miles, D.	3.80	Draft/revise memo of law re. standards for bifurcated discovery
6/26/13	Vozzolo, Antonio	1.80	Review/edit draft of ESI Protocol, Protective Order (1.30); Discussion with A Clisura, M Schreiner re litigation strategy, discovery matters (.50)
6/27/13	Maccarone, Courtney	1.50	Reviewed memorandum on bifurcation of discovery, legal research re same.
6/27/13	Schreiner, Miles, D.	1.00	Review/analyze defendants' proposed Discovery Plan
6/27/13	Schreiner, Miles, D.	5.50	Draft/revise memo re. bifurcated discovery
6/27/13	Schreiner, Miles, D.	3.60	Legal research re. standards for bifurcated discovery
6/27/13	Vozzolo, Antonio	3.20	Review/edit initial discovery requests, RFPS, Interrogs (1.30); Review Defendants Proposed Discovery Plan (.50); Review legal research re bifurcation of discovery (.60); Discussion with J Marchese re joint discovery plan (.80)
6/28/13	Faruqi, Nadeem	0.80	review bifurcation issues
6/28/13	Maccarone, Courtney	3.50	Reviewed memorandum on bifurcation of discovery, legal research re same (1.70). Reviewed JM's changes to protective order (.70). Conference call with defense counsel regarding 26(f) discovery plan (1.10).
6/28/13	Schreiner, Miles, D.	1.10	Telephone conference re. case discovery plan/scheduling order
6/28/13	Vozzolo, Antonio	3.00	Prep and Conference call with J Marchese and Defendants re 26(f) (1.0); Discussion with S Bursor, J Marchese re conference call with defendants, discovery protocol, discovery matters etc (2.0)
7/1/13	Maccarone, Courtney	3.00	Reviewed protective order (2.70). Conversd with A Vozzolo re same (.30).
7/1/13	Vozzolo, Antonio	2.40	Corresp with J Marchese and Defendants re Discovery protocol etc , Discovery matters (.30); Review draft protective order/discovery plan (.70); Discussion with C Maccarone re Protective order (.30); legal research re same (.40); T/call with N Deckant and J Marchese re coordinating conference call for EZ Seed (.70)
7/2/13	Maccarone, Courtney	8.90	Reviewed discovery plan (1.30). Conducted legal research for discovery plan (7.10). Participated on conference call with Defendants re protective order (.50).
7/2/13	Schreiner, Miles, D.	5.50	Legal research re. standards for extending case management/discovery schedule in class action lawsuits
7/2/13	Vozzolo, Antonio	0.80	T/call with Defendants re protective order (.50); T/call with N Deckant re 26(f) report (.30)
7/3/13	Maccarone, Courtney	11.50	Reviewed defendants' discovery plan and attached letter (.80). Legal research/drafted letter to the Court responding to the letter Defendants' submitted with their discovery plan (10.7).
7/3/13	Schreiner, Miles, D.	4.20	Legal research re. standards for extending case management/discovery schedule in class action lawsuits
7/3/13	Vozzolo, Antonio	1.10	Review/edit ESI protocol (.40); legal research re ESI protocol, Sedona guidance (.70)
7/5/13	Vozzolo, Antonio	0.70	Review revised protective order (.30); T/call with N Deckant and J Marchese re same (.40)
7/6/13	Vozzolo, Antonio	0.30	Review corresp from J Sherry re ESI Protocol (.30)

7/8/13	Maccarone, Courtney	8.50	Drafted and finalized letter to the Court responding to the letter Defendants' submitted with their discovery plan.
7/8/13	Sampson , Miriam	2.00	Prepare and finalize letter to Judge re discovery plans for Anthony Vozzolo (1.80). Discussion with A Vozzolo re same (.20).
7/8/13	Vozzolo, Antonio	2.50	Discussion with M Sampson re corresp to Court (.20); Review Defendant Scotts and Lowes responses and objection to first RFP, Interrogs (1.10); Prepare for pretrial status conference (1.20)
7/9/13	Maccarone, Courtney	6.90	Attended hearing before judge Briccetti in White Plains (time includes travel).
7/9/13	Maccarone, Courtney	4.00	Reviewed discovery protocol.
7/9/13	Vozzolo, Antonio	0.90	Pre for initial Pretrial status conference(.60); Review minute entry for proceedings (0.0); review Order re discovery plan and scheduling order (.20); Review order re responses and reply deadlines (.10)
7/10/13	Maccarone, Courtney	4.50	Reviewed latest draft of protective order(.60). Conducted research for initial disclosures(3.0). Drafted initial disclosures (.90)
7/10/13	Serpica, Danielle	0.50	Input hearing dates on Consumer Calendar.
7/11/13	Maccarone, Courtney	8.50	Conducted research for Plaintiffs' initial disclosures (8.0). Drafted initial disclosures (.50).
7/12/13	Maccarone, Courtney	3.50	Drafted Plaintiffs' initial disclosures.
7/12/13	Maccarone, Courtney	4.40	Reviewed and edited latest draft of protective order.
7/15/13	Maccarone, Courtney	3.90	Drafted initial disclosures (.90). Conducted factual research concerning which Scotts employees to include in initial disclosures (3.0).
7/16/13	Maccarone, Courtney	5.00	Drafted initial disclosures. Finalized initial disclosures.
7/16/13	Sampson , Miriam	3.00	Format and finalize draft initial disclosures for Courtney Maccarone.
7/16/13	Vozzolo, Antonio	2.00	Review/edit Plaintiffs Initial Disclosures (.70); Review Scotts' and Lowe's' Initial and Home Depots Initial Disclosures (1.30)
7/17/13	Maccarone, Courtney	4.40	Reviewed latest draft of ESI protocol and protective order(3.0); conference call with defense counsel and co-counsel re protocol and protective order (.80). Revised protocol (.60).
7/17/13	Vozzolo, Antonio	3.40	Review corresp from Defendants re discovery protocol, Sedona Conference proportionality discussion (.30); research re same (.80) ; review opp to partial summary judgment motion (exh) in related Pennington Seed matter in ED Virginia (1.50); T/call with J Marchese about litigation and settlement strategy (.80)
7/18/13	Maccarone, Courtney	6.90	Edited ESI protocol and protective order, legal research.
7/19/13	Maccarone, Courtney	0.80	Reviewed JM's (B&F) comments to protective order and protocol.
7/19/13	Vozzolo, Antonio	1.00	T/call with J Marchese re litigation strategy and arrangements for monitoring of Lanham Act trial (.30) and settlement strategy (.70)
7/23/13	Vozzolo, Antonio	1.30	Review Defendants' interrogatories and requests for production (1.0); T/call with J Marchese re defendants' initial discovery request attachments (.30)
7/26/13	Vozzolo, Antonio	1.00	T/call with J Marchese and Y Kopel re litigation strategy and ucoming Lanham Act trial
7/29/13	Vozzolo, Antonio	0.80	Review/redline ESI protocol (.30); review order on partial summary judgment motion in related ED Virginia Pennington mater (.20); T/call with J Marchese, N Decant and Y Kopel re Lanham Act trial (.30)
8/1/13	Vozzolo, Antonio	0.50	review corresp and revised protective order (.20); Discussion with J Marchese re strategy and Discovery matters (.30)
8/2/13	Vozzolo, Antonio	2.40	Review amended initial disclosures (.30); Review Pennington Seed motion to exclude Dr Jacob Jacoby (exh) in related Pennington Matter (SD Virginia) (1.6); T/call with J Marchese and S Regan about discovery matters and potential for resolution (.50)
8/7/13	Vozzolo, Antonio	0.10	T/call with J Marchese re finalizing protective order
8/21/13	Vozzolo, Antonio	1.10	Corresp between by and between parties re Extension Request (.30); Discussion with J MJ Marchese re extension request (.80)
9/3/13	Vozzolo, Antonio	0.20	Corresp re extension to reply to defendants discovery request to September 9 (.20)
9/17/13	Vozzolo, Antonio	0.20	T/call with J Marchese re damages issues (.20)
10/8/13	Vozzolo, Antonio	0.50	Review final versions of protective order and ESI protocol; Review corresp re same by and between parties J Sherry J Marches, S Reagan, S Bursor, S Dannon
10/9/13	Clisura, Andrea	1.00	EZ Seed: Forwarded helpful documents to M. Schreiner and discussed in connection with drafting of discovery requests.
10/9/13	Maccarone, Courtney	0.80	Discussed requests for production to Home Depot and Lowe's with MS.
10/9/13	Schreiner, Miles, D.	8.50	Draft/revise requests for production to Lowes and Home Depot; Review/analyze document requests from similar cases to formulate ideas for requests.
10/9/13	Vozzolo, Antonio	0.50	T/call with J Marchese re ESI protocol and mock juror language (.50)
10/10/13	Schreiner, Miles, D.	5.50	Draft/revise RFPs for Home Depot and Lowes
10/10/13	Vozzolo, Antonio	1.40	Discussion with J Marchese re proposed settlement term sheet (.30); T/call with defendants and J Marchese re resolution (.20); review/edit discovery for Home Depot, Lowes (.90)
10/11/13	Schreiner, Miles, D.	4.00	Draft/revise RFPs for Home Depot and Lowes
10/11/13	Vozzolo, Antonio	1.10	Review corresp re potential resolution, Settlement term sheet and accompany documents (.50); T/call with S Bursor and J Marchese re drafting settlement proposal (.60)

10/31/13	Vozzolo, Antonio	1.00	T/call with Defendants and J Marchese re protective order, Mock juror clause (.40); Review corresp to Judge re protective order/issues (.30); Review corresp documents (.20); Corresp with Court re admin matters (.10)
11/1/13	Maccarone, Courtney	2.50	Edited protective order and edited letter to judge regarding same.
11/1/13	Maccarone, Courtney	2.00	Edited requests for production directed to retailers.
11/1/13	Vozzolo, Antonio	0.50	Review draft RRFPs for retailers (.50)
11/4/13	Vozzolo, Antonio	1.30	Review corresp from Defendants re Protective Order issues (.30); legal research re same (.80); T/call with J Marchese re final protective order language (.20)
11/5/13	Vozzolo, Antonio	0.30	Review corresp from Defendants re Protective Order issues (.30)
11/8/13	Maccarone, Courtney	0.30	Discussion with A Vozzolo re doc production.
11/8/13	Vozzolo, Antonio	1.20	Review Defendants' First Set of RFAs (.70); Review letter re document production (.20); Discussion with C Maccarone re doc production (.30)
11/12/13	Maccarone, Courtney	3.40	Reviewed complaint and discovery responses in anticipation of reviewing documents.
11/13/13	Clisura, Andrea	8.00	Review and analyze documents produced by Scott's
11/13/13	Maccarone, Courtney	11.00	Reviewed Scotts' production of documents.
11/14/13	Clisura, Andrea	7.80	Review and analyze documents produced by Scott's
11/14/13	Maccarone, Courtney	10.00	Reviewed Scotts' production of documents.
11/15/13	Clisura, Andrea	9.10	Review and analyze documents produced by Scott's
11/15/13	Vozzolo, Antonio	0.90	Conf. call with Defendants S Reagan, J Marchese, J Paster, J Sherry (.70); T/Call J Marchese and S Bursor re same (.20)
11/18/13	Clisura, Andrea	10.00	Review and analyze documents produced by Scott's
11/19/13	Clisura, Andrea	9.40	Review and analyze documents produced by Scott's
11/19/13	Maccarone, Courtney	0.80	Review supplemental discovery responses served by Scotts and Lowes.
11/19/13	Vozzolo, Antonio	0.30	Review Defendants correspondence and discovery responses, supplemental (.30)
11/20/13	Clisura, Andrea	9.00	Review and analyze documents produced by Scott's
11/21/13	Clisura, Andrea	9.20	Review and analyze documents produced by Scott's
11/21/13	Vozzolo, Antonio	0.30	Review Home Depot's Supplemental Response to Plaintiffs' First Interrogatories to Defendants (.30)
11/22/13	Clisura, Andrea	9.00	Review and analyze documents produced by Scott's
11/22/13	Maccarone, Courtney	0.20	Discussion with A Vozzolo re production.
11/22/13	Vozzolo, Antonio	0.50	Review Defendants correspondence and document production (.30); discussion with C maccarone re production (.20)
11/23/13	Clisura, Andrea	8.80	Review and analyze documents produced by Scott's
11/24/13	Clisura, Andrea	7.20	Review and analyze documents produced by Scott's
11/25/13	Vozzolo, Antonio	0.30	Review defendants corresp re plaintiffs responses and objection to Defendants first set of interros and RFAs (.30)
12/2/13	Hidalgo, Javier	2.00	assist with research regarding coupons
12/2/13	Maccarone, Courtney	0.70	Reviewed Requests for Admission.
12/2/13	Vozzolo, Antonio	1.00	T/call with N Deckant, F Klorczyk and J Marchese re status and next steps for document review (.50); T/call with S Bursor and J Marchese re requests to admit and draft same (.50)
12/3/13	Maccarone, Courtney	9.50	Reviewed Scotts' production of documents.
12/3/13	Schreiner, Miles, D.	3.00	Draft/revise subpoenas to Walmart
12/4/13	Maccarone, Courtney	10.50	Reviewed Scotts' production of documents.
12/4/13	Vozzolo, Antonio	0.20	T/call with J. Marchese re discovery items and corresp re same (.10)
12/5/13	Hidalgo, Javier	0.90	research potential witness
12/5/13	Maccarone, Courtney	10.50	Reviewed Scotts' production of documents.
12/5/13	Schreiner, Miles, D.	9.00	First round of document review
12/6/13	Maccarone, Courtney	9.50	Reviewed Scotts' production of documents.
12/6/13	Schreiner, Miles, D.	9.50	continue first round of document review
12/7/13	Maccarone, Courtney	10.00	Reviewed Scotts' production of documents.
12/7/13	Schreiner, Miles, D.	6.50	Review/analyze documents; prepare chronology.
12/7/13	Schreiner, Miles, D.	6.50	Review/analyze documents; prepare chronology.
12/8/13	Maccarone, Courtney	10.00	Reviewed Scotts' production of documents.
12/8/13	Schreiner, Miles, D.	8.50	Review/analyze documents; prepare chronology
12/8/13	Vozzolo, Antonio	0.90	Review corresp from Defendants re Proposed Language for Eskinazi RFA (.30); Review Draft chronology (.60)



12/9/13	Maccarone, Courtney	0.50	Reviewed Wal-Mart subpoena.
12/9/13	Schreiner, Miles, D.	9.00	continue first round of document review; draft/revise chronology.
12/9/13	Vozzolo, Antonio	1.00	Conference call with Defendants re responses and objection to Defendants first set of interros and RFAs (.50); T/call with J Sherry and J Marchese re deposition scheduling, document production deficiencies by defendants, and other items (.50)
12/10/13	Maccarone, Courtney	9.50	Reviewed Scotts' production of documents.
12/10/13	Schreiner, Miles, D.	9.50	Review/analyze documents; prepare chronology.
12/10/13	Vozzolo, Antonio	0.50	Review correspondence from Defense counsel re edits to RFA for plaintiff Eskinazi (.20); Corresp re notice of deposition, second set of RFAs, Subpoena for Benny Eskinazi (.30)
12/11/13	Maccarone, Courtney	7.00	Reviewed Scotts' production of documents.
12/11/13	Schreiner, Miles, D.	7.00	Review/analyze documents; prepare chronology
12/11/13	Vozzolo, Antonio	0.30	Review correspondence from counsel and service of discovery (.30)
12/12/13	Maccarone, Courtney	8.20	Reviewed Scotts' production of documents.
12/12/13	Schreiner, Miles, D.	4.50	complete document review chronology log
12/13/13	Maccarone, Courtney	0.50	Call with defense counsel and co-counsel re deposition locations, dates, and extension of discovery cut-off.
12/15/13	Maccarone, Courtney	2.40	Reviewed document chronology and sent to ND (B&F).
12/17/13	Vozzolo, Antonio	1.70	Review letter Motion for Extension of Time to Complete Discovery (.40); Corresp from J Marchese re depositions and locations (.20); t/call with J Marchese re same (.30); Review document chronology (.80)
12/18/13	Maccarone, Courtney	3.50	Reviewed consolidated document chronology. Call with ND (B&F) re depositions. Conducted research re prior Scotts cases.
12/18/13	Schreiner, Miles, D.	5.00	Legal research re. 2012 case where Scotts was found guilty of selling products with false and misleading claims
12/18/13	Vozzolo, Antonio	0.40	Review Order on motion for extension of time to complete discovery (.10); Proposed dates and times for conference call; Review legal research from M Schreiner re related case against Def over misleading claims (.30)
12/19/13	Maccarone, Courtney	3.50	Participated on call with co-counsel and defense counsel re discovery matters (deposition dates, discovery objections, subpoena) (.30). Call with ND (B&F) and MS (F&F) re label doc review project (.30). Legal research/Drafted objection letter to Eskinazi subpoena (2.9).
12/19/13	Vozzolo, Antonio	1.20	Meet and confer re Proposed Dates for Plaintiffs' Depositions (.30); review Order re revised civil case discovery plan and scheduling order (.10); Review corresp re defendants witnesses, J Sass, L Taubler, E Nelson (.20); Discussion with J Marchese re legal research re guarantee/superiority research (.30); Discussion with C maccarone and M Schreiner re same (.30)
12/20/13	Maccarone, Courtney	6.50	Drafted objection letter to Eskinazi subpoena.
12/20/13	Schreiner, Miles, D.	8.00	review documents and create folder of label exemplars
12/20/13	Schreiner, Miles, D.	4.00	Legal research re. quashing subpoena/protective order where defendant seeks to conduct plaintiff's deposition outside of their home state
12/20/13	Vozzolo, Antonio	0.60	Review draft objection to G Eskinazi subpoena (.60)
12/23/13	Schreiner, Miles, D.	6.50	research/draft memo re superiority where defendant offered refund to some customers
12/23/13	Vozzolo, Antonio	1.10	Review memo re litigation strategy, superiority analysis re defendants refunds (.40); legal research re same (.70)
12/27/13	Schreiner, Miles, D.	0.50	Telephone conference with co-counsel re. plan for opposing deposition location for two California plaintiffs
12/27/13	Schreiner, Miles, D.	3.00	legal research re. deposition location for two California plaintiffs to oppose defendants' request to hold depositions in New York (2.70); discussion with A Vozzolo re same (.30)
12/27/13	Vozzolo, Antonio	0.60	Corresp by and between the parties re Plaintiffs' Depositions, locations etc (.30); discussion with M Schreiner re legal research re same (.30)
12/30/13	Vozzolo, Antonio	1.10	Review letter motion for conference call pursuant to Local Rule 37.2 re motion to compel(.20); Review legal research re same (.80); Review Order on Motion for Local Rule 37.2 Conference (.10)
12/31/13	Maccarone, Courtney	0.50	Reviewed Wal-Mart subpoena.
12/31/13	Schreiner, Miles, D.	5.50	Research/draft memo re. refunds and superiority analysis
1/2/14	Clisura, Andrea	0.50	EZ Seed: Reviewed Wal-Mart subpoenas.
1/2/14	Maccarone, Courtney	6.00	Finalized and served subpoena on third-party Wal-Mart.
1/2/14	Sampson, Miriam	2.00	Prepare and finalize subpoenas for Wal-Mart stores (1.8); served notice with subpoenas to defendants counsel; send process server subpoenas to effect service for Anthony Vozzolo (.20).
1/2/14	Schreiner, Miles, D.	8.00	Research/draft memo re. superiority where defendant offers refund
1/2/14	Vozzolo, Antonio	0.80	Review corresp from defendants re request for extension for Plaintiffs' First Set of RFAs to Lowe's (.10); Review/Edit Home Depots first set of RFAs (.30); review/edit third party subpoena (Walmart) (.40)
1/3/14	Maccarone, Courtney	0.50	Correspondence with MS (F&F) re superiority research. Read correspondence between co-counsel re superiority research.

1/3/14	Schreiner, Miles, D.	5.00	Research/draft memo re. refunds and superiority analysis
1/6/14	Hidalgo, Javier	2.00	Assist with fact research
1/6/14	Maccarone, Courtney	3.20	Conducted legal research regarding motions to quash (1.20). Drafted Requests for Admission responses (1.30). Read Defendants' objections and responses to Plaintiffs' first set of RFAs (.70)
1/6/14	Schreiner, Miles, D.	4.50	Draft/revise memo re. superiority and refunds
1/6/14	Schreiner, Miles, D.	0.30	Discussion with A Vozzolo re legal research re superiority analysis, defendants refund offers.
1/6/14	Vozzolo, Antonio	1.40	Review correspondence from defense counsel and service of discovery (.10); Review letter motion for Local Rule 37.2 Conference in Response to Defendants' December 30, 2013 re motion to compel (.40); Review legal research from M Schreiner re superiority analysis, defendants refund offers (.60); discussion re same (.30)
1/7/14	Maccarone, Courtney	7.50	Drafted Requests for Admission responses.
1/7/14	Maccarone, Courtney	0.70	Read plaintiffs' letter to Judge Briccetti re deposition locations (.40); discussion with A Vozzolo re RFA responses (.30).
1/7/14	Vozzolo, Antonio	0.60	Review Order on Motion for Local Rule 37.2 Conference (motion to compel Depo)(.20); discussion with C Maccarone re RFA responses (.30); review corresp re depo location (.10)
1/8/14	Maccarone, Courtney	3.40	Participated on call w/ JM (B&F) and AV (F&F) re Requests for Admission responses (.40). Reviewed edits to Requests for Admission responses. Read correspondence between parties (3.00).
1/8/14	Vozzolo, Antonio	1.50	Review correp re Scotts witnesses deposition dates (.20); conf call with J Marchese and C Maccarone re RFA responses (.40); review/redline RFA responses (.60); Corresp between co-counsel re same (.30)
1/9/14	Maccarone, Courtney	0.30	Calendared deposition dates.
1/9/14	Vozzolo, Antonio	4.80	Meet with Plaintiff Moore to discuss case, along with J Marchese and N Deckant (4.80)
1/10/14	Vozzolo, Antonio	0.20	T/call with J Marchese re litigation strategy (.20)
1/15/14	Maccarone, Courtney	6.50	Reviewed supplemental interrogatories and requests for production to Scotts. Personally served documents.
1/15/14	Schreiner, Miles, D.	0.50	call with co-counsel re finalizing RFPs and Rogs
1/15/14	Schreiner, Miles, D.	3.50	Draft/revise RFPs to Scotts
1/15/14	Vozzolo, Antonio	1.30	Review corresp from J Marchese re plaintiff deposition dates for Plaintiff Eskinazi (.10); conf call with co-counsel re RFPs and Interrogs (.30); t/call with Plaintiff GE re depo dates (.40); T/call with S Bursor and J Marchese re class certification issues and the need for expert reports (.50)
1/16/14	Vozzolo, Antonio	3.20	Review Lowe's Objections and Responses to Plaintiffs' First Set of Requests for Admission (.90); T/call with S Bursor, J Marchese and N Deckant re deposition notices (.8); T/call with S Bursor and J Marchese re discovery and class cert issues and strategy (1.5)
1/21/14	Maccarone, Courtney	0.20	Discussion with A Vozzolo re witnesses deposition dates for Arcuri and Moore.
1/21/14	Vozzolo, Antonio	0.30	Review corresp re witnesses deposition dates for Arcuri and Moore (.10); Discussion with C Maccarone re same (.20)
1/22/14	Maccarone, Courtney	7.00	Plaintiff Arcuri deposition prep. Travel to B&F.
1/23/14	Maccarone, Courtney	13.00	Attended Arcuri deposition. Prepared plaintiff Moore for deposition.
1/24/14	Maccarone, Courtney	9.50	Attended plaintiff Moore deposition.
1/27/14	Maccarone, Courtney	0.50	Drafted follow-up email to Wal-Mart concerning Wal-mart Subpoena. Emailed co-counsel re subpoena.
1/27/14	Vozzolo, Antonio	0.30	Review Corresp from Defendants re Eskinazi deposition dates (.10); review corresp by and between parties re Home Depot's Rule 30(b)(6), production of responsive documents by Jan 31, Thomas depo dates, Lonardo deposition dates (.20)
1/28/14	Maccarone, Courtney	0.20	Discussion with A Vozzolo re Stacy Lonardo Deposition.
1/28/14	Vozzolo, Antonio	0.50	Corresp re Stacy Lonardo Deposition (.10); discussion with C maccarone re same (.20); Review defendants response to 30b6 notice and stip (.20)
1/29/14	Clisura, Andrea	0.90	EZ Seed: Assistance to C. Maccarone regarding subpoena to WalMart.
1/29/14	Maccarone, Courtney	1.80	Followed-up on Wal-Mart subpoena. Emailed counsel for Wal-Mart.
1/29/14	Maccarone, Courtney	9.50	Meeting with Plaintiff Stacy Lonardo. Prepared her for deposition.
1/29/14	Vozzolo, Antonio	0.30	review corresp re meet and confer re defendants Responses (.30); T/call with J Marchese re Home Depot and Loews' credit card statements (.20)
1/30/14	Maccarone, Courtney	11.00	Prep for and attended Stacy Lonardo deposition (10.2); reviewed Wal-Mart's objections and responses to Plaintiffs' subpoena (.70); emailed defense counsel Wal-Mart's responses (.10)
1/31/14	Maccarone, Courtney	1.50	Prepared for call with counsel for Wal-Mart. Participated on call with counsel for Wal-Mart concerning document production.
1/31/14	Vozzolo, Antonio	0.10	Review Nancy Thomas Deposition notice (.10)
2/3/14	Vozzolo, Antonio	1.00	Review corresp from Defendant re status of document production (.10); Prepr for Teleconference with Defendants re discovery (.50); T/conference with Defendants re meet and confer, discovery deficiencies (.40)

2/4/14	Vozzolo, Antonio	1.30	T/call with S Bursor and J Marchese re litigation strategy, upcoming depositions and ongoing document discovery and disputes (1.30)
2/5/14	Maccarone, Courtney	10.00	Reviewed Scotts' 5th production of documents.
2/5/14	Schreiner, Miles, D.	8.00	Review/analyze most recently produced documents; prepare chronology rider
2/5/14	Vozzolo, Antonio	0.30	Review email re Scotts 30(b)(6) letter (.10); Discussion with C maccarone re Scott Production of Documents (.20)
2/6/14	Maccarone, Courtney	1.20	Conferred with co-counsel about documents and litigation strategy.
2/6/14	Maccarone, Courtney	9.50	Reviewed Scotts' 5th production of documents.
2/6/14	Vozzolo, Antonio	2.30	Corresp re Follow-Up to Meet and Confer/Discovery Deficiencies (.80); review correp re Home depots re response to plaintiffs first RFP (.30); conference with co-counsel re litigation strategy (1.20)
2/7/14	Maccarone, Courtney	1.20	Edited chronology rider for 5th production of documents and sent to co-counsel.
2/7/14	Maccarone, Courtney	1.20	Prepared for call with Wal-Mart counsel. Spoke to Wal-Mart paralegal BH concerning subpoena (.90). Call with JM (B&F) regarding subpoena (.30).
2/7/14	Maccarone, Courtney	0.70	Participated on conference call with defense counsel regarding outstanding discovery disputes.
2/7/14	Schreiner, Miles, D.	7.00	Review/analyze most recently produced documents; prepare chronology rider
2/7/14	Vozzolo, Antonio	1.40	Review corresp re redactions from Pennington litigation (.10); review corresp from J paster re document production (.10); review discovery chronology revisions/rider (.50); conf call with Defendants re discovery disputes (.70)
2/10/14	Schreiner, Miles, D.	5.50	Legal Research & Draft/revise memo re. refunds and superiority
2/10/14	Vozzolo, Antonio	0.80	Review corresp re depositions of Plaintiffs Browne and Smith (.10); Corresp re Defendants 7th production of documents EZ 104311 -104313 (.10); review revised memo re superiority(.60)
2/11/14	Schreiner, Miles, D.	8.00	Review/analyze documents from most recent round of production
2/11/14	Schreiner, Miles, D.	5.50	Draft/revise memorandum re. refund programs and superiority analysis; prepare chart summarizing applicable cases (5.20); Discussion with A Vozzolo re memo concerning refund programs and superiority analysis and relevant case law (.30)
2/11/14	Vozzolo, Antonio	0.90	Discussion with M Schreiner re memo concerning refund programs and superiority analysis and relevant case law (.30); Review select case law re same (.40); Review corresp re Scotts objection and responses to 2nd set of RFPs (.20)
2/12/14	Clisura, Andrea	0.50	EZ Seed: Reviewed declaration and discussed with C. Maccarone.
2/12/14	Maccarone, Courtney	3.50	Drafted declaration to send to Wal-mart concerning the production of documents (2.8). Corresponded with Wal-Mart's counsel (.20). Discussed with A Clisura (.50).
2/12/14	Schreiner, Miles, D.	5.50	Draft/revise memorandum re. refund programs and superiority analysis; prepare chart summarizing applicable cases (5.20); Discussion with A Vozzolo re same (.30)
2/12/14	Vozzolo, Antonio	0.70	Discussion with M Schreiner re revised memo over refund programs and superiority discussion, relevant Aqua dots case law (.30); Review corresp from defendants re document production (.10); Review draft corresp from C Maccarone re Walmart/production of docs (.30)
2/13/14	Schreiner, Miles, D.	8.00	Review/analyze most recent document production (7.60); Discussion with A Vozzolo re same (.40)
2/13/14	Vozzolo, Antonio	0.50	Review corresp from defendants re document production (.10); Discussion with M Schreiner re review/ of Doc production (.40)
2/14/14	Schreiner, Miles, D.	9.80	Review/analyze most recent document production
2/14/14	Vozzolo, Antonio	0.60	Review corresp from defendants re depositions and Lowes response date to plaintiff interros (.10); Review Scotts objections and responses to Plaintiffs 2nd set of interros and RFPs (.50)
2/16/14	Maccarone, Courtney	0.30	Read email between co-counsel concerning Home Depot credit cards.
2/16/14	Vozzolo, Antonio	0.30	Corresp with co-counsel re home depot client records, credit cards etc (.30)
2/17/14	Vozzolo, Antonio	0.30	Review corresp Notice of Deposition of Kenneth W. Hignight (.10); Corresp re 30b6 topics (.20)
2/18/14	Maccarone, Courtney	8.00	Read plaintiff Moore and Arcuri deposition transcripts and drafted errata sheets (7.40); drafted retainer agreement (subpoenaed) (.20). Discussed with AV and partners (.40).
2/18/14	Vozzolo, Antonio	2.60	Review corresp. from Defendants re discovery (.10); Review Home Depot's Responses to Plaintiffs' Second Request for Production of Documents (.50); review 30b6 deposition notices (.20); discussion with C Maccarone re litigation strategy, retainer for client spouse B Eskinazi (.40); review plaintiff depo transcripts (1.40)
2/19/14	Maccarone, Courtney	11.80	Read plaintiff Moore and Arcuri deposition transcripts and drafted errata sheets.
2/19/14	Maccarone, Courtney	0.30	Call with counsel for Wal-Mart and her paralegal concerning document production.
2/19/14	Vozzolo, Antonio	1.80	review corresp re Deposition Scheduling For Plaintiffs Browne And Smith (.10); Corresp re responsive document to 2nd set RFPs from Home Depot (.10); review depo transcript of plaintiff and review draft errata sheet (1.60)
2/20/14	Faruqi, Nadeem	3.20	reviewed transcripts of depositions of plaintiffs

2/20/14	Maccarone, Courtney	12.50	Read plaintiff Moore and Arcuri deposition transcripts and drafted errata sheets (3.0); sent errata sheets to co-counsel (.10); reviewed Wal-Mart's first production of documents (9.0); circulated documents to defense counsel (.10); correspondence with co-counsel (.10); telephone and email correspondence with plaintiff Eskinazi (.20).
2/20/14	Sampson, Miriam	0.50	Prepare and finalize retention agreement letter.
2/20/14	Vozzolo, Antonio	2.10	review plaintiff depo transcripts and draft errata sheet (1.80); review corresp with co-counsel re same (.30)
2/21/14	Maccarone, Courtney	3.40	Correspondence with JM (B&F) re Benny Eskinazi subpoena; read Lowe's interrogatory responses; read home depot's interrogatory responses; read plaintiff Lonardo deposition transcript.
2/21/14	Mercado, Daniela	0.50	Transmit document for attorney review.
2/21/14	Vozzolo, Antonio	1.50	Review Home Depot's Objections and Responses to Plaintiffs' Second Set of Interrogatories(.80); Discussion with C Maccarone re subpoena of B Eskinazi (.30); correspondence from Def. counsel and service of discovery (.20); Review corresp from Lowes J Paster (.20)
2/24/14	Maccarone, Courtney	4.00	Read plaintiff Lonardo transcript. Discussed depositions with co-counsel.
2/24/14	Vozzolo, Antonio	0.30	Review correspondence from Defendants, discovery matters
2/25/14	Maccarone, Courtney	8.00	Prepared plaintiff Thomas for deposition (time includes travel to B&F office).
2/25/14	Maccarone, Courtney	2.50	Read plaintiff Lonardo deposition transcript and drafted errata sheet.
2/25/14	Vozzolo, Antonio	0.50	Review corresp re Nancy Thomas Deposition (.10); review discovery deficiency matters (.40)
2/26/14	Maccarone, Courtney	1.50	Drafted errata sheet for plaintiff Lonardo's deposition transcript.
2/26/14	Maccarone, Courtney	8.00	Attended plaintiff Thomas' deposition.
2/26/14	Maccarone, Courtney	0.30	Followed-up with Wal-Mart concerning second production of documents.
2/26/14	Vozzolo, Antonio	1.00	Review Lonardo dep transcript (.60); review draft errata sheet (.40)
2/27/14	Schreiner, Miles, D.	8.00	Attend deposition of plaintiff David Browne (telephonically) (7.70); Discussion with A Vozzolo re same (.30)
2/27/14	Vozzolo, Antonio	0.30	Discussion with M Schreiner re deposition of plaintiff David Browne
2/28/14	Maccarone, Courtney	3.50	Corresponded with co-counsel concerning subpoena (.10). Followed-up with Wal-Mart counsel concerning subpoena (.20). Edited draft declaration. (2.90) Discussion with A Vozzolo re Walmart matters (.30)
2/28/14	Schreiner, Miles, D.	7.00	Attend deposition of plaintiff Smith's deposition telephonically (6.70); Discussion with A Vozzolo re deposition of plaintiff Smith (.30)
2/28/14	Vozzolo, Antonio	1.70	Review corresp re Gwen Eskinazi Deposition, cancellation matters (.30); review corresp with co-counsel re subpoena, Walmart matters (.20); discussion with C Maccarone re same (.30); Discussion with M Schreiner re deposition of plaintiff Smith's (.30); review findings of fact and conc of law in related Pennington Matter (ED Virginia) (.90)
3/3/14	Vozzolo, Antonio	1.30	Review corresp re Lowe's 30(b)(6) deposition, withdrawal and amended RFA response (.30); Review supplemental response and objection to 2nd set of Interrogs (.50); Review amended response to Plaintiffs' first set of requests for admissions (.60)
3/4/14	Maccarone, Courtney	3.00	Read and reviewed recent correspondence between parties (.30). Read John Sass deposition transcript (2.7).
3/4/14	Schreiner, Miles, D.	0.80	Review/analyze John Sass deposition transcript (.50); Discussion with A Vozzolo re same (.30)
3/4/14	Vozzolo, Antonio	1.90	Discussion with M Schreiner re John Sass deposition (.30); Review transcripts for Nancy Thomas, David Browne, and Vance Smith (1.30); review corresp by and between parties re depositions (.30)
3/5/14	Maccarone, Courtney	3.00	Participated on conference call with J. Marchese regarding upcoming conference before Judge Briccetti (.50). Read John Sass deposition transcript (2.50).
3/5/14	Schreiner, Miles, D.	2.50	Review/analyze John Sass deposition transcript
3/5/14	Schreiner, Miles, D.	2.30	Review/analyze Lisa Taubler deposition transcript (2.00); Discussion with A Vozzolo re plaintiff depositions (.30)
3/5/14	Vozzolo, Antonio	2.70	Conference call with J Marchese re conference with Judge (.50); Discussion with M Schreiner plaintiff depositions (.30); Review John Sass, Eric Nelson, and Lisa Taubler transcripts (1.70); review corresp from Defendants re interrog responses (.20)
3/6/14	Clisura, Andrea	1.40	EZ Seed: Discussed upcoming conference with C. Maccarone and reviewed latest case documents for background.
3/6/14	Maccarone, Courtney	9.00	Read plaintiff Thomas deposition transcript (2.0). Read correspondence from Scotts (.20). Call with J. Marchese and A. Vozzolo regarding Court conference (.40). Traveled to Bursor & Fisher's office for acquisition of documents (.30). Review/pull hot documents and emailed A. Vozzolo re same (5.70). Email correspondence with N. Deckant regarding class certification declarations(.30). Discussion with A Vozzolo re class cert decl (.40)
3/6/14	Schreiner, Miles, D.	0.90	Review/analyze Eric Nelson deposition transcript (.50); Discussion with A Vozzolo re depo (.40)
3/6/14	Vozzolo, Antonio	2.80	Discussion with C Maccarone, M Schreiner re depo transcripts (.40); review correspondence from Scotts (.20); Conference call with J. Marchese regarding conference before J. Briccetti (.40); review "Hot" documents (1.40); Discussion with C Macarone re class certification declarations (.40)
3/7/14	Clisura, Andrea	6.00	EZ Seed: Attended status conference in White Plains. Discussed with C. Maccarone.

3/7/14	Vozzolo, Antonio	4.30	Prep for conference/conference with Judge
3/7/14	Vozzolo, Antonio	0.30	Review Stipulated Protective Order (.30)
3/10/14	Maccarone, Courtney	9.50	Drafted plaintiff declarations for class certification motion. (9.20); Discussion with A Vozzolo re plaintiff decl (.30)
3/10/14	Schreiner, Miles, D.	7.00	Review/analyze 200 page deposition transcript of plaintiff Browne and draft/revise declaration in support of class certification (6.70); Discussion with A Vozzolo re plaintiff declaration (.30)
3/10/14	Vozzolo, Antonio	0.00	Review ECF Minute Entry for proceeding before J Briccetti (0.0)
3/10/14	Vozzolo, Antonio	1.30	Review draft plaintiff declarations re class certification motion (.40); Discussion with C Maccarone and M Schreiner re plaintiff declarations and strategy (.30); legal research re typicality argument (.60)
3/11/14	Maccarone, Courtney	7.00	Drafted plaintiff declarations in support of motion for class certification for plaintiffs Moore, Arcuri, and Lonardo.
3/11/14	Vozzolo, Antonio	1.80	Review plaintiff declarations in support of motion for class certification for plaintiffs Moore, Arcuri, and Lonardo (1.10); review plaintiff depo transcripts of Moore, Arcuri Lonardo (.70)
3/12/14	Sampson, Miriam	2.00	format and finalize expert's declaration in support of class cert for Miles Schreiner.
3/12/14	Schreiner, Miles, D.	6.00	Review/analyze deposition transcript of Plaintiff Smith and draft/revise declaration in support of class certification
3/12/14	Vozzolo, Antonio	1.70	Review Plaintiff depo transcript (.80); Review revised declaration of Plaintiffs in support of class certification (.90)
3/13/14	Maccarone, Courtney	11.00	Drafted plaintiff declarations in support of motion for class certification for plaintiffs Moore, Arcuri, and Lonardo.
3/13/14	Schreiner, Miles, D.	5.50	Review/analyze deposition transcript of Plaintiff Thomas and draft/revise declaration in support of class certification
3/13/14	Schreiner, Miles, D.	1.50	Review/analyze deposition transcript of Plaintiff Browne and draft/revise declaration in support of class certification
3/13/14	Schreiner, Miles, D.	5.00	Review/analyze deposition transcript of Plaintiff Smith and draft/revise declaration in support of class certification
3/13/14	Vozzolo, Antonio	1.40	Review revised declaration of Plaintiffs in support of class certification (1.0); T/call with J Marchese re drafting of class certification brief and plaintiffs' declarations (.40)
3/14/14	Maccarone, Courtney	9.00	Finalized plaintiff declarations in support of motion for class certification for plaintiffs Browne, Thomas, Arcuri, Moore, Lonardo, and Smith.
3/14/14	Schreiner, Miles, D.	4.00	Review/analyze deposition transcript of plaintiff Thomas and draft/revise declaration in support of class certification
3/14/14	Schreiner, Miles, D.	4.50	Revise/edit declarations of plaintiffs Browne, Smith and Thomas in support of class certification
3/14/14	Vozzolo, Antonio	2.70	Review plaintiff depo transcripts (.70); Review revised declaration of Plaintiffs Thomas, Browne, Arcuri, Smith, Moore, Lonardo in support of class certification (1.30); T/call with J Marchese and S Bursor re class cert strategy (.70)
3/19/14	Clisura, Andrea	0.80	EZ Seed: Discussed subpoena with C. Macarrone and helped draft correspondence.
3/19/14	Maccarone, Courtney	1.50	Prepared for team call and participated on team call concerning motion for class certification. (1.10) Discussion with A Vozzolo re same (.40)
3/19/14	Maccarone, Courtney	6.50	Drafted correspondence to Wal-Mart re Wal-Mart's failure to produce second set of documents.
3/19/14	Sampson, Miriam	1.00	Format and finalize letter to Walmart Stores enclosing a check and mail out same for Anthony Vozzolo.
3/19/14	Schreiner, Miles, D.	1.00	Conference with co-counsel re. class certification strategy and assignments
3/19/14	Schreiner, Miles, D.	8.00	Legal research re. requirements for express warranty/MMWA claims in each state and preparation of table summarizing analysis in connection with preparation of motion for class certification (7.60); Discussion with A Vozzolo re same (.40)
3/19/14	Vozzolo, Antonio	2.80	Review notice re Gwen Eskinazi Deposition (.10); t/call with G Eskinazi re status update (.60); Conference call among plaintiffs counsel re motion for class certification (1.0); Discussion with C Macarone re Class cert motion (.40), review corresp. Re Wal-Mart's failure to produce second set of documents (.30); Discussion with M Schreiner re legal research for express warranty/MMWA claims (state specific) (.40)
3/20/14	Maccarone, Courtney	1.10	Updated co-counsel on status of Wal-Mart production; followed-up with Wal-Mart re production (.80); Discussion with A Vozzolo re same (.30)
3/20/14	Schreiner, Miles, D.	8.50	Legal research re. requirements for express warranty/MMWA claims in each state and preparation of table summarizing analysis in connection with preparation of motion for class certification (8.10); Discussion with A Vozzolo re same (.40)
3/20/14	Vozzolo, Antonio	2.60	Discussion with M Schreiner re legal research for express warranty/MMWA counts, class certification (.40); Legal research re grouping, standing issues for class cert (1.50); Discussion with C Maccarone re status of Wal-Mart document production (.30); Review corresp from defendants re Michael Arcuri deposition (.10); Discussion with J Marchese re same (.30)
3/21/14	Schreiner, Miles, D.	6.50	Legal research re. requirements for express warranty/MMWA claims in each state and preparation of table summarizing analysis in connection with preparation of motion for class certification
3/21/14	Schreiner, Miles, D.	4.50	Legal research re. requirements for express warranty/MMWA claims in each state and preparation of memo re. federal cause of action for breach of written warranty under MMWA, privity requirement under MMWA (4.20); Discussion with A Vozzolo re same (.30)

3/21/14	Vozzolo, Antonio	5.10	Review corresp re Proposed Stipulation (.10); Discussion with M Schreiner re legal research (Privity, express warranty MMWA)(.30); Review corresp re stip related to Home Depot (.20); Errata sheet for sass (.10); Review docs and prior plaintiff depo transcripts in prep for plaintiff depo (2.40); T/call with S Bursor re class cert motion and litigation strategy (2.0)
3/22/14	Vozzolo, Antonio	5.20	Depo prep with G Eskinazi (J Marchese) (5.0); t/call with plaintiff following depo (.20)
3/23/14	Schreiner, Miles, D.	1.00	Legal research re. MMWA/express warranty in connection with preparation of class certification motion
3/24/14	Behnke, Derek	0.50	Researching similar cases regarding class certification issues.
3/24/14	Maccarone, Courtney	1.50	Reviewed/circulated Wal-Mart's second production of documents (1.20); Discussion with A Vozzolo re same (.30)
3/24/14	Schreiner, Miles, D.	0.50	Draft/revise email re. class certification of MMWA claim to circulate to co-counsel
3/24/14	Schreiner, Miles, D.	5.50	Legal research re. MMWA/express warranty in connection with preparation of class certification motion (5.30); Discussion with A Vozzolo re same (.20)
3/24/14	Vozzolo, Antonio	7.80	Discussion with M Schreiner re Legal research re. MMWA/express warranty (.20); Discussion with C Maccarone re Walmart 2nd production (.30); Review stip re dismissal of claims against Home Depot (.20); Attend Gwen Eskinazi Deposition (7.0); Review Minute Order J Briccetti re discovery dispute (.10)
3/25/14	Behnke, Derek	0.50	Researching similar cases regarding class certification issues.
3/25/14	Maccarone, Courtney	1.50	Meeting with A. Vozzolo and M. Schreiner re class certification brief (.50). Drafted ascertainability portion of motion for class certification (1.00).
3/25/14	Schreiner, Miles, D.	4.50	Legal research re. MMWA/express warranty in connection with preparation of class certification motion (4.10); Discussion with A Vozzolo re same (.40)
3/25/14	Schreiner, Miles, D.	1.00	Legal research re. ascertainability requirement in connection with drafting class certification brief
3/25/14	Schreiner, Miles, D.	0.50	Discussion with A Vozzolo re class cert brief.
3/25/14	Vozzolo, Antonio	3.00	Meeting with C Maccarone, M. Schreiner re class certification brief, ascertainability section of class cert brief (.50); Discussion with M Schreiner research: MMWA/express warranty (.40); review Stipulation and Order of Dismissal (.20); Discussion with S Bursor, J Marchese re ascertainability (.30); Discussion with D Behnke re research (.20); review corrsp re admin matters, page limits (.20); review recent case law re ascertainability (1.20)
3/26/14	Clisura, Andrea	5.50	Assisted drafting/legal research with class cert motion
3/26/14	Faruqi, Nadeem	2.20	Review and edit class cert briefing
3/26/14	Maccarone, Courtney	9.00	Drafted portion of motion for class certification (8.70); Discussion with A Vozzolo re same (.30)
3/26/14	Schreiner, Miles, D.	9.50	Legal research re. and draft/revise section of class certification brief re. ascertainability (9.30); Discussion with A Vozzolo re same (.20)
3/26/14	Vozzolo, Antonio	2.90	Discussion with C Maccarone re draft section of class cert brief (.30); Discussion with M Schreiner re legal research re ascertainably (.20); review/edit revisions to brief re same, ascertainability (2.20) ; T/call with S Bursor re drafted class cert brief (.20)
3/27/14	Behnke, Derek	2.00	Researching similar cases regarding class certification issues.
3/27/14	Clisura, Andrea	6.00	Assisted with class cert motion
3/27/14	Faruqi, Nadeem	1.80	Review and edit class cert briefing
3/27/14	Maccarone, Courtney	12.50	Drafted portion of motion for class certification.
3/27/14	Mercado, Daniela	0.50	Retrieve documents for attorney review using Bloomberg Law.
3/27/14	Schreiner, Miles, D.	9.50	Legal research re. superiority analysis and draft/revise section of class certification brief re. same
3/27/14	Schreiner, Miles, D.	0.50	Phone conference with co-counsel re. class certification brief
3/27/14	Vozzolo, Antonio	6.80	Discussion with D Behnke re research (.10); Review Stipulation and Order (.30); review revised section of class cert brief (2.0); legal research re superiority section (1.80); T/conference with co-counsel re. class certification brief (.30); legal research re same (2.30)
3/28/14	Clisura, Andrea	6.30	Assisted with class cert motion
3/28/14	Maccarone, Courtney	9.00	Drafted portion of motion for class certification (8.50); Discussion with A Vozzolo re same (.50).
3/28/14	Schreiner, Miles, D.	7.00	Legal research re. superiority analysis under Rule 23 and draft/revise section of class certification brief on same (6.50); Discussion with A Vozzolo re same (.50)
3/28/14	Vozzolo, Antonio	4.00	Review Stipulation and Order (.20); review legal research and revisions to class cert brief sections (3.30); Discussion with C Maccarone and M Schreiner re same, superiority discussion (.50)
3/29/14	Schreiner, Miles, D.	0.50	Meeting with co-counsel re. class certification brief and strategy
3/29/14	Schreiner, Miles, D.	4.00	Legal research re. interplay between damages under GBL 349/350, CPLR and Rule 23 in connection with preparation of class certification brief (3.60); Discussion with A Vozzolo re same (.40)
3/29/14	Schreiner, Miles, D.	3.00	Legal research re. express warranty cause of action under NY law in connection with preparation of class certification brief
3/29/14	Schreiner, Miles, D.	4.00	Legal research re. and Draft/revise section of class certification brief re. materiality of claims found on product packaging

3/29/14	Vozzolo, Antonio	4.90	Meeting with co-counsel re. class certification brief and strategy (.50); Discussion with M Schreiner re damages under GBL 349/350, CPLR and Rule 23; express warranty; materiality of misrepresentations (.40); legal research re same (2.0); review/edit class cert brief (1.30); review legal research from M Schreiner (.70)
3/30/14	Schreiner, Miles, D.	6.50	Legal research re. and Draft/revise class certification brief section re. certification under Rule 23(b)(2)
3/30/14	Schreiner, Miles, D.	5.50	Legal research re. damages under GBL 349/350 and CLRA in connection with drafting/revising brief for class certification
3/30/14	Vozzolo, Antonio	5.00	Review legal research re. damages under GBL 349/350 and CLRA (1.20) ; Finalize class certification briefing (3.80)
3/31/14	Behnke, Derek	5.40	Editing exhibits for class cert motion.
3/31/14	Mercado, Daniela	2.00	Review declaration and prepare various exhibits of deposition excerpts accordingly.
3/31/14	Schreiner, Miles, D.	7.50	Review/cite check seven plaintiffs' declarations; prepare deposition transcripts for filing;
3/31/14	Schreiner, Miles, D.	0.50	Telephone conference with damages expert re. declaration in support of class certification
3/31/14	Schreiner, Miles, D.	4.00	legal research re. superiority and GBL 349-350 damages in connection with finalizing class certification brief
3/31/14	Vozzolo, Antonio	6.00	Conference with expert C Wier re declaration (.30); review/edit/finalize class cert briefs (4.80); review exhibits (.90)
4/2/14	Schreiner, Miles, D.	0.90	Review/analyze finalized motion for class certification
4/2/14	Vozzolo, Antonio	0.50	T/call with S Bursor re litigation strategy (.50)
4/4/14	Vozzolo, Antonio	0.40	Discussion with S Bursor, J Marchese re strategy (.40)
4/9/14	Maccarone, Courtney	1.40	Read new Lanham act case filed against Pennington (1.10); discussed with A Vozzolo (.30).
4/9/14	Vozzolo, Antonio	1.30	Review fact research Pennington matter (ED Virginia) (.80); Discussion with C Maccarone (.30) ; Corresp with J Marchese, S Bursor re same and litigation strategy (.20)
4/10/14	Vozzolo, Antonio	0.30	Corresp with C Maccarone re class cert reply brief strategy (.30)
4/11/14	Vozzolo, Antonio	0.70	Review Motion for Extension of Time to Complete Discovery (.30); Review Corresp by Def with Court re expert testimony/strike re Wier (.40)
4/16/14	Vozzolo, Antonio	1.20	Review letter opposition to Defendants' Motion to Strike or for Additional Discovery (.70); legal research re same (.50)
4/17/14	Vozzolo, Antonio	0.20	Review order re deadlines, iorder denying motion to strike (.20)
4/22/14	Vozzolo, Antonio	0.30	Review discovery requests regarding expert Colin B. Weir (.30)
4/23/14	Vozzolo, Antonio	1.80	Review correp re interrog and RFPs directed to named plaintiffs (.50); t/call with named plaintiffs (.50); T/call with J Marchese and S Bursor re class cert issues and materials for reply briefing (.80)
4/30/14	Vozzolo, Antonio	0.30	Review notice of depo, subpoena re expert (.30)
5/1/14	Vozzolo, Antonio	0.40	T/call with J Marchese and Y Kopel about Loews' continued advertising and litigation strategy re same (.40)
5/2/14	Vozzolo, Antonio	0.30	Review correp re response to subpoena, document production (.30)
5/7/14	Vozzolo, Antonio	0.50	Review settlement communication, correp. (.50)
5/9/14	Schreiner, Miles, D.	0.50	Review/analyze Scotts most recent Lanham Act complaint against Pennington to determine potential uses in connection with our class certification motion
5/15/14	Vozzolo, Antonio	0.30	Review depo notice, updated subpoena for expert C Weir (.30)
5/19/14	Vozzolo, Antonio	1.60	Review letter motion for Local Rule 37.2 Conference to compel production of a declaration submitted in a prior case (weir matter) (.20); Review correp by and between parties re expert C Wier documents, declaration (.20); legal research re motion to compel expert testimony (1.20)
5/20/14	Vozzolo, Antonio	0.30	Review Order on Motion for Local Rule 37.2 Conference, denying request (.10); Corresp with J Marchese re same, litigation strategy (.20)
5/21/14	Vozzolo, Antonio	0.40	T/call with J Marchese re deposition of C Weir (.40)
5/22/14	Vozzolo, Antonio	1.40	Discussion with S Bursor and J Marchese re litigation and settlement strategy (1.40)
5/27/14	Vozzolo, Antonio	0.20	T/call with S Bursor re experts (.20)
5/30/14	Vozzolo, Antonio	3.50	Review memorandum of law in opposition to Plaintiffs' Motion for Class Certification and the memorandum of law in support of Defendants' motion to exclude Plaintiffs' damages expert Colin B. Weir (1.90); Legal research re daubert motion (1.60)
6/2/14	Maccarone, Courtney	0.30	Organized and updated filing system to include defendants' class certification papers and exhibits and motion to exclude expert testimony and exhibits.
6/2/14	Maccarone, Courtney	1.80	Read defendants' opposition to plaintiffs' motion for class certification; read defendants' motion to exclude expert testimony.
6/2/14	Vozzolo, Antonio	2.50	Review opposition to motion for class certification/motion to exclude expert (1.60) ; legal research re same (.90)
6/3/14	Maccarone, Courtney	1.50	Participated on conference call with A. Vozzolo, and attorneys from Bursor & Fisher (S. Bursor, J. Marchese, N. Deckant, Y. Kopel) concerning class certification reply brief (1.00). Discussed issues related to call with A. Vozzolo (.50).

6/3/14	Maccarone, Courtney	3.00	Conducted legal research for class certification reply brief concerning plaintiffs representing a class of purchasers who purchased different "varieties" of EZ Seed.
6/3/14	Mercado, Daniela	0.50	Retrieve information as per A. Vozzolo.
6/3/14	Schreiner, Miles, D.	1.00	Legal research re. use of asterisk to re-define meaning of packaging claim in connection with preparation for drafting reply brief in support of class certification (1.00); Discussion with A Vozzolo re same (.50)
6/3/14	Vozzolo, Antonio	4.70	Conference call w N Deckant, J Marchese, S Bursor re litigation strategy(1.2); Discussion with C Maccarone M Schreiner re strategy, research (.50); Discussion with D Mercado re fact research re expert (.30); review information/fact research gathered from D Mercado re same (.30); Legal research re Opp to class cert filed by Defendants (2.40)
6/4/14	Maccarone, Courtney	6.50	Conducted legal research concerning class certification (6.10). Discussion with A Vozzolo re same (.50)
6/4/14	Mercado, Daniela	2.50	Research and retrieve information as per A. Vozzolo.
6/4/14	Schreiner, Miles, D.	0.80	Research re. statutory damages in connection with class cert. reply brief (.30); Discussion with A Vozzolo re same (.50)
6/4/14	Vozzolo, Antonio	2.90	Discussion with C Maccarone, M Schreiner re legal research: statutory damages/apellate decisions re individual issues (.50); Review motion for Extension of Time to File Response/Reply (.20); Review corresp from J Marchese re litigation strategy, Dole matter/predominance (.30); Corresp and follow up email from Neal Deckant re research (.20); Review Sass Faust, Tauble and S Reagan Declarations in Opp to Class Cert (1.70)
6/5/14	Maccarone, Courtney	4.50	Conducted legal research concerning appellate court cases reversing the denial of class certification for inappropriate focus on individual issues; conducted legal research concerning district court cases granting class certification and not focusing on plaintiffs' individual issues.
6/5/14	Schreiner, Miles, D.	0.30	Meeting with co-counsel re. reply brief in support of class certification strategy
6/5/14	Vozzolo, Antonio	0.40	Review Order on Motion for Extension of Time to File Response/Reply (.10); Meeting with co-counsel re. reply brief in support of class certification strategy (.30)
6/7/14	Vozzolo, Antonio	0.70	Review legal research from C Maccarone re typicality, individual issues (.70)
6/9/14	Maccarone, Courtney	7.00	Conducted legal research for class certification reply brief concerning different "flavors" or "varieties" of products. Researched appellate cases reversing denial of class certification on typicality grounds and district court cases granting class certification.
6/10/14	Maccarone, Courtney	9.00	Conducted legal research for class certification reply brief concerning individual circumstances and the typicality analysis. Researched appellate cases reversing denial of class certification on typicality grounds and district court cases granting class certification.
6/11/14	Maccarone, Courtney	9.00	Conducted legal research for class certification reply brief concerning hidden refund policies; conducted legal research concerning individual circumstances and typicality.
6/12/14	Maccarone, Courtney	6.50	Conducted legal research for class certification reply brief concerning hidden refund policies; conducted legal research concerning representing a class of purchasers when the representative purchased one product in a product line.
6/12/14	Maccarone, Courtney	0.30	Participated on call with co-counsel concerning class certification reply brief. (A. Vozzolo, S. Bursor, J. Marchese, Y. Kopel, N. Deckant. F. Klorczyk).
6/12/14	Maccarone, Courtney	3.50	Conducted legal research for class certification reply brief concerning representing a class of purchasers when the representative purchased one product in a product line (3.20); Discussion with A Vozzolo re same (.30)
6/12/14	Vozzolo, Antonio	3.10	Conference call with co-counsel re class certification reply brief (.30); Discussion with C Maccarone re legal research (.30); Review draft MTS (1.0); review legal research from C Maccarone (1.50)
6/13/14	Maccarone, Courtney	9.90	Conducted legal research for class certification reply brief concerning hidden refund programs (9.40). Discussed issue with A. Vozzolo (.50).
6/13/14	Schreiner, Miles, D.	1.00	Legal research re. class certification of multi-product classes (.50); Discussion with A Vozzolo re same (.50)
6/13/14	Vozzolo, Antonio	2.00	Review legal research re class cert. reply brief/ refund issue; Multiproduct classes (1.50); Discussion with C Maccarone and M Schreiner re same (.50)
6/14/14	Vozzolo, Antonio	0.50	Review research from N Deckant re unique defenses, Injury argument (.50)
6/16/14	Maccarone, Courtney	6.00	Reviewed assignments circulated by co-counsel for reply brief; updated research for class cert reply brief.
6/16/14	Maccarone, Courtney	0.40	Participated on call with J. Marchese and A. Vozzolo re class cert briefing (.20); conversed with A. Vozzolo re same after call (.20).
6/16/14	Schreiner, Miles, D.	0.50	Review/analyze class certification reply brief riders circulated by co-counsel
6/16/14	Vozzolo, Antonio	1.00	Conference call with J. Marchese re class cert briefing (.20); Discussion with C Maccarone re same (.20); Review Class certification reply brief riders circulated by co-counsel (.60)
6/17/14	Maccarone, Courtney	1.30	Participated on conference call with A. Vozzolo and co-counsel (S. Bursor; J. Marchese; N. Deckant; Y. Kopel; F. Klorczyk) re class certification reply briefing (1.00); Discussion with A Vozzolo re same (.30)
6/17/14	Maccarone, Courtney	11.00	Conducted legal research for class certification reply brief; updated research projects with updated law and parentheticals.



6/17/14	Vozzolo, Antonio	1.50	Conference call with S. Bursor; J. Marchese; N. Deckant; Y. Kopel; F. Klorczyk: class cert reply brief (1.0); Discussion with C Maccarone re legal re research/briefing (.30); Review corresp by and between cocounsel re research and reply class cert brief (.20)
6/18/14	Maccarone, Courtney	8.50	Conducted legal research for class certification reply brief; updated research projects with updated law and parentheticals (8.20); Discussion with A Vozzolo re same (.30).
6/18/14	Schreiner, Miles, D.	2.50	Legal research re. cases where multi-product class certified in connection with drafting reply brief
6/18/14	Schreiner, Miles, D.	2.00	Legal research re. superiority of class action where defendant has refund program in connection with reply brief
6/18/14	Schreiner, Miles, D.	0.30	Discussion with A Vozzolo re legal research.
6/18/14	Schreiner, Miles, D.	1.00	Review/analyze transcript of Rule 16 conference in connection with reply brief
6/18/14	Schreiner, Miles, D.	0.30	Review/analyze reply brief re. class certification sent by co-counsel
6/18/14	Vozzolo, Antonio	3.80	Review class cert reply brief draft (.90); review legal research re superiority/motion to strike (.80); Discussion with C Maccarone and M Schreiner re research (.30); Review corresp by and between cocounsel re research and reply class cert brief (.30); T/call with J Marchese and S Bursor re draft class cert reply (1.50)
6/19/14	Vozzolo, Antonio	0.50	Review corresp by and between cocounsel re research and reply class cert brief (.50)
6/20/14	Maccarone, Courtney	2.50	Reviewed motions to strike to be filed with class cert reply brief (2.30); Discussion with A Vozzolo re research (.20).
6/20/14	Vozzolo, Antonio	1.30	Review corresp by and between cocounsel re research and reply class cert brief (.30); Discussion with C Maccarone re research (.20); review/edit draft MTS (.80)
6/23/14	Maccarone, Courtney	0.50	Read case notes/brief points chart circulated by J. Marchese re class certification reply brief.
6/23/14	Schreiner, Miles, D.	0.30	Review/analyze class cert. chart of arguments circulated by co-counsel
6/23/14	Vozzolo, Antonio	1.50	Review corresp by and between cocounsel re research and reply class cert brief (.30); Review/edit class cert reply brief (1.20)
6/24/14	Maccarone, Courtney	0.30	Participated on conference call with co-counsel concerning class cert reply brief (participants included A. Vozzolo, S. Bursor, J. Marchese, N. Deckant, Y. Kopel, F. Klorczyk).
6/24/14	Maccarone, Courtney	3.00	Prepared for conference call with co-counsel; conducted legal research concerning misleading a percentage of consumers for class cert reply brief.
6/24/14	Vozzolo, Antonio	0.30	Conference call with co-counsel re class cert reply brief: S. Bursor, J. Marchese, N. Deckant, Y. Kopel, F. Klorczyk (.30)
6/25/14	Maccarone, Courtney	5.50	Conducted legal research for class certification reply brief concerning deceptive advertisements misleading a certain percentage of consumers.
6/25/14	Maccarone, Courtney	4.50	Conducted legal research for class certification reply brief concerning the "significant portion of consumers" standard.
6/25/14	Maccarone, Courtney	6.00	Conducted legal research for class certification reply brief concerning disclaimers and asterisks fixing fraud on product labeling.
6/25/14	Maccarone, Courtney	0.30	Discussion with A Vozzolo re legal research.
6/25/14	Sampson, Miriam	2.00	pull motion papers, opps and reply papers and order for Anthony Vozzolo.
6/25/14	Vozzolo, Antonio	1.50	Review legal research re disclaimers, scope or quantification of misleading representations (.90); Discussion with C Maccarone re legal research (.30); Discussion with Neal Deckant re research, document production re concerning consumer feedback (.30)
6/26/14	Behnke, Derek	0.80	Formatting declaration.
6/26/14	Clisura, Andrea	6.00	EZ Seed: Assisted C. Maccarone with Motion to Strike.
6/26/14	Hidalgo, Javier	0.90	draft notices of motions
6/26/14	Maccarone, Courtney	11.50	Edited motion to strike paragraph 15 of Lisa Taubler's declaration (2.10); conducted legal research concerning hearsay exceptions and relevance standards (7.20); edited motion to strike exhibit 29 of the Regan declaration (1.00); reviewed draft class cert reply brief (1.20).
6/26/14	Vozzolo, Antonio	6.20	Review and edit motion to strike (1.50); legal research re same (1.60); review/edit class cert reply brief (1.6); Review corresp by and between cocounsel re research and reply class cert brief (.30); Review Decl of J Marchese in further support of class cert (1.20)
6/27/14	Maccarone, Courtney	1.50	Read portion of Plaintiffs' opposition to defendants' motion to exclude proffered damages expert Colin B. Weir; read portion of class cert reply brief; reviewed notices of motion (1.20); Discussion with A Vozzolo re class cert reply brief (.30).
6/27/14	Mercado, Daniela	0.50	Communicate with C. Maccarone regarding upcoming brief.
6/27/14	Vozzolo, Antonio	4.40	Review Plaintiffs' opp motion to exclude Colin B. Weir (1.10); Review case law re same (1.30); Review/edit class cert reply brief (1.50); Discussion with C Maccarone re same (.30); Review corresp by and between cocounsel re research and reply class cert brief (.20)
7/8/14	Behnke, Derek	0.50	Drafting withdrawal re Courtney.
7/11/14	Vozzolo, Antonio	2.20	Review reply memorandum ISO Motion Strike/Preclude expert report of C. Weir (.80); legal research re same (.60); review opp to motion to strike Taubler Decl (.80)
7/14/14	Behnke, Derek	2.40	Researching similar cases regarding Motion to Strike issues.
7/17/14	Clisura, Andrea	1.00	EZ Seed: Began reviewing reply briefs re motion to strike.

7/17/14	Schreiner, Miles, D.	0.50	Review/analyze draft reply to motion to strike Taubler declaration
7/17/14	Schreiner, Miles, D.	0.50	Review/analyze motion to strike Spencer reply brief
7/17/14	Vozzolo, Antonio	0.60	Review motion to strike Spencer reply brief; Taubler declaration (.60)
7/18/14	Clisura, Andrea	1.40	EZ Seed: Reviewed and edited reply briefs re: motions to strike (1.10); Discussion with A Vozzolo re same (.30)
7/18/14	Schreiner, Miles, D.	1.00	Review/analyze reply motion to strike Taubler declaration and motion to strike spencer reply brief
7/18/14	Vozzolo, Antonio	1.50	Review/edit Draft Reply to Mem to Strike Taubler, Spencer Reply (1.20); Discussion with A Clisura re same (.30)
8/29/14	Vozzolo, Antonio	0.80	Review case law from co-counsel 7th cir re class certification, strategy discussion (.80)
9/8/14	Vozzolo, Antonio	0.20	Review letter from J Marchese to Judge Briccetti re: Notice of Supplemental Authority Regarding Class Certification (.20)
9/15/14	Vozzolo, Antonio	0.50	Review correspondence from Defendants to Judge Briccetti regarding supplemental authority (.20); discussion with Joe Marchese regarding same (.30)
9/18/14	Vozzolo, Antonio	0.50	Review Corresp re notice of supplemental authority (.50)
9/19/14	Vozzolo, Antonio	0.70	Review Corresp re notice of supplemental authority (.70)
9/24/14	Behnke, Derek	1.50	Organizing documents.
9/24/14	Vozzolo, Antonio	1.00	Legal research regarding recent class cert ascertainability decisions (1.0)
9/25/14	Behnke, Derek	2.00	Organizing documents.
9/26/14	Vozzolo, Antonio	1.40	Review and redline draft supplemental letter concerning class certification decision (.30); discussion with Joe Marchese regarding same (.20); review correspondence from defense counsel regarding supplemental authority (.20); Legal research and review recent class certification opinions (.70)
9/29/14	Vozzolo, Antonio	0.50	Review and edit correspondence from co-counsel regarding supplemental authority related class certification (.50)
9/30/14	Vozzolo, Antonio	1.30	Legal research regarding class certification (1.10); correspondence with co-counsel regarding recent legal research on class certification (.20)
10/14/14	Vozzolo, Antonio	0.30	Review Defendant's correspondence to judge in response to plaintiffs September 29 letter (.30)
11/3/14	Behnke, Derek	1.00	Finalizing and filing letter re CMC withdrawal.
11/19/14	Vozzolo, Antonio	0.30	Review letter re supplemental authority ISO class cert (.30)
1/26/15	Vozzolo, Antonio	1.40	Review decision on class certification (1.40)
1/27/15	Vozzolo, Antonio	1.70	Review judges decision on class certification (.40); Correspondence with plaintiffs regarding status update (.20); r/call with named plaintiff re same 2x (.60); telephone call with Joe Marchese regarding same (.30); correspondence with claims administrators regarding notice program etc (.20)
1/29/15	Vozzolo, Antonio	0.60	T/call with S Bursor and J Marchese re next steps for litigation and class notice plan (.60)
2/9/15	Vozzolo, Antonio	1.10	Discussion with J Marchese re 23(f) opposition (.30); Review 23(f) motion (.80)
2/12/15	Vozzolo, Antonio	0.40	Review correspondence regarding class cert decision and customer identifying information (.20); discussion with J. Marchese regarding same (.20)
2/16/15	Vozzolo, Antonio	1.90	Review draft 23(f) opposition (.60); legal research re same (1.30)
2/17/15	Vozzolo, Antonio	4.30	Review/edit 23(f) opposition (1.0); Review discovery request (.60); Discussion with claims administrator re notice proposals (.60); Discussion with Joe Marchese regarding strategy and additional discovery (2.10)
2/18/15	Vozzolo, Antonio	1.30	correspondence with claims administrator regarding notice program (.30); Discussion with Joe Marchese regarding strategy (.30); Discussion with claims administrators re proposal (.70)
2/19/15	Vozzolo, Antonio	0.40	review correspondence from co counsel regarding scheduling order (.20); review correspondence from co counsel regarding strategy SB (.20)
2/20/15	Vozzolo, Antonio	1.50	Review draft media plan (.70); discussion with claims administrator (.60) ; Review correspondence from defense counsel regarding request for supplemental briefing on Second Circuit case law (.20)
2/23/15	Vozzolo, Antonio	0.90	Review joint letter re case management issues (.90)
2/24/15	Behnke, Derek	2.40	Researching similar cases regarding class notice issues.
2/24/15	Vozzolo, Antonio	1.00	T/call with S Bursor re litigation strategy
3/2/15	Behnke, Derek	1.30	Researching similar cases regarding class notice issues.
3/2/15	Vozzolo, Antonio	0.90	Prep and Conference with Court (.90)
3/4/15	Vozzolo, Antonio	0.60	T/call with S Danon and J Marchese to discuss issues with proposed notice plan and merits discovery schedule (.60)
3/9/15	Vozzolo, Antonio	2.00	Review and execute stip re merits discovery schedule (.30); discussion with Neal D and Yitz re strategy (.30); Review Lowe's stipulation (.30) ; Review notice proposals (1.10)
3/10/15	Vozzolo, Antonio	0.50	Review stipulation setting schedule for merits discovery (.50)

3/11/15	Vozzolo, Antonio	0.50	Discussion with Neal D and Yitz re conference and strategy (.50)
3/12/15	Vozzolo, Antonio	0.50	Review corresp re document production issues (.30); t/call with co-counsel re same (.20)
3/13/15	Vozzolo, Antonio	1.60	Review notice dispute letter (.30); t/call with co-counsel re same and strategy (.40); t/call with claims administrator re notice program (.60); discussion with J Marchese re strategy (.30)
3/14/15	Vozzolo, Antonio	0.50	review corresp re notice plan (.50)
3/16/15	Vozzolo, Antonio	3.00	Review joint letter brief re proposed notice plan (.20); discussion with B&F re same (.50); t/call with claims administrator re notice plans (.70); Legal research re web based notice plan (1.50); Review order re dismissal of Lowes (.10)
3/18/15	Vozzolo, Antonio	0.30	discussion with Joe Marchese regarding discovery matters (.30)
3/20/15	Vozzolo, Antonio	0.40	discussion with Joe Marchese regarding strategy and third-party discovery matters(.30); Review correspondence from defendants regarding discovery supplemental production (.10)
3/23/15	Vozzolo, Antonio	0.30	t/call J Marchese re litigation strategy (.30)
3/25/15	Vozzolo, Antonio	0.30	corresp with claims administrator re notice plan (.30)
3/26/15	Vozzolo, Antonio	0.60	review Order re referral to magistrate (.10); discussion with J Marchese re same and strategy (.30); Review order re notice program (.20)
3/26/15	Vozzolo, Antonio	0.60	Review/edit draft discovery (.60)
3/27/15	Vozzolo, Antonio	1.00	Discussion with J Marchese re discovery, strategy (.30); Review Order re discovery disputes (.20); Review Order re notice proposals (.20); Discussion with claims administrator re notice program (.60)
3/30/15	Vozzolo, Antonio	1.80	Corresp with claims admin re class notice (.20); t/call re same (.60); review and edit draft discovery (1.00)
3/31/15	Vozzolo, Antonio	0.40	Review corresp from def. re production of documents, sales figures (.20); t/call j Marchese re same (.20)
4/2/15	Behnke, Derek	1.00	Organizing documents.
4/2/15	Vozzolo, Antonio	0.90	Review/edits 3rd set of RFPs (.70); T/call J Marchese re same (.20)
4/3/15	Vozzolo, Antonio	2.00	Review and edit plaintiffs third et of RFPs and Interrogatories (.90); Review Def Scotts initial merits request for production for documents and interrog for class reps (.50); t/call with Class Rep, status update (.60)
4/14/18	Vozzolo, Antonio	1.40	Review Sykes case and t/call with S Bursor and J Marchese re same (1.40)
4/27/15	Vozzolo, Antonio	1.30	Revise/edit letter brief concerning notice (1.30)
5/1/15	Vozzolo, Antonio	1.70	Review final draft letter brief re notice (.40); Prep for mediation (1.0); review corresp from Def re notice plan (.30)
5/5/15	Vozzolo, Antonio	0.20	T/call with S Bursor re May 6 hearing (.20)
5/6/15	Vozzolo, Antonio	0.80	T/call with S Bursor re litigation strategy (.80)
5/8/15	Vozzolo, Antonio	0.30	Review order re notice (.30)
5/15/15	Vozzolo, Antonio	1.20	Reivew correp to Court re form of notice, exemplars (1.20)
5/21/15	Vozzolo, Antonio	2.60	Review Defendants objection to forms of notice (1.30); legal research re same (1.10); T/call with S Bursor re settlement negotiations, setting up mediation and stippling to delay dissemination of notice (.20)
5/26/15	Vozzolo, Antonio	0.80	T/call with J Marchese and N Deckant re next steps in litiagtion (.80)
5/27/15	Briem, Jeffrey	2.40	Research reagarding publication notice, addressing whether print ads are always required to satisfy Rule 23 and due process.
5/28/15	Briem, Jeffrey	3.00	Read and analyze Complaint, class certification briefing, class certification order, and complaint back up in preparation for response to Scotts' objections on EZ Seed.
5/28/15	Briem, Jeffrey	2.50	Read and analyze March letter briefing, Judge Bricetti's decision, May letter briefing, Magistrate Davison's decision and case law cited therein in preparation for response to Scotts' objections.
5/28/15	Briem, Jeffrey	5.40	Conduct research regarding use of internet banner ads in publication notice.
5/28/15	Briem, Jeffrey	2.30	Prepare response to defendant's objection to magistrate order addressing preliminary statement and factual background.
5/29/15	Briem, Jeffrey	3.50	Continued research regarding internet banner ads as publication notice without use in conjunction with newsprint.
5/29/15	Briem, Jeffrey	6.00	Prepare legal standards and factual background portions of response to Defendant's objection to the magistrate order.
5/29/15	Kang, Cirong, A.	4.50	Research advertising methods employed by Scotts Miracle Gro to support plaintiff's opposition to defendant's request to publish class notice in 22 newspapers.
5/29/15	Vozzolo, Antonio	2.40	Research re notice issue, publication notice, multiple newspapers (2.40)
6/1/15	Briem, Jeffrey	8.00	Continue preparation of response to Scotts' objection to magistrate order under 72(a) addressing applicable standards and Scotts failure to demonstrate clear error.
6/1/15	Briem, Jeffrey	2.20	Read and analyze FJC notes and checklist.
6/2/15	Briem, Jeffrey	4.40	Continued preparation of response to Scotts objections, addressing showing before Magistrate Judge Davison, sufficiency under Rule 23 and due process.

6/2/15	Briem, Jeffrey	3.90	Conduct research and read and analyze case law addressing standards under Rule 23 and due process for publication notice, seeking analogous cases for use in response, particularly focusing on flexibility of the inquiry and deference to the district court in formulating notice plan.
6/2/15	Briem, Jeffrey	2.00	Read and analyze transcript of hearing seeking specific language and quotes for use in response to Scotts objection under Rule 72(a).
6/3/15	Briem, Jeffrey	3.40	Conduct research regarding approval of internet-only publication notice plans
6/3/15	Briem, Jeffrey	6.80	Continued preparation of response to Scott's objection pursuant to F.R.C.P. 72(a) addressing "other arguments" section; supplement discussion distinguishing cases.
6/3/15	Briem, Jeffrey	2.30	Continue background investigation regarding Scotts marketing numbers, advertising sales, advertising locations, internet presence and facebook activity for use in undermining Scotts' argument that newspaper is the proper source for reaching Scotts customers.
6/3/15	Kang, Cirong, A.	3.40	Researched caselaw in the second circuit that supports the proposition that the district court will not entertain arguments not raised before the magistrate judge in opposition to the magistrate order.
6/3/15	LoBosco, Michael	3.40	Cite check, proof, format, blue book brief.
6/3/15	Vozzolo, Antonio	1.10	Review/edit brief re objection to Order re publicaiotn notice(1.10)
6/4/15	Behnke, Derek	3.00	Generating TOC and TOA in response brief; editing response brief.
6/5/15	Behnke, Derek	4.00	Editing notice obj. response; finalizing and e-filing same.
6/5/15	Vozzolo, Antonio	0.90	Review Plaintiff respons to Def objection to Order re publication notice (.90)
6/8/15	Behnke, Derek	1.50	Generating redline comparison of obj. response; drafting cover letter re obj. response courtesy copy; finalizing letter; e-filing; fed-exing same.
6/12/15	Vozzolo, Antonio	2.00	T/call with S Bursor and J Marchese re mediation strategy prep (2.0)
6/15/15	Aloise, Anthony, J.	0.80	Production and preparation of mediation documents for A. Vozzolo
6/15/15	Vozzolo, Antonio	3.80	Prepare for mediation (3.50); Discussion with S Bursor re mediation strategy (.30)
6/16/15	Vozzolo, Antonio	4.60	Review corresp re extension of time (.10); Participate in mediation (4.5)
6/17/15	Vozzolo, Antonio	0.30	review order on motion for extension of time (.10); review corresp re document production etc. (.20)
6/18/15	Vozzolo, Antonio	0.80	Review stipulation and order re briefing schedule (.60); t/call with co-counsel re same (.20)
6/19/15	Vozzolo, Antonio	0.50	Review reply memo ISO Defendants objection to Judge's order re publication notice (.50)
6/29/15	Vozzolo, Antonio	0.60	Review correp by Def re response to objections, legal research re same (.60)
6/30/15	Vozzolo, Antonio	0.80	T/call with J Marchese re discovery issues (.80)
7/2/15	Kang, Cirong, A.	4.00	Reviewed the following documents in preparation for document review at co-counsel's firm: 1) Plaintiff's class certification motion, 2) Defendant's opposition to motion, 3) Plaintiff's reply, and 4) class certification order.
7/2/15	Vozzolo, Antonio	0.30	T/call with N Deckant and J Marchese re document review strategy (.30)
7/6/15	Kang, Cirong, A.	3.50	Reviewed amended complaint and defendant's motion to dismiss (brief) to create timeline of events ahead of document review
7/7/15	Kang, Cirong, A.	1.40	Email exchange with co-counsel concerning document review (1.10). Discussion with Anthony on logistics of document review (.30).
7/7/15	Vozzolo, Antonio	0.30	Discussion with Cirong Kang re document review.
7/8/15	Kang, Cirong, A.	0.30	Discussion about case, key issues to spot in discovery materials and presentation about e-discovery platform with A Vozzolo.
7/8/15	Kang, Cirong, A.	1.30	Discussed assignment of batches to reviewing attorneys. Sent list to Neal to be forwarded to e-platform.
7/8/15	Kang, Cirong, A.	1.80	Review consolidated chronology chart created for class certification motion.
7/8/15	Kang, Cirong, A.	5.50	Review and analyzed documents in bates range between 132155 to 133831. Created index to summarize document and rank importance.
7/8/15	Kang, Cirong, A.	2.50	Review and analyzed documents in bates range between 133831 to 135313. Summarize and rank importance of document in index.
7/8/15	Vozzolo, Antonio	0.60	Discussion with C Kang re doc review assignment (.30); review order re notice plan (.30)
7/9/15	Kang, Cirong, A.	5.50	Review and analyzed documents in bates range between 135314 to 135584. Summarize and rank importance of document in index.
7/9/15	Kang, Cirong, A.	3.50	Review and analyzed documents in bates range between 135851 to 135632. Summarize and rank importance of document in index.
7/9/15	Kang, Cirong, A.	2.00	Review and analyzed documents in bates range between 135633 to 136414. Summarize and rank importance of document in index.
7/9/15	Kang, Cirong, A.	2.50	Review and analyzed documents in bates range between 136421 to 141222. Summarize and rank importance of document in index.
7/9/15	Vozzolo, Antonio	0.30	T/call with J Marchese and J Kalb re discovery issues (.30)
7/10/15	Kang, Cirong, A.	2.40	Review and analyzed documents in bates range between 141225 to 141869. Summarize and rank importance of document in index.
7/10/15	Kang, Cirong, A.	2.30	Review and analyzed documents in bates range between 141870 to 141930. Summarize and rank importance of document in index.
7/10/15	Kang, Cirong, A.	2.00	Review and analyzed documents in bates range between 141931to 142851. Summarize and rank importance of document in index.
7/10/15	Kang, Cirong, A.	2.00	Review and analyzed documents in bates range between 142852 to 142947. Summarize and rank importance of document in index.
7/10/15	Kang, Cirong, A.	2.00	Reviewed and analyzed documents in bates range between to 142948 to 143112. Summarize and rank importance of document in index.

7/12/15	Kang, Cirong, A.	3.40	Reviewed and analyzed documents in bates range 143133 to 144173. Incorporated information in document index and chronology chart (when applicable).
7/13/15	Kang, Cirong, A.	2.50	Review and analyzed documents in bates range between 144174 to 147102. Incorporated information in document index (e.g., summary and importance) and flagged "hot documents" for chronology chart.
7/13/15	Kang, Cirong, A.	2.00	Review and analyzed documents in bates range between 147614 to 148053. Incorporated information in document index (e.g., summary and importance) and flagged "hot documents" for chronology chart.
7/13/15	Kang, Cirong, A.	3.00	Review and analyzed documents in bates range between 148200 to 149816. Incorporated information in document index (e.g., summary and importance) and flagged "hot documents" for chronology chart.
7/13/15	Kang, Cirong, A.	2.00	Review and analyzed documents in bates range between 149817 to 150193. Incorporated information in document index (e.g., summary and importance) and flagged "hot documents" for chronology chart.
7/14/15	Kang, Cirong, A.	2.50	Review and analyzed documents in bates range between 150358 to 150779. Incorporated information in document index (e.g., summary and importance) and flagged "hot documents" for chronology chart.
7/14/15	Kang, Cirong, A.	2.00	Review and analyzed documents in bates range between 150882 to 151290. Incorporated information in document index (e.g., summary and importance) and flagged "hot documents" for chronology chart.
7/14/15	Kang, Cirong, A.	2.40	Review and analyzed documents in bates range between 151291 to 151398. Incorporated information in document index (e.g., summary and importance) and flagged "hot documents" for chronology chart.
7/14/15	Kang, Cirong, A.	2.00	Review and analyzed documents in bates range between 151399 to 151593. Incorporated information in document index (e.g., summary and importance) and flagged "hot documents" for chronology chart.
7/14/15	Kang, Cirong, A.	1.40	Review and analyzed documents in bates range between 151646 to 152187. Incorporated information in document index (e.g., summary and importance) and flagged "hot documents" for chronology chart.
7/15/15	Aloise, Anthony, J.	3.00	Researching contact information for Rich Foster. Researching Jason Kruse quotations
7/15/15	Behnke, Derek	4.50	Researching potential deponents' addresses.
7/15/15	Faruqi, Nadeem	1.80	Review "Hot" documents flagged by A. Kang
7/15/15	Kang, Cirong, A.	2.50	Review and analyzed documents in bates range between 152290 to 153019. Incorporated information in document index (e.g., summary and importance) and flagged "hot documents" for chronology chart.
7/15/15	Kang, Cirong, A.	1.00	Status discussion about documents reviewed thus far, and outstanding tasks (e.g., re-review certain custodians and designation of unassigned batches)
7/15/15	Kang, Cirong, A.	1.00	Updated chronology chart rider with "hot documents" flagged thus far.
7/15/15	Kang, Cirong, A.	5.50	Review and analyzed documents in bates range between 153020 to 157804. Incorporated information in document index (e.g., summary and importance) and flagged "hot documents" for chronology chart (5.00); Discussion with A Vozzolo re document review and update (.50).
7/15/15	LoBosco, Michael	6.50	Research various sites to identify John Kruse testimony and reviews as an expert of lawn care.
7/15/15	Vozzolo, Antonio	2.00	Research re former employees and publications re defendants experts (1.10); Discussion with M Lobosco re research (.20); Review letter filed by defendants re substance of notice, banner ads and retailers letters etc (.20); discussion with C Kang re document review, document update (.50)
7/16/15	Aloise, Anthony, J.	1.50	Researching Jason Kruse quotations
7/16/15	Kang, Cirong, A.	4.20	Review and analyzed documents in bates range between 158022 to 159641. Incorporated information in document index (e.g., summary and importance) and flagged "hot documents" for chronology chart.
7/16/15	Kang, Cirong, A.	1.80	Updated chronology chart rider with "hot documents" flagged thus far.
7/16/15	Kang, Cirong, A.	2.00	Review and analyzed documents in bates range between 159980 to 161729. Incorporated information in document index (e.g., summary and importance) and flagged "hot documents" for chronology chart.
7/16/15	Kang, Cirong, A.	1.00	Review and analyzed documents in bates range between 161730 to 162365. Incorporated information in document index (e.g., summary and importance) and flagged "hot documents" for chronology chart.
7/16/15	Kang, Cirong, A.	1.00	Prepare custodian log based on assigned batches for co-counsels' reference
7/16/15	Serpica, Danielle	0.50	Update Consumer Calendar
7/16/15	Vozzolo, Antonio	0.50	Review joint submission, review corresp re press release and retailer letter; review court order re banner ads and retailer letter (.30); Review corresp re deposition dates re eric nelson, Jeff rutlan (.20)
7/17/15	Kang, Cirong, A.	1.50	Prepare custodian log based on assigned batches for co-counsels' reference
7/17/15	Kang, Cirong, A.	1.00	Review and analyzed documents in bates range between 156811 to 156969. Incorporated information in document index (e.g., summary and importance) and flagged "hot documents" for chronology chart.

7/17/15	Kang, Cirong, A.	0.50	Revised and updated chronology chart rider with "hot documents" flagged.
7/17/15	Kang, Cirong, A.	3.00	Review and analyzed documents in bates range between 157757 to 157791. Incorporated information in document index (e.g., summary and importance) and flagged "hot documents" for chronology chart.
7/17/15	Vozzolo, Antonio	0.60	Review chronology chart, updates (.60)
7/19/15	Kang, Cirong, A.	4.00	Review and analyzed documents in bates range between 157792 to 158021. Incorporated information in document index (e.g., summary and importance) and flagged "hot documents" for chronology chart.
7/19/15	Kang, Cirong, A.	3.50	Review and analyzed documents in bates range between 158045 to 158392. Incorporated information in document index (e.g., summary and importance) and flagged "hot documents" for chronology chart.
7/20/15	Kang, Cirong, A.	4.20	Review and analyzed documents in bates range between 158393 to 158513. Incorporated information in document index (e.g., summary and importance) and flagged "hot documents" for chronology chart.
7/20/15	Kang, Cirong, A.	1.00	Review and analyzed documents in bates range between 158514 to 158593. Incorporated information in document index (e.g., summary and importance) and flagged "hot documents" for chronology chart.
7/20/15	Kang, Cirong, A.	1.50	Revised and updated chronology chart rider with "hot documents" flagged.
7/20/15	Kang, Cirong, A.	2.00	Review and analyzed documents in bates range between 158594 to 158916. Incorporated information in document index (e.g., summary and importance) and flagged "hot documents" for chronology chart.
7/20/15	Kang, Cirong, A.	2.00	Review and analyzed documents in bates range between 158917 to 159528. Incorporated information in document index (e.g., summary and importance) and flagged "hot documents" for chronology chart.
7/20/15	Kang, Cirong, A.	1.50	Review and analyzed documents in bates range between 159529 to 159783. Incorporated information in document index (e.g., summary and importance) and flagged "hot documents" for chronology chart.
7/21/15	Kang, Cirong, A.	3.00	Review and analyzed documents in bates range between 1599784 to 160258. Incorporated information in document index (e.g., summary and importance) and flagged "hot documents" for chronology chart.
7/21/15	Kang, Cirong, A.	2.40	Review and analyzed documents in bates range between 160259 to 160639. Incorporated information in document index (e.g., summary and importance) and flagged "hot documents" for chronology chart.
7/21/15	Kang, Cirong, A.	2.50	Review and analyzed documents in bates range between 160640 to 161590. Incorporated information in document index (e.g., summary and importance) and flagged "hot documents" for chronology chart.
7/21/15	Kang, Cirong, A.	2.80	Review and analyzed documents in bates range between 161591 to 162484. Incorporated information in document index (e.g., summary and importance) and flagged "hot documents" for chronology chart.
7/21/15	LoBosco, Michael	0.90	Research online databases for Jeff Rutan regarding disposition.
7/21/15	Vozzolo, Antonio	1.50	Review notice of motion to amend answer to complaint (.90); legal research re same (.60)
7/22/15	Kang, Cirong, A.	2.40	Updated chronology chart rider with "hot documents" flagged. Discussion with co-counsel about status of document review.
7/22/15	Kang, Cirong, A.	3.50	Revised and updated chronology chart rider with "hot documents" flagged. Reviewed document index to identify if other documents should go into the rider.
7/22/15	Kang, Cirong, A.	2.00	Revised, proofread and edited chronology chart rider.
7/22/15	Kang, Cirong, A.	2.40	Review and analyzed documents in bates range between 132153 to 143384. Incorporated information in document index (e.g., summary and importance) and flagged "hot documents" for chronology chart.
7/24/15	Kang, Cirong, A.	0.80	Status and case discussion about document review with co-counsel and A Vozzolo.
7/24/15	Vozzolo, Antonio	0.90	Discussion with co-counsel and C Kang re litigation strategy, doc review update (.80); Review ECF notice re endorsed letter (.10)
7/27/15	Kang, Cirong, A.	4.00	Review and analyzed documents in bates range between 184362 to 184373, and between 162497 to 171138. Incorporated information in document index (e.g., summary and importance) and flagged "hot documents" for chronology chart.
7/27/15	Kang, Cirong, A.	4.30	Review and analyzed documents in bates range between 171143 to 184205. Incorporated information in document index (e.g., summary and importance) and flagged "hot documents" for chronology chart. Updated chronology chart rider.
7/27/15	Serpica, Danielle	0.50	Update Consumer Calendar
7/27/15	Vozzolo, Antonio	0.30	Review depo notices (.30)
7/28/15	Kang, Cirong, A.	2.00	Updated chronology chart rider and prepared list of redacted documents for co-counsel's review
7/28/15	Kang, Cirong, A.	2.00	Review and analyzed documents in bates range between 178832 to 178938. Incorporated information in document index (e.g., summary and importance) and marked "hot documents" to be inserted in chronology chart.
7/28/15	Kang, Cirong, A.	1.50	Review and analyzed documents in bates range between 179247 to 179638. Incorporated information in document index (e.g., summary and importance) and marked "hot documents" to be inserted in chronology chart.
7/28/15	Kang, Cirong, A.	2.50	Review and analyzed documents in bates range between 179643 to 180440. Incorporated information in document index (e.g., summary and importance) and marked "hot documents" to be inserted in chronology chart.

7/28/15	Kang, Cirong, A.	2.50	Discussion with co-counsel about status of review and additional deponents. Emailed co-counsel with information and sent update to Anthony. Reviewed and analyzed documents in bates range between 180489 to180847. Incorporated information in document index (e.g., summary and importance) and marked "hot documents" to be inserted in chronology chart.
7/28/15	Kang, Cirong, A.	3.00	Review and analyzed documents in bates range between 180853 to183621. Incorporated information in document index (e.g., summary and importance) and marked "hot documents" to be inserted in chronology chart.
7/28/15	Vozzolo, Antonio	2.90	Research re 2nd deposition notices, motion to quash (1.20); Discussion with Neal Deckant re same (.30); Review research and documents from C Kang re discovery (.40); T/call with S Bursor and J Marchese re discovery strategy (1.0)
7/29/15	Kang, Cirong, A.	3.40	Review and analyzed documents in bates range between 183622 to184329 and 178939 to 179045. Incorporated information in document index (e.g., summary and importance) and marked "hot documents" to be inserted in chronology chart.
7/29/15	Kang, Cirong, A.	2.40	Review and analyzed documents in bates range between 179046 to179145. Incorporated information in document index (e.g., summary and importance) and marked "hot documents" to be inserted in chronology chart.
7/29/15	Kang, Cirong, A.	2.00	Searched earlier production of unredacted versions of redacted documents produced in third round of production. Finalized list of redacted documents for co-counsel's review. Proofread chronology chart rider. Emailed rider and list with brief explanation to co-counsels.
7/29/15	Kang, Cirong, A.	1.50	Review notes and document index to identify additional potential deponents.
7/30/15	Kang, Cirong, A.	1.50	Review notes and document index to identify deponents.
7/30/15	Vozzolo, Antonio	1.90	Research re opposition to motion to amend (.60); Review plaintiffs fourth set of RFPs and interrogatories (.50); Review research from C Kang regarding research and chronology (.80)
7/31/15	Kang, Cirong, A.	2.40	Reviewed notes and document index to identify additional deponents(1.80); Summarized comments and suggestion to co-counsel and A Vozzolo (.60)
7/31/15	Vozzolo, Antonio	1.80	Discussion with M. Walters regarding opposition to motion to amend (.40); Review Defendants motion to amend answer (.50); review research from C Kang regarding additional deponents (.90)
8/3/15	Vozzolo, Antonio	3.40	Review and edit opposition to motion to amend answer to amended complaint, Research re same (2.80); T/call with S Bursor and J Marchese re T. Quick, former VP of Quality at Scotts (.60)
8/4/15	Behnke, Derek	3.00	Cite-checking, proofreading, formatting, generating tables re Opp. to Mot. for Leave to Am. Answer.
8/4/15	Vozzolo, Antonio	1.00	Review and edit opposition to motion to amend answer to amended complaint (.90); Discussion with J. Marchese regarding same (.10)
8/5/15	Vozzolo, Antonio	0.50	review correspondence regarding discovery dispute and number of depositions (.20); discussion with J. Marchese re same (.30)
8/6/15	Vozzolo, Antonio	0.30	correp re regarding subpoena (.30)
8/10/15	Vozzolo, Antonio	0.30	Corresp with J Marchese re discovery issues (.30)
8/11/15	Behnke, Derek	0.50	Research re change in pleadings.
8/11/15	Vozzolo, Antonio	1.30	Review/edits response and objection to further depositions by defendants of named plaintiffs (1.30)
8/19/15	Kang, Cirong, A.	0.30	Discussion with A Vozzolo re depositions and strategy.
8/19/15	Vozzolo, Antonio	1.30	Discussion with J Marchese re depositions and strategy (1.0); Discussion with C Kang re same (.30)
8/20/15	Kang, Cirong, A.	0.50	Discussion with co-counsel on preparation for deposition of Emily Winters (e.g., tasks, logistics, deadlines)
8/20/15	Kang, Cirong, A.	0.50	Further discussion with co-counsel on preparation for deposition of Emily Winters (e.g., tasks, logistics, deadlines)
8/20/15	Vozzolo, Antonio	0.30	Discussion with J Marchese re strategy, coordination of depositions. (.30)
8/21/15	Kang, Cirong, A.	2.30	Reviewed chronology chart from second round of document review to identify documents for deposition outline (.30). Retrieved related document from Relativity for reference (2.00).
8/21/15	Vozzolo, Antonio	0.50	Discussion with J Marchese re notice/objections (.20); discussion with Cirong Kang re deposition prep and logistics, chronology of facts (.30)
8/23/15	Kang, Cirong, A.	2.80	Read and reviewed chronology chart created from first round of document review to identify relevant documents that could be included in deposition outline.
8/23/15	Kang, Cirong, A.	2.40	Continued to review chronology chart created from second production of documents to identify relevant documents to be included in deposition outline. Supplemental research on deponent Emily Winters, marketing department of defendants and advertising campaigns of defendants.
8/24/15	Kang, Cirong, A.	1.80	Identified list of documents to be reviewed from first production by Defendants
8/24/15	Kang, Cirong, A.	4.80	Prepared deposition outline for Emily Winters. Analyzed relevant hot documents either produced by Winters as a custodian or from marketing department to formulate questions. (4.50); Discussion with A Vozzolo re same (.30)
8/24/15	Kang, Cirong, A.	3.00	Manually located produced documents from first production by Defendants to review for deposition preparation.

8/24/15	Kang, Cirong, A.	2.00	Began to draft deposition outline for Emily Winters. Analyzed relevant hot documents either produced by Winters as a custodian or from marketing department to formulate questions.
8/24/15	Kang, Cirong, A.	1.50	Reviewed deposition of John Sass conducted in relation to the current matter
8/24/15	Kang, Cirong, A.	1.50	Continued to draft deposition outline for Emily Winters. Analyzed relevant hot documents either produced by Winters as a custodian or from marketing department to formulate questions.
8/24/15	Vozzolo, Antonio	1.70	Review corresp to Judge re additional depositions of named plaintiffs (.10); Legal Research re multiple depositions/scope (.90); Discussion with S Bursor and J Marchese re same (.20); Corresp re opt-outs (.20); Discussion with C Kang re depo preparation (.30)
8/25/15	Kang, Cirong, A.	3.40	Went through document index and Relativity to identify all correspondence that included Emily Winters (Marketing) and Eric Nelson (R&D) to establish timeline and formulate other topics for deposition. Continued to draft deposition outline for Emily Winters.
8/25/15	Kang, Cirong, A.	4.30	Continued to review hot documents (previously flagged) to draft deposition outline for Emily Winters.
8/25/15	Kang, Cirong, A.	1.80	Continued to review hot documents (previously flagged) to draft deposition outline for Emily Winters.
8/26/15	Kang, Cirong, A.	4.30	Continued to review hot documents (previously flagged) to draft deposition outline for Emily Winters.
8/26/15	Kang, Cirong, A.	5.00	Continued to review hot documents (previously flagged) to draft deposition outline for Emily Winters.
8/26/15	Serpica, Danielle	1.00	Pull dates from Order and update Consumer Calendar
8/27/15	Kang, Cirong, A.	5.50	Final review of selected documents to be included in deposition outline. Reviewed transcripts of depositions taken in first round of class certification discovery. Revised deposition outline and structure.
8/27/15	Kang, Cirong, A.	3.80	Continued to revise deposition outline and structure.
8/27/15	Kang, Cirong, A.	1.00	Discussed deposition preparation with L Faruqi, Depo objective and litigation strategy (.50); Discussion with A Vozzolo Re new document production, depo prep (.50)
8/27/15	Kang, Cirong, A.	2.40	Created a chronological corporate chart of Scotts EZ Seed for reference. Updated timeline of events.
8/27/15	Kang, Cirong, A.	3.50	Prepared list of exhibits and copies of exhibits to be used at deposition.
8/27/15	Kang, Cirong, A.	2.50	Marked up copy of exhibit (e.g., flagged relevant pages, highlighting key areas to address) for Joe's reference. Made additions to deposition outline.
8/27/15	Kang, Cirong, A.	2.00	Proofread outline prior to submission. Drafted memorandum to accompany outline.
8/27/15	Vozzolo, Antonio	0.80	Discussion with C Kang re deposition preparation; new production of documents (.30); review Depo outline (.50)
8/28/15	Kang, Cirong, A.	1.50	Prepared exhibits in the order they appear in the outline. Confirm bates range and document numbers in exhibit list. Transported exhibits to Bursor & Fisher for deposition preparation.
8/28/15	Kang, Cirong, A.	2.00	Drafted list of objectives to achieve for Winter's deposition
8/28/15	Vozzolo, Antonio	0.50	Review research and outline re deposition from C Kang (.50)
8/30/15	Kang, Cirong, A.	5.00	Travel from La Guardia Airport, New York to Columbus, Ohio for deposition. Includes flight delay.
8/30/15	Vozzolo, Antonio	0.30	Corresp with J Marchese re trial results *(.10); corresp with C Kang re deposition scheduling (.20)
8/31/15	Kang, Cirong, A.	4.30	Deposition of Emily Winters (Director of Marketing for Scotts) in Columbus, Ohio - morning session.
8/31/15	Kang, Cirong, A.	4.80	Deposition of Emily Winters (Director of Marketing for Scotts) in Columbus, Ohio - afternoon session.
8/31/15	Kang, Cirong, A.	5.00	Travel from Columbus, Ohio back to La Guardia Airport, New York.
8/31/15	Vozzolo, Antonio	0.30	Review letters to Judge re additional plaintiffs depositions (.30)
9/1/15	Aloise, Anthony, J.	0.90	Ordering Transcript per C. Kang's request. Follow-Up on Ordering Transcript per C. Kang's request.
9/1/15	Vozzolo, Antonio	1.70	Review deposition transcript of Eric Nelson (1.0); review letter from S Regan re Plaintiffs August 31 letter (.20); Admin matters depo transcript (.20); Review corresp re Smith-Dahmer and Tiffany Peoples depo and subpoena (.20); Review corresp re OPT outs (.10)
9/2/15	Vozzolo, Antonio	0.60	Review corresp re case management conference (.10); Discussion with J Marchese re status conference (.30); review Order granting motion to amend answer (.20)
9/3/15	Vozzolo, Antonio	0.50	Review corresp re additional plaintiff depositions (.10); Review def. responses to plaintiffs fourth request for the production of documents (.40)
9/4/15	Aloise, Anthony, J.	1.80	Setting up account with Veritext re: Transcript. Phone call with Veritext re: Transcript. Saving electronic files and producing copies and binding for A. Vozzolo.
9/4/15	Vozzolo, Antonio	1.50	Review corresp re OPT Outs (.10); Review deposition transcript of Emily Winters (1.40)
9/8/15	Kang, Cirong, A.	0.30	Discussion with co-counsel about upcoming deposition of non party, Smith-Dahmer, and proposed timeline for documents to be prepared for deposition.
9/8/15	Kang, Cirong, A.	2.30	Read and analyzed deposition transcript of Emily Winters to prepare for upcoming deposition of Smith-Dahmer. Outlined questions and/or topics to follow up with Smith-Dahmer.
9/8/15	Kang, Cirong, A.	1.30	Reviewed chronology chart 1 and 2 to identify hot documents to include in deposition outline for Smith-Dahmer



9/8/15	Vozzolo, Antonio	0.30	Review corresp re third party EZ Seed trials and strategy (.30)
9/9/15	Kang, Cirong, A.	2.80	Draft deposition outline. Analyzed presentation deck for quantitative research study marked "Document 750" to identify topics and questions to be addressed in outline.
9/9/15	Kang, Cirong, A.	2.50	Continue to draft deposition outline. Analyzed presentation deck for quantitative research study marked "Document 750" and "Document 751" to identify topics and questions to be addressed in outline.
9/9/15	Vozzolo, Antonio	0.20	Review corresp from claims administrator re opt out requests (.20)
9/9/15	Vozzolo, Antonio	1.50	Review corresp re Smith Dahmer deposition (.30); Review E Winters Depo (1.20)
9/11/15	Kang, Cirong, A.	1.00	Discussion with co-counsel about upcoming deposition for Smith-Dahmer
9/11/15	Kang, Cirong, A.	5.50	Reviewed supplemental production from Smith-Dahmer. Preliminary review of all 2,500 pages to make sure all TIFF files are viewable. Created document index to log each document. Identified documents to include in deposition outline.
9/11/15	Vozzolo, Antonio	1.10	Review of documents produced by Smith Dahmer (.80); Corresp with C Kang re same (.20); Review corresp re plaintiff depositions and misc. matters (.10)
9/12/15	Kang, Cirong, A.	5.40	Reviewed documents from bates range SD-EZ000001 to SD-EZ000858. Prepared document index to log documents reviewed. Flagged relevant documents for additional review and inclusion in deposition outline.
9/12/15	Kang, Cirong, A.	4.00	Reviewed documents from bates range SD-EZ000001 to SD-EZ000858. Completed document index that logs documents reviewed. Flagged relevant documents for additional review and inclusion in deposition outline.
9/13/15	Kang, Cirong, A.	6.50	Analyzed documents flagged from document review to formulate topics and questions for deposition outline.
9/14/15	Aloise, Anthony, J.	1.50	Production/Binding of Deposition documents
9/14/15	Kang, Cirong, A.	3.40	Continued to analyze documents flagged from document review to formulate topics and questions for deposition outline.
9/14/15	Kang, Cirong, A.	3.00	Continued to analyze documents flagged from document review to formulate topics and questions for deposition outline. Draft deposition outline
9/14/15	Kang, Cirong, A.	3.00	Proofread and edited outline. Reviewed and analyzed additional documents to be included in outline.
9/14/15	Kang, Cirong, A.	2.00	Prepared exhibit list and exhibits that will be used during deposition.
9/14/15	Vozzolo, Antonio	0.50	Review Depo outline and list of exhibit for deposition re Smith Dahmer (.30); Review revised subpoena (.20)
9/15/15	Kang, Cirong, A.	2.00	Drafted memorandum summarizing review of Smith-Dahmer production to accompany deposition outline submitted to co-counsel.
9/15/15	Kang, Cirong, A.	0.30	Discussion with co-counsel about deposition outline and documents included in the deposition outline.
9/15/15	Kang, Cirong, A.	0.30	Updated document index
9/15/15	Kang, Cirong, A.	2.40	Reviewed deposition outline in preparation for deposition. Prepared list of proposed objectives to achieve in deposition
9/15/15	Vozzolo, Antonio	1.00	Review corresp re deficiencies in RFPs and Interrogg responses (.50); Review corresp re native file production (.20); Review response letter filed by Lowe's Home Centers, Inc., The Scotts Company LLC, The Scotts Miracle-Gro Company, Inc. (.30)
9/16/15	Kang, Cirong, A.	5.00	Travel from New York to deposition site in St Joseph, Michigan.
9/16/15	Kang, Cirong, A.	5.00	Prepare for deposition with co-counsel
9/16/15	Vozzolo, Antonio	1.10	Review corresp re discovery matters; deficiencies (.20); Legal research re 2nd cir case law on damages (.90)
9/17/15	Kang, Cirong, A.	4.00	Deposition of Ann Dahmer (Partner of Smith-Dahmer Associates LLC) in St Joseph, Michigan - morning session.
9/17/15	Kang, Cirong, A.	3.00	Deposition of Ann Dahmer (Partner of Smith-Dahmer Associates LLC) in St Joseph, Michigan - afternoon session.
9/17/15	Kang, Cirong, A.	9.00	Travel back to NY from deposition site in St. Joseph, Michigan
9/18/15	Kang, Cirong, A.	4.50	Prepare for deposition of Tiffany Peoples (fact witness). Reviewed co-counsel's marked copy of deposition transcript of Emily Winters and final deposition outlines for Winters and Smith-Dahmer. Outlined topics to address in deposition outline of Ms.Peoples.
9/18/15	Kang, Cirong, A.	4.50	Prepare for deposition of Tiffany Peoples (fact witness). Updated final deposition exhibits list from Winters and Smith-Dahmer reference. Reviewed chronology chart to identify relevant documents to analyze and include in deposition outline.
9/18/15	Kang, Cirong, A.	2.50	Prepare for deposition of Tiffany Peoples (fact witness). Reviewed and analyzed relevant hot documents to formulate questions and topics in outline.
9/18/15	Kang, Cirong, A.	0.30	Discussion with A Vozzolo re depo prep and litigation strategy (.30)
9/18/15	Vozzolo, Antonio	0.50	Review corresp re amended schedule; strategy (.20); Discussion with C Kang re deposition prep (.30)
9/19/15	Kang, Cirong, A.	5.00	Prepared deposition outline. Reviewed and analyzed relevant documents from second chronology chart to formulate topics and questions for outline.
9/20/15	Kang, Cirong, A.	4.50	Continued to prepare deposition outline. Reviewed and analyzed relevant documents from first and second chronology chart to formulate topics and questions for outline.
9/20/15	Kang, Cirong, A.	3.50	Continued to prepare deposition outline. Reviewed and analyzed relevant documents from first chronology chart to formulate topics and questions for outline.

9/21/15	Kang, Cirong, A.	2.00	Continued to prepare deposition outline. Also identified additional documents from first chronology chart, requested and reviewed additional documents.
9/21/15	Kang, Cirong, A.	3.00	Continued to prepare deposition outline. Also reviewed notes from deposition of Emily Winters and Ann Dahmer (Smith-Dahmer Associates) to identify additional topics and questions.
9/21/15	Kang, Cirong, A.	3.40	Proofread, edited and finalized deposition outline before submission to co-counsel. Prepared list of proposed objectives to accompany deposition outline.
9/21/15	Kang, Cirong, A.	2.50	Prepared exhibits list and exhibits to be used during deposition.
9/21/15	Kang, Cirong, A.	0.50	Discussion with co-counsel about deposition preparation (e.g., documents to include, travel arrangement)
9/21/15	Vozzolo, Antonio	1.20	Review depo outline and select docs (1.20)
9/22/15	Kang, Cirong, A.	3.30	Reviewed first and second chronology charts for documents associated with deponent. Reviewed and analyzed additional documents to determine if documents are relevant for deposition.
9/22/15	Kang, Cirong, A.	1.00	Prepared additional exhibits to be used at deposition. Updated exhibits list.
9/22/15	Kang, Cirong, A.	5.80	Discussion with A Vozzolo re deposition (.30); Travel from New York to deposition site in Columbus, Ohio (5.50)
9/22/15	Vozzolo, Antonio	0.60	Review corresp re discovery response deficiencies (.30); Discussion with C Kang re deposition prep (.30)
9/23/15	Kang, Cirong, A.	3.00	Assisted in deposition of Tiffany Peoples (fact witness) in Columbus, Ohio - morning session.
9/23/15	Kang, Cirong, A.	5.00	Assisted in deposition of Tiffany Peoples (fact witness) in Columbus, Ohio - afternoon session.
9/23/15	Kang, Cirong, A.	0.80	Prepared for deposition in between breaks and sessions.
9/23/15	Kang, Cirong, A.	6.80	Travel back to Newark from Columbus, Ohio
9/23/15	Vozzolo, Antonio	0.30	Review corresp from J Marchese re depo (.10); Review corresp from claims administrator re opt outs (.20)
9/24/15	Kang, Cirong, A.	2.00	Updated chronology chart with "hot documents" produced by Smith-Dahmer that were used during the deposition of Ann Dahmer
9/24/15	Kang, Cirong, A.	1.00	Prepared list of final exhibits introduced during deposition of Emily Winters, Ann Dahmer and Tiffany Peoples.
9/24/15	Vozzolo, Antonio	1.80	Conference call with Phil Fraietta and Defendants re discovery matters (.50); Follow up t/call with Phil Fraietta re same (.20); Review updated chronology and deposition exhibit list (.70); Review depo prep materials from Tiffany Peoples (.40)
9/29/15	Vozzolo, Antonio	0.30	Review corresp from defendants re document deficiency (.30)
9/30/15	Kang, Cirong, A.	2.00	Reviewed and marked deposition transcript of Ann Dahmer.
9/30/15	Vozzolo, Antonio	1.30	review revised deposition notices (.20); Review depo transcript of September 17 (1.10)
10/2/15	Vozzolo, Antonio	1.80	Review Depo transcript of M Arcuri (1.60); Review corresp re plaintiff depositions (.20)
10/5/15	Vozzolo, Antonio	0.40	t/call with J Marchese re plaintiff depositions (.30); Review corresp re same (.10)
10/6/15	Kang, Cirong, A.	1.50	Reviewed and analyzed pages 1 to 106 of deposition transcript of Ms. Tiffany Peoples
10/6/15	Vozzolo, Antonio	0.70	Discussion with J Marchese re depo prep (.30); Review revised case management discovery plan (.20); Review corresp from defendants to Court re discovery schdule(.20)
10/7/15	Aloise, Anthony, J.	0.80	Production and binding Eskinazi ROGs Responses
10/7/15	Vozzolo, Antonio	0.90	Discussion with J Marchese re plaintiff depositions (.40); Corresp with C Kang re same (.20); Discussion with A Aloise re depo prep materials (.30)
10/8/15	Kang, Cirong, A.	3.30	Reviewed 2014 deposition transcript of Lance Moore, and defendant's opposition to class certification.
10/8/15	Kang, Cirong, A.	5.00	Attended deposition of Lance Moore to observe and take notes.
10/8/15	Kang, Cirong, A.	3.00	Drafted memorandum summarizing topics and questions raised during deposition.
10/8/15	Vozzolo, Antonio	0.30	T/call J Marchese re deposition of L Moore; depo prep (.30)
10/9/15	Vozzolo, Antonio	4.30	Prep for deposition prep (2.0); Review rough draft of depo transcript (1.40); Review notes from C Kang re deposition (.40); Corresp with Anthony Aloise re prep materials (.10); Review corresp from defendants re lance moore discovery responses (.20); Discussion with J Marchesere depo prep (.20)
10/10/15	Vozzolo, Antonio	7.00	Depo prep with plaintiff Gwen Eskinazi. (7.0)
10/12/15	Serpica, Danielle	2.50	Save documents to P-drive and update Consumer Cases Calendar
10/12/15	Vozzolo, Antonio	6.30	Prep for deposition (1.30); Defend deposition of Plaintiff Gwen Eskinazi (5.0)
10/13/15	Kang, Cirong, A.	2.00	Review October 16 deposition transcript of Lance Moore
10/13/15	Vozzolo, Antonio	0.70	Corresp with plaintiff re deposition (.20); t/call with Plaintiff re same (.50)
10/14/15	Serpica, Danielle	1.50	Update Consumer Case Calendar and save documents to P-drive
10/15/15	Vozzolo, Antonio	0.80	Review depo prep materials (.60); discussion with C Kang re deposition (.20)
10/16/15	Kang, Cirong, A.	1.00	Reviewed class plaintiff Nancy Thomas' deposition transcript to prepare for deposition.
10/16/15	Kang, Cirong, A.	4.00	Attended deposition of Nancy Thomas to observe and take notes.

10/16/15	Kang, Cirong, A.	0.90	Reviewed supplemental production from Defendants. Prepared document index to identify documents reviewed.
10/16/15	Kang, Cirong, A.	0.30	Discussion with A Vozzolo re deposition.
10/16/15	Vozzolo, Antonio	0.70	Discussion with C Kang re depo (.30); Corresp with J Marchese re same (.20); review letter from Defendants re discovery schedule (.20)
10/19/15	Kang, Cirong, A.	2.00	Completed review of supplemental production from Defendants. Updated document index to identify documents reviewed. Emailed Anthony with document index and notes.
10/19/15	Vozzolo, Antonio	0.30	Corresp with C Kang re discovery, supplemental production
10/21/15	Kang, Cirong, A.	0.20	Discussion with A Vozzolo re depositions and strategy.
10/21/15	Vozzolo, Antonio	1.30	Review corresp re depositions (.10); Discussion with C Kang re depositions (.20); Review depo prep materials (.50); T/call with S Bursor and J Marchese re D's continued use of 50% thicker claim in in-store materials (.50)
10/22/15	Kang, Cirong, A.	1.00	Reviewed 2014 deposition transcript of Stacy Lonardo to prepare for second deposition
10/22/15	Kang, Cirong, A.	2.00	Reviewed 2014 deposition transcript of Stacy Lonardo to prepare for second deposition
10/22/15	Kang, Cirong, A.	0.60	Reviewed Ms. Lonardo's declaration in support of class certification, responses to defendant's request for production and interrogatories (merits discovery) in preparation for second deposition (.30); Discussion with A Vozzolo re same (.30)
10/22/15	Vozzolo, Antonio	0.70	Discussion with J Marchese re deposition of Stacy Lonardo (.40); Discussion with C Kang re Lonardo Depo (.30)
10/23/15	Kang, Cirong, A.	4.20	Attended deposition of Stacy Lonardo to observe and take notes (4.00); Discussion with A Vozzolo re same (.20)
10/23/15	Vozzolo, Antonio	0.60	Review additional discovery re L Moore (.30); Corresp with J Marchese re same (.10); Discussion with C Kang re deposition (.20)
10/26/15	Vozzolo, Antonio	0.30	Review corresp re discovery dispute, deficiencies (.30)
10/27/15	Kang, Cirong, A.	2.00	Review 2014 deposition transcript of Michael Arcuri to prepare for second deposition
10/27/15	Kang, Cirong, A.	2.00	Review 2014 deposition transcript of Michael Arcuri to prepare for second deposition. Created timeline from deposition transcript
10/27/15	Kang, Cirong, A.	1.50	Reviewed defendant's 1) second merits requests for production, 2) second merits interrogatories and 3) notice of subpoena to Con-Kel (class plaintiff's landscaper). Also reviewed samples of responses to contentious interrogatories and requests for production (1.00); Discussion with A Vozzolo re same (.50)
10/27/15	Vozzolo, Antonio	0.80	Discussion with C Kang re Arcuri deposition (.30); discussion re discovery responses (.20); Review subpoena re client's landscaper (.30)
10/28/15	Kang, Cirong, A.	2.50	Prepared responses and objections to defendants' second merits requests for production
10/28/15	Kang, Cirong, A.	1.40	Prepared class plaintiffs' responses and objections to defendants' second set of merits interrogatories
10/28/15	Kang, Cirong, A.	2.00	Supplemental legal research for local rule and court rulings in the 2nd Circuit on objections to contention interrogatories.
10/28/15	Kang, Cirong, A.	2.00	Prepared class plaintiffs' responses and objections to defendants' second set of merits interrogatories. Reviewed deposition transcript of Lance Moore to identify portions of testimony responsive to a certain interrogatory.
10/28/15	Kang, Cirong, A.	2.50	Prepared class plaintiffs' responses and objections to defendants' second set of merits interrogatories
10/28/15	Kang, Cirong, A.	1.50	Prepared class plaintiffs' responses and objections to defendants' second set of merits interrogatories (1.00); discussion with A Vozzolo re same (.50)
10/28/15	Vozzolo, Antonio	0.50	Discussion with C Kang re discovery responses and deposition transcripts (.50)
10/29/15	Kang, Cirong, A.	3.30	Attended deposition of class plaintiff Michael Arcuri at Hunton & Williams.
10/29/15	Kang, Cirong, A.	0.50	Prepared verification pages and certification of service to requests for production and interrogatories.
10/29/15	Kang, Cirong, A.	2.00	Prepared Class Representatives' responses and objections to Defendants' request for production.
10/29/15	Kang, Cirong, A.	1.00	Supplemental legal research of limitations of conditional responses to discovery demands in the 2nd Circuit.
10/29/15	Kang, Cirong, A.	1.40	Prepared Class Representatives' responses and objections to Defendants' second set of merits interrogatories
10/29/15	Kang, Cirong, A.	1.00	Prepared Class Representatives' responses and objections to Defendants' second set of merits interrogatories
10/29/15	Kang, Cirong, A.	1.00	Prepared Class Representatives' responses and objections to Defendants' second set of merits interrogatories
10/29/15	Kang, Cirong, A.	2.50	Finalized draft of Class Representatives' responses and objections to Defendants' second set of merits interrogatories. Proofread and edited draft before submission for review.
10/29/15	Serpica, Danielle	2.50	Update Consumer Case Calendar; save documents to P-drive
10/29/15	Vozzolo, Antonio	1.10	Review/edit draft responses to second set of merits RFPs and ROGS (1.10)
10/30/15	Kang, Cirong, A.	1.30	Prepared deposition summary of deposition taken of Michael Arcuri on October 29, 2015.
10/30/15	Kang, Cirong, A.	1.30	Reviewed defendants' second amended initial disclosures
10/30/15	Vozzolo, Antonio	0.40	Review corres from S Reagan re settlement conference(.10); review second amended initial disclosures (.30)
11/2/15	Kang, Cirong, A.	0.30	Discussion with A Vozzolo re supplemental production.

11/2/15	Vozzolo, Antonio	0.70	Review corresp re deficiencies in production with respect to RFP 35 to Scotts Company LLC (.20); Review order referring case to Magistrate Judge (.10); Review notice of subpoena re Turf Magic (.10) Discussion with C Kang re supplemental production (.30)
11/3/15	Kang, Cirong, A.	2.00	Reviewed supplemental production from Defendants. Compared documents in supplemental production (11.02) to documents identified in chronology charts. Prepared document index to track and identify documents in supplemental production.
11/3/15	Kang, Cirong, A.	1.00	Reviewed additional supplemental production from Defendants. Updated document index and chronology chart.
11/3/15	Vozzolo, Antonio	2.00	Corresp re expert re contingent valuation, Sukumar (.10); Review legal research re daubert cases (.60); Review updated chronology (.50); Review summary of documents from C Kang review of supplemental documents (.50); Review corresp re same and responses to RFP 35 etc (.10); T/call with J Marchese and N Deckant re speaking with Dr. R Sukumar for use in expert discovery (.20)
11/4/15	Vozzolo, Antonio	1.00	Review ecf notice re scheduling order on conference before magistrate judge Davison (.10); t/conference with expert R Sukumar and co-counsel re contingent valuation (.90)
11/5/15	Kang, Cirong, A.	1.00	Reviewed deposition transcript of Gwendolyn Eskinazi taken October 12, 2015. Discussion with co-counsel about status of draft responses and objections to defendant's discovery demands.
11/5/15	Kang, Cirong, A.	1.40	Completed review of deposition transcript of Gwendolyn Eskinazi taken October 12, 2015
11/5/15	Kang, Cirong, A.	1.30	Reviewed deposition transcript of Nancy Thomas taken October 16, 2015
11/5/15	Kang, Cirong, A.	3.00	Revised draft responses and objections to defendant's second merits request for production and second set of merits interrogatories.
11/5/15	Vozzolo, Antonio	1.00	Review updated draft of discovery responses (.90); corresp with J Marchese re same (.10)
11/6/15	Vozzolo, Antonio	0.50	Discussion with expert re contingent valuation (.50)
11/7/15	Vozzolo, Antonio	1.10	Review corresp from expert re protective order (.30); Review Thomas Depo transcript (.80)
11/10/15	Behnke, Derek	0.90	Editing Ps' responses to Scotts' 2nd RFP; research re same.
11/10/15	Kang, Cirong, A.	2.50	Revised draft responses and objections to Defendant's second merits discovery demands
11/10/15	Kang, Cirong, A.	3.00	Legal research on scope of contention interrogatories
11/10/15	Vozzolo, Antonio	2.40	Review and edit discovery responses to 2nd set of merits discovery requests, RFPs and Interrog (.80); Review S Leonardo deposition transcript (1.10); review legal research re discovery responses (.50)
11/11/15	Faruqi, Nadeem	0.40	disc with AV
11/11/15	Kang, Cirong, A.	1.30	Revised draft responses and objections to Defendant's second set of merits interrogatories (1.00); Discussion with A Vozzolo re same (.30)
11/11/15	Vozzolo, Antonio	3.20	Discussion with C Kang re interrog answers (.30); Review revised RFP and Interrog responses and objections (.80); Legal research re objection (.70); t/call with named plaintiff (.40); review corresp from expert re scope of work for Conjoinanalysis (.20); Review corresp re scheduling matters (.10);
11/12/15	Behnke, Derek	1.40	Formatting and proofreading response to ROGS.
11/12/15	Kang, Cirong, A.	2.70	Revised responses to Defendants' second set of merits interrogatories (2.50); Discussion with A Vozzolo re same (.20)
11/12/15	Kang, Cirong, A.	2.40	Revised responses to Defendants' second set of merits interrogatories. Supplemental research on raising discrete subpart objection to interrogatories and measurement of discrete subpart in SDNY.
11/12/15	Kang, Cirong, A.	0.50	Revised and proofread responses and objections to Defendants' second set of merits interrogatories.
11/12/15	Vozzolo, Antonio	2.00	t/call with expert (.70); Review corresp re scope and invoice (.30); Review discovery responses to RFPS and Interrog (.80); discussion with C Kang re same (.20)
11/13/15	Kang, Cirong, A.	1.30	Revised responses and objections to Defendants' second set of merits interrogatories.
11/13/15	Vozzolo, Antonio	3.00	Conference with S Bursor and J Marchese re conjoint analysis (1.0); Legal research re same (.80); Revisions to draft second set of discovery, RFPS and Interrog (.90); Discussion with Neal Deckant re expert (.30)
11/13/15	Walters, Meaghan	4.40	Review and analyze document production
11/16/15	Walters, Meaghan	4.00	Review and analyze document production
11/17/15	Walters, Meaghan	5.20	Review and analyze document production
11/18/15	Vozzolo, Antonio	0.50	Review corresp re additional document production (.20); Discussion with C Kang re review of documents (Gunasekera decl, Amadou Ba Decl etc) (.30)
11/18/15	Walters, Meaghan	3.80	Review and analyze document production
11/19/15	Kang, Cirong, A.	1.00	Review supplemental production (re: documents received from CDFa) from Defendants. Prepared document index to identify and summarize documents reviewed.
11/19/15	Kang, Cirong, A.	0.80	Review supplemental production (re: documents received from CDFa) from Defendants. Prepared document index to identify and summarize documents reviewed.

11/19/15	Kang, Cirong, A.	1.30	Review supplemental production (re: documents received from CDFA) from Defendants. Prepared document index to identify and summarize documents reviewed.
11/19/15	Kang, Cirong, A.	1.00	Review supplemental production (re: documents received from CDFA) from Defendants. Prepared document index to identify and summarize documents reviewed.
11/19/15	Kang, Cirong, A.	1.00	Review supplemental production (re: documents received from CDFA) from Defendants. Prepared document index to identify and summarize documents reviewed.
11/19/15	Kang, Cirong, A.	0.80	Review supplemental production (re: documents received from CDFA) from Defendants. Prepared document index to identify and summarize documents reviewed.
11/19/15	Kang, Cirong, A.	1.00	Review supplemental production (re: documents received from CDFA) from Defendants. Prepared document index to identify and summarize documents reviewed.
11/19/15	Kang, Cirong, A.	0.80	Review supplemental production (re: additional documents from CDFA) from Defendants. Prepared document index to identify and summarize documents reviewed.
11/19/15	Kang, Cirong, A.	2.10	Review supplemental production (re: CDFA declarations and exhibits and production from Turf Magic) from Defendants. Prepared document index to identify and summarize documents reviewed (1.30); Discussion with A Vozzolo re same (.80)
11/19/15	Vozzolo, Antonio	0.80	Discussion with C Kang re document production/review (.30); Index re supplemental production (.50)
11/19/15	Vozzolo, Antonio	1.60	Corresp with J Marchese re draft rfp and interrog responses (.30); Review corresp re opt out purchasers (.10); t/call with J Marchese, Yitz Kopel re same (.30); Review index of supplemental production (.40); Review corresp from J Marchese re stipulation related to authenticity issues (.30); review corresp re notice of subpoena to CDFA (.20)
11/19/15	Walters, Meaghan	5.40	Review and analyze document production
11/20/15	Vozzolo, Antonio	1.30	Review declarations produced by defendants (.50); Review defendants privilege log (.60); Review corresp from defendants re revised privilege log (.20)
11/20/15	Walters, Meaghan	4.80	Review and analyze document production
11/20/15	Vozzolo, Antonio	0.40	T/call with J Marchese re draft responses and content of Scotts' new document production (.40)
11/21/15	Vozzolo, Antonio	0.30	review revised privilege log (.30)
11/23/15	Kang, Cirong, A.	0.50	Reviewed co-counsel's redlines to responses and objections to Def. second set of discovery demands.
11/23/15	Vozzolo, Antonio	0.90	Review letter motion for discovery to depose Amadou Ba via telephone (.20); leave to file excess pages; Review final draft of responses to RFP and Interrog (.70)
11/23/15	Walters, Meaghan	5.10	Review and analyze document production
11/24/15	Kang, Cirong, A.	0.80	Review supplemental production (re: additional materials from Scotts) from Defendants. Prepared document index to identify and summarize documents reviewed.
11/24/15	Kang, Cirong, A.	1.50	Review supplemental production (re: additional material from Scotts) from Defendants. Prepared document index to identify and summarize documents reviewed.
11/24/15	Kang, Cirong, A.	1.00	Review supplemental production (re: additional materials from Scotts) from Defendants. Prepared document index to identify and summarize documents reviewed.
11/24/15	Kang, Cirong, A.	0.80	Review supplemental production (re: additional materials from Scotts) from Defendants. Prepared document index to identify and summarize documents reviewed.
11/24/15	Kang, Cirong, A.	1.00	Review supplemental production (re: additional materials from Scotts) from Defendants. Prepared document index to identify and summarize documents reviewed.
11/24/15	Kang, Cirong, A.	1.00	Review supplemental production (re: additional materials from Scotts) from Defendants. Prepared document index to identify and summarize documents reviewed.
11/24/15	Kang, Cirong, A.	0.80	Review supplemental production (re: additional materials from Scotts) from Defendants. Prepared document index to identify and summarize documents reviewed.
11/24/15	Kang, Cirong, A.	2.30	Review supplemental production (re: additional materials from Scotts) from Defendants. Prepared document index to identify and summarize documents reviewed (2.00); Discussion with A Vozzolo re same (.30)
11/24/15	Vozzolo, Antonio	2.40	Review Supplemental production (1.30); Discussion with C Kang re same (.30); Review order on motion for discovery, leave for excess pages (.20); Review letter to Judge re deposition (.20); Corresp re ex parte letter re settlement( t/call with J Marchese and S Bursor re same) (.20); review corresp from defendants re cdfa discovery (.20)
11/25/15	Vozzolo, Antonio	0.30	Review corresp from defendants (.30)
11/30/15	Vozzolo, Antonio	0.50	Review letter motion for time to complete discovery re depo of Amrith Gunasekara; leave file excess pages (.50)
11/30/15	Walters, Meaghan	5.00	Review and analyze document production

12/1/15	Vozzolo, Antonio	0.30	review order deferring ruling on letter motion for extension of time to complete discovery, excess pages (.10); Review corresp re meet and confer (.20)
12/1/15	Walters, Meaghan	4.80	Review and analyze document production
12/2/15	Vozzolo, Antonio	0.70	Discussion with S Bursor re strategy for conference (.40); Review corresp from defendants to Judge re Courts December 1 Order (.20); Review letter order granting extension (.20)
12/3/15	Vozzolo, Antonio	1.00	Review ex parte letter re potential resolution (.20); admin matters re expenses (.50); T/call with S Bursor and J Marchese re draft settlement conference letter (.30)
12/4/15	Behnke, Derek	1.00	Finalizing and e-filing Notice of Change of Address.
12/4/15	Kang, Cirong, A.	0.90	Sat in on conference call to discuss Plaintiffs' responses to Defendants' second set of merits request for production of documents. Memorialized teleconference in a memorandum.
12/4/15	Kang, Cirong, A.	0.40	Discussion with A Vozzolo re document production (.40)
12/4/15	Vozzolo, Antonio	1.70	Review documents re damages (.90); Meet and confer with defendants re responses to discovery (.40); Review corresp re document production, discussion with C Kang re review (.40)
12/4/15	Walters, Meaghan	5.50	Review and analyze document production
12/7/15	Kang, Cirong, A.	0.90	Reviewed supplemental production from Defendants in connection with upcoming deposition of Dr. Ba. Prepared document index.
12/7/15	Vozzolo, Antonio	5.00	Prepare for settlement conference and travel (2.00); Settlement Conference with J Davison (3.0); Meeting with S Bursor J Marchese (pre hearing) re litigation strategy(1.0)
12/7/15	Walters, Meaghan	4.20	Review and analyze document production
12/8/15	Behnke, Derek	1.00	Organizing documents.
12/8/15	Kang, Cirong, A.	1.40	Reviewed supplemental production from Defendants in connection with upcoming deposition of Dr. Ba. Prepared document index.
12/8/15	Kang, Cirong, A.	1.00	Reviewed supplemental production from Defendants in connection with upcoming deposition of Dr. Ba. Prepared document index.
12/8/15	Kang, Cirong, A.	1.00	Reviewed supplemental production from Defendants in connection with upcoming deposition of Dr. Ba. Prepared document index.
12/8/15	Kang, Cirong, A.	1.50	Reviewed supplemental production from Defendants in connection with upcoming deposition of Dr. Ba. Prepared document index.
12/8/15	Kang, Cirong, A.	1.00	Reviewed (merits) deposition transcript of class plaintiff David Browne.
12/8/15	Kang, Cirong, A.	0.50	Case discussion with A Vozzolo regarding settlement conference and meet and confer (re: plaintiffs' responses to defendants' request for production)
12/8/15	Kang, Cirong, A.	2.50	Legal research on timeliness of motion to compel when filed at the close of discovery
12/8/15	Vozzolo, Antonio	2.00	Review deposition of Michael Arcuri and David Browne (1.50); Review legal research re meet and confer over supplemental requests (.50)
12/8/15	Vozzolo, Antonio	1.10	Meet and confer with defendants (.70); Discussion with J Marchese and C Kang re same (.40)
12/8/15	Walters, Meaghan	5.00	Review and analyze document production
12/9/15	Kang, Cirong, A.	0.50	Discussion with co-counsel about preparation of universal list of studies that Defendant may introduce at trial
12/9/15	Vozzolo, Antonio	0.50	Review notice and subpoena fro Amadou Ba (.30); Review corresp from S Bursor re discovery matters, CDFA file (.20)
12/9/15	Walters, Meaghan	3.80	Review and analyze document production
12/10/15	Kang, Cirong, A.	0.50	Review chronology charts from Defendants' production in response to bifurcated discovery demands to identify studies or trials that Scotts conducted. Reviewed documents and compile list of field or greenhouse trials.
12/10/15	Kang, Cirong, A.	0.80	Review chronology charts from Defendants' production in response to bifurcated discovery demands to identify studies or trials that Scotts conducted. Reviewed documents and compile list of field or greenhouse trials.
12/10/15	Kang, Cirong, A.	1.50	Review chronology charts from Defendants' production in response to bifurcated discovery demands to identify studies or trials that Scotts conducted. Reviewed documents and compile list of field or greenhouse trials.
12/10/15	Kang, Cirong, A.	1.40	Review chronology charts from Defendants' production in response to bifurcated discovery demands to identify studies or trials that Scotts conducted. Reviewed documents and compile list of field or greenhouse trials.
12/10/15	Kang, Cirong, A.	2.50	Review chronology charts from Defendants' production in response to bifurcated discovery demands to identify studies or trials that Scotts conducted. Reviewed documents and compile list of field or greenhouse trials.
12/10/15	Kang, Cirong, A.	0.30	Discussion with A Vozzolo re expert discovery.
12/10/15	Vozzolo, Antonio	1.40	Fact research, review complaint filed against CEO Hagedorn, Docket (.90); Corresp with co-counsel re same (.20); discussion with C Kang re expert discovery (.30)
12/10/15	Walters, Meaghan	5.50	Review and analyze document production
12/11/15	Walters, Meaghan	4.00	Review and analyze document production
12/14/15	Vozzolo, Antonio	0.30	review corresp re CDFA production (.30)

12/14/15	Walters, Meaghan	3.60	Review and analyze document production
12/15/15	Kang, Cirong, A.	0.30	Discussion with A Vozzolo re document production.
12/15/15	Vozzolo, Antonio	0.50	Review corresp re CDFA document production (.20); discussion with C Kang re production (.30)
12/15/15	Walters, Meaghan	4.20	Review and analyze document production
12/16/15	Kang, Cirong, A.	0.50	Reviewed Defendants' supplemental production regarding CDFA
12/16/15	Vozzolo, Antonio	0.80	Review documents re supplemental production from plaintiff (.70); review corresp re CDFA deposition (.10)
12/16/15	Walters, Meaghan	4.80	Review and analyze document production
12/17/15	Kang, Cirong, A.	2.50	Review Defendants' supplemental production in connection with CDFA deposition. Prepared document index to log documents reviewed (2.30); Discussion with A Vozzolo re same (.20)
12/17/15	Vozzolo, Antonio	0.20	Discussion with C Kang re review of supplemental production (.20)
12/17/15	Walters, Meaghan	5.10	Review and analyze document production
12/21/15	Vozzolo, Antonio	4.10	Review Gunaskara and Ba Depo transcripts (2.40); T/call with S Bursor and J Marchese re upcoming expert deadlines and review of expert reports (1.70)
12/22/15	Faruqi, Nadeem	0.30	disc with AV
12/22/15	Vozzolo, Antonio	0.80	Review admin matters re potential resolution, expenses (.50); discussion with N Faruqi re same (.30)
12/30/15	Melamed, Innessa	3.50	Review, analyze and annotate pleadings
12/30/15	Melamed, Innessa	2.00	review motion to dismiss briefing and court opinion
1/5/16	Melamed, Innessa	5.50	Review, analyze and annotate Class Certification briefing and other pertinent documents to get familiar with the case; review email correspondence and conference with A. Gonnelli regarding same.
1/5/16	Melamed, Innessa	2.00	review email correspondence and conference with A. Gonnelli
1/6/16	Melamed, Innessa	4.50	Review, analyze and annotate hearing transcripts, deposition transcripts and other pertinent documents for purposes of getting familiar with the case.
1/6/16	Walters, Meaghan	3.00	Reviewed file
1/7/16	Aloise, Anthony, J.	2.40	Production of Briefing Documents for Review
1/7/16	Melamed, Innessa	4.00	Review, analyze and annotate detailed notes on discovery relating to Class Certification as well as notes relating to discovery on Merits; ; .
1/7/16	Melamed, Innessa	2.00	conference with A.Gonnelli on specific document he wants to review to get familiar with the case
1/7/16	Melamed, Innessa	2.50	review, analyze and annotate CLE materials and other documents for purposes of analyzing substantive and legal issues in this case
1/8/16	Aloise, Anthony, J.	6.40	Drafting Case Summary Sheet. Production of Briefing Binder based on I. Melamed's highlights.
1/8/16	Melamed, Innessa	5.00	Review, analyze and annotate additional documents flagged by C. Kang as pertinent to the case;
1/8/16	Melamed, Innessa	1.50	review, analyze and annotate CLE materials and other documents to assess and evaluate main issues in this case.
1/11/16	Aloise, Anthony, J.	2.50	Follow up with I. Melamed re Briefing Binders. Redraft Case Summary sheet to match timeline with I. Melamed.
1/11/16	Melamed, Innessa	0.50	Conference with C. Kang re: recent developments in the case;
1/11/16	Melamed, Innessa	2.50	prepare a detailed memorandum re: update on the case and impending deadlines; exchange multiple emails relating to same.
1/13/16	Gonnelli, Adam	0.40	file review
1/14/16	Gonnelli, Adam	2.30	file review (2.0); conf JM (.30)
1/14/16	Kang, Cirong, A.	0.30	Teleconference with co-counsel, Joseph Marchese, regarding case status and expert discovery
1/15/16	Gonnelli, Adam	3.50	conf Joe M; review expert reports and file; conf assoc.
1/15/16	Kang, Cirong, A.	1.50	Reviewed expert report of Plaintiffs' expert, Mike Dennis (re: consumer perception and contingent valuation survey)
1/15/16	LoBosco, Michael	3.00	Begin to prepare experts reports binder.
1/19/16	Gonnelli, Adam	0.30	conf JM and TP re deposition
1/19/16	LoBosco, Michael	6.00	Finish preparing binder with expert reports.
1/19/16	Peter, Timothy, J.	4.30	review case file (4.00); conference with JM and Adam re depo (.30)
1/20/16	Gonnelli, Adam	0.80	conf TP; review file
1/20/16	LoBosco, Michael	0.40	Prepare inventory checklist regarding expert binder.
1/20/16	Melamed, Innessa	4.00	Review, analyze and annotate documents from expert Sukumar and conference with A. Gonnelli and C. Kang regarding same.
1/20/16	Peter, Timothy, J.	5.80	review case file. review karcher's expert report (5.00); conference with Adam re same (.80)
1/21/16	Gonnelli, Adam	0.80	file review
1/21/16	Melamed, Innessa	4.50	Review, analyze and annotate additional documents from expert including Pretest Responses and Data observed.
1/21/16	Peter, Timothy, J.	4.50	review expert report of Dr. Karcher.

1/22/16	Gonnelli, Adam	1.30	NCR FCA recall conf co-counsel and review new docs
1/22/16	Gonnelli, Adam	0.40	CR FB conf co-counsel and RG
1/25/16	Faruqi, Nadeem	1.00	review Dr. Sukumar's expert report
1/25/16	Kang, Cirong, A.	2.00	Read and annotate Dr. Sukumar's expert report and annexed exhibits.
1/25/16	Peter, Timothy, J.	4.00	Begin prep for deposition of Dr. Sukumar. Review report, exhibits, previous testimony and motions to strike
1/26/16	Kang, Cirong, A.	0.30	Case discussion with Tim Peters regarding Dr. Sukumar expert report
1/26/16	Peter, Timothy, J.	5.00	review expert reports of Dennis, Sukumar and Weir.
1/27/16	Gonnelli, Adam	0.50	conf TP re depos
1/27/16	Peter, Timothy, J.	0.50	Call with AG and co-counsel re deposition
1/28/16	Kang, Cirong, A.	0.30	Case discussion about co-counsel's notes from deposition of Dr. Karcher
1/28/16	Kang, Cirong, A.	2.00	Read and annotate Dr. Sukumar's expert report and annexed exhibits
1/28/16	Melamed, Innessa	0.30	Conference with A. Gonnelli re: expert depositions and status of the case;
1/28/16	Melamed, Innessa	0.30	conference with N. Faruqi and L. Faruqi re: strategy for litigating the case.
1/28/16	Peter, Timothy, J.	1.00	call with expert
1/28/16	Peter, Timothy, J.	4.50	review expert report
1/28/16	Peter, Timothy, J.	2.00	review case status
1/29/16	Gonnelli, Adam	0.40	conf TP re depos
1/29/16	Peter, Timothy, J.	1.30	review expert report of Dr. Sukumar
1/29/16	Peter, Timothy, J.	1.40	Travel to NYC from Philadelphia for deposition (1.00); conference with Adam re same (.40)
1/30/16	Peter, Timothy, J.	0.50	review dr. sukumar's expert report
2/1/16	Peter, Timothy, J.	4.00	Review Sukumar's expert report draft issue outline
2/1/16	Peter, Timothy, J.	6.30	Meet with Dr. Sukumar for deposition prep.
2/2/16	Peter, Timothy, J.	1.00	Travel to Philadelphia from NYC
2/2/16	Peter, Timothy, J.	10.00	Defend deposition of Dr. Sukumar
2/2/16	Peter, Timothy, J.	1.00	Prep for Sukumar deposition
2/3/16	Aloise, Anthony, J.	0.30	Download/Save Expert Transcript
2/3/16	Gonnelli, Adam	0.40	conf TP re depos
2/3/16	Kang, Cirong, A.	0.30	Case discussion regarding Dr. Sukumar deposition with Tim
2/3/16	Kang, Cirong, A.	2.00	Read and annotate deposition transcript of Dr. Sukumar taken Tuesday, February 2.
2/3/16	Melamed, Innessa	1.50	Review and analyze articles and reports re: product efficiency and labeling.
2/3/16	Peter, Timothy, J.	0.40	conference with Adam re depos
2/4/16	Kang, Cirong, A.	2.40	Read and annotate deposition transcript of Dr. Sukumar taken Tuesday, February 2.
2/4/16	Kang, Cirong, A.	2.50	Read and annotate deposition transcript of Dr. Sukumar taken Tuesday, February 2.
2/4/16	Kang, Cirong, A.	2.00	Read and annotate deposition transcript of Dr. Sukumar taken Tuesday, February 2.
2/5/16	Kang, Cirong, A.	2.40	Read and annotate deposition transcript of Dr. Sukumar taken Tuesday, February 2.
2/5/16	Peter, Timothy, J.	5.00	Prepare for Weir dep.
2/8/16	Behnke, Derek	2.50	Reviewing Weir billing documents for Adam Gonnelli.
2/8/16	Kang, Cirong, A.	0.30	Case discussion with Tim regarding Colin Weir's expert report that was disclosed to Def.
2/8/16	Peter, Timothy, J.	6.00	Review deposition transcript of Colin Weir. Review Weir's expert report. Draft email re findings (5.70); Discussion with C Kang re same (.30)
2/9/16	Peter, Timothy, J.	5.00	Prep for Weir deposition
2/9/16	Peter, Timothy, J.	3.30	Meeting with Colin Weir
2/10/16	Peter, Timothy, J.	8.20	Defend deposition of Colin Weir
2/10/16	Peter, Timothy, J.	1.00	Prep for Weir deposition
2/11/16	Behnke, Derek	1.50	Researching pro hac vice motion requirements; corresponding with Steve Doherty regarding Tim Peter pro hac vice motion.
2/11/16	Faruqi, Nadeem	2.20	review Weir depo transcript
2/11/16	Kang, Cirong, A.	0.30	Case discussion with Tim regarding Colin Weir's deposition taken on Wednesday, February 10
2/11/16	Peter, Timothy, J.	6.00	Prep session with Dr. Dennis
2/11/16	Peter, Timothy, J.	4.00	Review Weir Transcript. Prep for Dennis deposition (3.70), Discussion with Audrey re same (.30)
2/12/16	Doherty, Stephen, G.	1.50	Correspondence re: TPeter PHV



2/12/16	Kang, Cirong, A.	1.00	Read and annotate deposition transcript of Colin Weir taken Wednesday, February 10.
2/12/16	Peter, Timothy, J.	1.00	Travel from NYC to Philadelphia
2/12/16	Peter, Timothy, J.	9.00	Defend deposition of Dr. Dennis.
2/12/16	Peter, Timothy, J.	1.00	Prep for Dennis deposition
2/16/16	Doherty, Stephen, G.	0.50	corresp. re PHV
2/17/16	Behnke, Derek	1.50	Drafting Tim Peter pro hac vice motion; reviewing S.D.N.Y. ECF status of Tim Peter.
2/17/16	Doherty, Stephen, G.	0.50	Review corresp. from PA court.
2/18/16	Behnke, Derek	2.90	Finalizing and e-filing Tim Peter pro hac vice motion; reviewing Weir billing documents for Adam Gonnelli.
2/18/16	Peter, Timothy, J.	0.30	Review pro hac vice filing
2/22/16	Peter, Timothy, J.	0.30	email with co-counsel
2/24/16	Peter, Timothy, J.	0.50	Review email correspondence
2/25/16	Gonnelli, Adam	0.50	conf TP re experts and depositions
2/25/16	Peter, Timothy, J.	1.50	email to co-counsel re invoices (1.00); conference with Adam re experts and depositions (.50)
3/7/16	Peter, Timothy, J.	0.60	email re: meeting with co-counsel (.30)
3/7/16	Peter, Timothy, J.	0.30	t/call with A Vozzolo re litigation strategy (.30)
3/10/16	Peter, Timothy, J.	0.50	Call with AV re: expert depositions
3/11/16	Gonnelli, Adam	0.30	conf Tim P re expert depositions
3/11/16	Peter, Timothy, J.	0.30	Review expert reports with Adam
3/13/16	Peter, Timothy, J.	0.30	Email to Josh Kalb
3/14/16	Peter, Timothy, J.	1.00	Initial review of expert reports
3/14/16	Peter, Timothy, J.	0.30	Call with A Vozzolo re litigation strategy (.30)
3/15/16	Faruqi, Nadeem	3.80	review various expert reports
3/15/16	Peter, Timothy, J.	1.00	initial review of expert reports
3/16/16	Kang, Cirong, A.	1.00	Read and annotated expert report of Def. expert, Jesse David
3/16/16	Kang, Cirong, A.	0.50	Discussion with Tim regarding Def. expert reports and conversation with co-counsel re: division of work
3/16/16	Kang, Cirong, A.	1.00	Read and annotated expert report of Def. expert, Jesse David
3/16/16	Peter, Timothy, J.	0.50	Call with A Kang and co-counsel re: expert reports
3/16/16	Peter, Timothy, J.	2.30	Review Karcher depo transcript
3/17/16	Kang, Cirong, A.	1.00	Read and annotated expert report of Def. expert, Jesse David
3/17/16	Kang, Cirong, A.	1.00	Read and annotated expert report of Def. expert, Jesse David
3/17/16	Kang, Cirong, A.	0.40	Discussion with Adam and Tim regarding Def. expert reports
3/17/16	Kang, Cirong, A.	1.90	Read and annotated expert report of Def. expert, Jesse David
3/17/16	Kang, Cirong, A.	1.00	Read and annotated expert report of Def. expert, David Reibstein
3/17/16	Kang, Cirong, A.	1.00	Read and annotated expert report of Def. expert, David Reibstein
3/17/16	Kang, Cirong, A.	2.50	Prepare memo summarizing expert reports of David and Reibstein
3/17/16	Gonnelli, Adam	0.40	Discussion with Audrey and Tim re Def expert reports
3/17/16	Peter, Timothy, J.	2.40	Review expert reports (2.00); Discussion with Adam and Audrey re Def expert reports (.40)
3/18/16	Kang, Cirong, A.	1.00	Read and annotated expert report of Def. expert, David Reibstein
3/18/16	Kang, Cirong, A.	0.40	Discussion with Tim regarding expert reports for J. David and D. Reibstein
3/18/16	Kang, Cirong, A.	0.50	Telephone conference with co-counsel regarding Def. experts, deposition timelines, and division of work
3/18/16	Kang, Cirong, A.	1.00	Draft notice of deposition for Def. expert, D. Rubenstein
3/18/16	Kang, Cirong, A.	1.40	Read and annotated expert report of Def. expert, David Reibstein
3/18/16	Kang, Cirong, A.	1.50	Prepare schedule A to notice of subpoena for Def. expert, D. Reibstein
3/18/16	Peter, Timothy, J.	0.70	email with co-counsel re subpoenas (.30); discussion with Audrey re expert reports (.40)
3/20/16	Kang, Cirong, A.	1.80	Prepared notice of deposition and Schedule A to notice of subpoena for Def. expert, Jesse David.
3/20/16	Peter, Timothy, J.	2.00	Edit subpoena and related documents for Reibstein
3/23/16	Kang, Cirong, A.	0.30	Teleconference with Joe Marchese and Anthony Vozzolo re: tentative dates for deposition schedule of Scott Bursor
3/24/16	Gonnelli, Adam	0.50	conf team re case schedule and assignments.
3/24/16	Kang, Cirong, A.	0.50	Case discussion re: deposition schedule of defendant's turf grass and damages experts

3/25/16	Aloise, Anthony, J.	3.00	Track down past depositions in Vozzolo's emails, speak with Veritext and other court reporter for ordering transcript, saving transcripts from Vozzolo's emails
3/25/16	Kang, Cirong, A.	1.00	Read and annotated transcript of Dr. Sukumar's deposition taken February 2
3/25/16	Kang, Cirong, A.	1.00	Read and annotated transcript of Dr. Sukumar's deposition taken February 2
3/25/16	Kang, Cirong, A.	1.00	Read and annotated expert report of Defendants' rebuttal expert, Jacob Jacoby
3/28/16	Behnke, Derek	0.80	Editing subpoena re Reibstein.
3/28/16	Gonnelli, Adam	0.50	conf Tim P and Joe M re depositions
3/28/16	Kang, Cirong, A.	0.50	Discussion about deposition schedule for defendant's experts
3/28/16	Kang, Cirong, A.	1.00	Read and annotated deposition transcript of Plaintiffs' expert, Dr. Sukumar
3/28/16	Kang, Cirong, A.	0.50	Discussion about deposition schedule and division of work for defendant's experts
3/28/16	Kang, Cirong, A.	0.90	Read and annotated deposition transcript of Plaintiffs' expert, Dr. Sukumar
3/28/16	Peter, Timothy, J.	2.50	Draft Reibstein deposition notices (2.00); conference with Adam and J Marchese re depositions (.50)
3/29/16	Aloise, Anthony, J.	0.50	Update case sheet with deposition schedule
3/29/16	Kang, Cirong, A.	1.00	Read and annotated expert report of Defendants' rebuttal expert, J. Jacoby
3/29/16	Kang, Cirong, A.	1.00	Read and annotated expert report of Defendants' rebuttal expert, J. Jacoby
3/29/16	Kang, Cirong, A.	1.00	Read and annotated expert report of Defendants' rebuttal expert, J. Jacoby
3/29/16	Kang, Cirong, A.	0.50	Reviewed and redlined notice of deposition and schedule A to Rule 45 subpoena for Dr. J. David
3/29/16	Peter, Timothy, J.	0.50	edits to notice of deposition and schedule A
3/29/16	Peter, Timothy, J.	1.00	Prep for expert depositions
3/29/16	Peter, Timothy, J.	0.50	Begin review of Soldat report
3/29/16	Peter, Timothy, J.	0.30	Call with A Vozzolo re deposition, litigation strategy
3/30/16	Kang, Cirong, A.	1.00	Read and annotated expert report of Defendants' rebuttal expert, J. Jacoby
3/30/16	Kang, Cirong, A.	1.00	Read and annotated expert report of Defendants' rebuttal expert, J. Jacoby
3/30/16	Kang, Cirong, A.	0.80	Researched cases where Defendant's expert, J. Jacoby has testified as an expert or submitted an expert report in support of a party
3/30/16	Kang, Cirong, A.	1.80	Researched cases where Defendant's expert, J. Jacoby has testified as an expert or submitted an expert report in support of a party
3/30/16	Kang, Cirong, A.	1.90	Prepare notice of deposition and schedule A to Rule 45 subpoena for Defendant's expert, J. Jacoby
3/30/16	Peter, Timothy, J.	2.00	Research Reibstein document request issue
3/30/16	Peter, Timothy, J.	6.00	Prepare for Reibstein deposition
3/30/16	Peter, Timothy, J.	0.50	Review Soldat report
3/30/16	Peter, Timothy, J.	0.40	Meeting with A Vozzolo re sukumar report, litigation strategy
3/31/16	Kang, Cirong, A.	0.50	Read and annotated expert report of Defendants' rebuttal expert, Douglas Soldat
3/31/16	Kang, Cirong, A.	1.00	Read and annotated expert report of Defendants' rebuttal expert, Douglas Soldat
3/31/16	Kang, Cirong, A.	1.00	Read and annotated expert report of Plaintiffs' turf grass expert, Doug Karcher
3/31/16	Kang, Cirong, A.	0.90	Reviewed and redlined edited drafts of notices of depositions and schedules A to rule 45 subpoenas for Defendant's experts, J. Jacoby and D. Soldat.
3/31/16	Kang, Cirong, A.	1.00	Read and annotated expert report of Plaintiffs' turf grass expert, Doug Karcher
3/31/16	Kang, Cirong, A.	0.50	Reviewed and redlined edited draft notice of deposition and schedule A to rule 45 subpoena for Defendant's expert, B. Hopkins.
3/31/16	Kang, Cirong, A.	1.00	Read and annotated expert report of Plaintiffs' turf grass expert, Doug Karcher
3/31/16	Peter, Timothy, J.	0.50	Discussion re: withdrawing Reibstein request
3/31/16	Peter, Timothy, J.	9.00	Draft notice of deposition, subpoenas and Schedule A to subpoenas for Hopkins, David, Jacoby and Soldat.
3/31/16	Peter, Timothy, J.	1.00	Review Soldat expert report
4/1/16	Kang, Cirong, A.	1.00	reviewed production from defendant's expert, Dr. Reibstein, in response to Pl. rule 45 subpoena
4/1/16	Kang, Cirong, A.	1.00	reviewed production from defendant's expert, Dr. Reibstein, in response to Pl. rule 45 subpoena
4/1/16	Peter, Timothy, J.	0.50	Review Reibstein document production
4/1/16	Peter, Timothy, J.	2.00	Review Soldat expert report
4/4/16	Peter, Timothy, J.	8.80	review expert report of Dr. Soldat and related documents
4/5/16	Peter, Timothy, J.	0.50	Call with co-counsel
4/5/16	Peter, Timothy, J.	8.30	review Reibstein production/ expert report
4/5/16	Peter, Timothy, J.	2.00	Prep for Soldat deposition
4/6/16	Kang, Cirong, A.	2.00	Researched published articles re: "robustness check" or "robustness testing".

4/6/16	Kang, Cirong, A.	1.50	Researched case law where experts have testified "robustness check" or "robustness testing" .
4/6/16	Peter, Timothy, J.	0.50	Call with Dr. Sukumar
4/6/16	Peter, Timothy, J.	11.00	draft Reibstein deposition outline
4/6/16	Peter, Timothy, J.	0.30	Call with CO-Counsel re experts, litigation strategy
4/7/16	Kang, Cirong, A.	1.50	Reviewed J. David's expert report to identify methodologies to address with Dr. Reibstein and opinions that were criticisms of Plaintiffs' consumer experts
4/7/16	Peter, Timothy, J.	0.50	Conference call with Dr. Sukumar
4/7/16	Peter, Timothy, J.	9.00	Prep for Dr. Reibstein deposition.
4/7/16	Peter, Timothy, J.	2.00	Prep for Soldat deposition
4/7/16	Peter, Timothy, J.	1.00	Travel to NYC for Reibstein deposition
4/8/16	Kang, Cirong, A.	1.40	Researched publications ore: consumer survey
4/8/16	Peter, Timothy, J.	11.00	Take deposition of Reibstein
4/8/16	Peter, Timothy, J.	1.00	Travel back from Reibstein deposition
4/9/16	Peter, Timothy, J.	0.30	Discussion with co-counsel
4/11/16	Kang, Cirong, A.	0.30	Discussion with Tim re: deposition of Dr. Reibstein taken 4/8/16
4/11/16	Peter, Timothy, J.	0.30	Discussion with Audrey re: depo
4/11/16	Peter, Timothy, J.	8.00	Review expert report of DR. Hopkins and related documents
4/11/16	Peter, Timothy, J.	2.00	Prep for Soldat deposition
4/12/16	Kang, Cirong, A.	1.30	Read and annotated expert report of Def. expert, Dr. Bryan Hopkins
4/12/16	Kang, Cirong, A.	1.30	Read and annotated expert report of Def. expert, Dr. Bryan Hopkins
4/12/16	Kang, Cirong, A.	1.30	Read and annotated expert report of Def. expert, Dr. Bryan Hopkins
4/12/16	Peter, Timothy, J.	8.50	Review Hopkins report while drafting deposition outline
4/13/16	Peter, Timothy, J.	12.50	review expert report and production while drafting deposition outline
4/14/16	Behnke, Derek	4.90	Depo prep.
4/14/16	Kang, Cirong, A.	0.30	Discussion with Tim re: deposition prep for Dr. B. Hopkins
4/14/16	Kang, Cirong, A.	2.50	Prepare deposition exhibits for deposition of Dr. B. Hopkins scheduled for April 15, 2016
4/14/16	LoBosco, Michael	3.50	Prepare documents for deposition.
4/14/16	Serpica, Danielle	4.00	Depo prep for TP
4/14/16	Peter, Timothy, J.	11.50	Discussion with Audrey re depo prep (.30); Prepare for Dr. Hopkins deposition draft outline (11.20)
4/15/16	Kang, Cirong, A.	0.80	Read and annotated deposition transcript of Def. expert David Reibstein taken on April 8, 2016.
4/15/16	Kang, Cirong, A.	1.00	Read and annotated deposition transcript of Def. expert David Reibstein taken on April 8, 2016.
4/15/16	Peter, Timothy, J.	12.00	Deposition of Dr. Hopkins
4/16/16	Peter, Timothy, J.	3.00	Prep for Soldat deposition
4/17/16	Peter, Timothy, J.	4.00	Prep for Soldat deposition
4/18/16	Kang, Cirong, A.	0.50	(Depo prep) Located certain documents to be used in deposition of J. David
4/18/16	LoBosco, Michael	3.50	Prepare documents for upcoming deposition.
4/18/16	Peter, Timothy, J.	9.50	prepare for expert deposition of Dr. David (review report/draft outline/ call with co-counsel)
4/18/16	Peter, Timothy, J.	2.00	Prep for Soldat argument
4/19/16	Aloise, Anthony, J.	2.40	Assist in discovery production for deposition
4/19/16	LoBosco, Michael	2.50	Continue to assist preparing for deposition.
4/19/16	Serpica, Danielle	2.50	Print documents for depo
4/19/16	Peter, Timothy, J.	11.80	Prep for deposition of Dr. David (prepare outline/edit outline/review report/discuss with co-counsel)
4/20/16	LoBosco, Michael	0.50	Review docs used in deposition
4/20/16	Melamed, Innessa	0.50	Print documents for deposition.
4/20/16	Peter, Timothy, J.	11.00	Assist in taking the deposition of Dr. David
4/20/16	Peter, Timothy, J.	1.00	Prepare for Dr. Soldat's deposition
4/21/16	Peter, Timothy, J.	9.50	Prepare for deposition of Dr. Soldat ( review related documents/ edit outline)
4/22/16	Serpica, Danielle	1.50	Take apart cone binders and shred sensitive documents
4/22/16	Peter, Timothy, J.	9.50	prepare for Soldat deposition
4/23/16	Peter, Timothy, J.	5.00	Prep for Soldat deposition

4/24/16	Peter, Timothy, J.	6.00	Draft questions for Soldat deposition
4/25/16	Kang, Cirong, A.	0.50	Read and annotated deposition transcript of Def. expert, J. David, taken April 20, 2016.
4/25/16	Kang, Cirong, A.	0.50	Read and annotated deposition transcript of Def. expert, J. David, taken April 20, 2016.
4/25/16	Kang, Cirong, A.	1.00	Researched caselaw discussing criticism of consumer survey
4/25/16	LoBosco, Michael	4.00	Prepare documents for deposition.
4/25/16	Peter, Timothy, J.	11.00	Prepare for deposition of Dr. Soldat.
4/26/16	Kang, Cirong, A.	0.90	Discussion with Tim re: expert report of J. Jacoby
4/26/16	LoBosco, Michael	1.00	Document management regarding deposition.
4/26/16	Peter, Timothy, J.	4.50	Prep for deposition of Jacob Jacoby (3.60); Discussion with Audrey re same (.90)
4/26/16	Peter, Timothy, J.	8.50	Take deposition of Dr. Douglas Soldat
4/27/16	Kang, Cirong, A.	0.90	Read and annotated deposition transcript of Def. expert, J. David, taken April 20, 2016.
4/27/16	Kang, Cirong, A.	1.00	Read and annotated deposition transcript of Def. expert, J. David, taken April 20, 2016.
4/27/16	Kang, Cirong, A.	1.00	Read and annotated deposition transcript of Def. expert, J. David, taken April 20, 2016.
4/27/16	Peter, Timothy, J.	11.30	Deposition of Dr. Jacob Jacoby.
4/28/16	Aloise, Anthony, J.	2.00	Deliver deposition exhibits to Bursor and Fisher
4/28/16	Peter, Timothy, J.	0.50	Review Soldat transcript
4/28/16	Peter, Timothy, J.	0.30	review letter
4/28/16	Peter, Timothy, J.	0.30	Call with co-counsel
4/29/16	Kang, Cirong, A.	0.70	Read and annotated deposition transcript of Def. expert, J. Jacoby, taken April 27, 2016.
4/29/16	Peter, Timothy, J.	0.50	Review Jacoby transcript
4/29/16	Peter, Timothy, J.	0.30	Call with A Vozzolo re expert reports, litigation strategy
5/2/16	Aloise, Anthony, J.	1.90	Save electronic filing. Update calendar and case summary sheet with new dates
5/2/16	Kang, Cirong, A.	0.30	Discussion with Tim re: Judge's order issued April 29, 2016
5/2/16	Peter, Timothy, J.	0.30	Discussion with Audrey re: Judge's order issued 4/29/16
5/3/16	Kang, Cirong, A.	0.80	Read and annotated deposition transcript of Def.'s expert, D. Soldat
5/3/16	Kang, Cirong, A.	0.30	Discussion with Tim re: Dr. Sukumar's expert report
5/3/16	Kang, Cirong, A.	1.00	Read and annotated deposition transcript of Def.'s expert, D. Soldat
5/3/16	Peter, Timothy, J.	0.30	Discussion with Audrey re: Dr. Sukumar's expert report
5/6/16	Aloise, Anthony, J.	0.80	Save transcripts. Compare against calendared dates.
5/6/16	Faruqi, Nadeem	0.50	Discussion with A Vozzolo re litigation strategy
5/6/16	Kang, Cirong, A.	0.50	Reviewed hearing of status conference before Judge Briccetti on April 29, 2016
5/6/16	Peter, Timothy, J.	1.00	review hearing transcript. Consider meditation options.
5/12/16	Peter, Timothy, J.	0.30	Call with A Vozzolo re status update
5/13/16	Kang, Cirong, A.	0.30	Discussion with Tim re: Dr. Sukumar's expert report and calculation
5/13/16	Peter, Timothy, J.	0.30	Discussion with Audry re: Dr. Sukumar's expert report
5/20/16	Kang, Cirong, A.	0.50	Reviewed defendant's correspondence (re: withdrawal of claim) and attached Rule 11 motion
5/20/16	Peter, Timothy, J.	0.50	Review letter from Shawn Regan
5/23/16	Peter, Timothy, J.	0.30	contact co-counsel re case update
5/23/16	Peter, Timothy, J.	1.30	Review and research rule 11 letter
5/24/16	Peter, Timothy, J.	0.50	Draft email to co-counsel re standing
5/25/16	Peter, Timothy, J.	1.00	Edit pre-conference motion letter
5/25/16	Peter, Timothy, J.	0.30	email to co-counsel re pre-motion conference letter
6/1/16	Peter, Timothy, J.	0.30	correspondence with co-counsel
6/2/16	Kang, Cirong, A.	0.50	Reviewed Defendant's letter motion to Judge Bricetti re: proposed summary judgment motion
6/2/16	Kang, Cirong, A.	0.50	Reviewed Pls.' pre-motion conference letter to Judge Bricetti responding to Def.'s proposed summary judgment motion
6/2/16	Peter, Timothy, J.	0.50	Edit opp to pre-motion letter
6/3/16	Kang, Cirong, A.	0.50	Reviewed Plaintiff's letter motion to Judge Bricetti re: proposed summary judgment motion
6/3/16	Kang, Cirong, A.	0.50	Reviewed Def. pre-motion letter to Judge Bricetti responding to Pls. proposed summary judgment motion
6/9/16	Peter, Timothy, J.	0.50	Review response to rule 11 letter
6/13/16	Peter, Timothy, J.	1.00	Review 6/10/16 transcript

6/13/16	Peter, Timothy, J.	0.30	correspondence with co-counsel regarding hearing
6/14/16	Kang, Cirong, A.	1.00	Read and annotated transcript of status conference before Judge Bricetti on June 10
6/14/16	Peter, Timothy, J.	0.50	Review rule 11 letter
6/14/16	Peter, Timothy, J.	0.30	Call with A Vozzolo re status update, Rulle 11 response
6/16/16	Kang, Cirong, A.	0.30	Discussion with Tim re: daubert motion involving Dr. Soldat
6/16/16	Peter, Timothy, J.	0.30	Discussion with Audry re daubert motion involving Dr. Soldat
6/17/16	Kang, Cirong, A.	1.00	Read and annotated expert report of Dr. Karcher in preparation to draft Daubert motion
6/20/16	Kang, Cirong, A.	1.00	Read and annotated expert report of Dr. Karcher in preparation to draft Daubert motion
6/20/16	Kang, Cirong, A.	0.30	Discussion with Joe Marchese re: Daubert motion to strike Defendant's expert, Dr. Soldat
6/20/16	Kang, Cirong, A.	0.30	Discussion with Tim re: Daubert motion to strike Defendant's expert, Dr. Soldat
6/20/16	Kang, Cirong, A.	1.00	Read and annotated expert report of Dr. Karcher in preparation to draft Daubert motion
6/20/16	Peter, Timothy, J.	0.30	call with co-counsel regarding briefing schedule
6/20/16	Peter, Timothy, J.	0.10	call with A Vozzolo re status update, litigation strategy
6/20/16	Peter, Timothy, J.	0.30	Discussion with Audrey re Daubert motion
6/21/16	Kang, Cirong, A.	1.00	Reviewed draft plaintiffs' rule 56.1 statement outline in preparation to draft Daubert motion
6/21/16	Kang, Cirong, A.	1.00	Reviewed court rulings in Scott v Pennington regarding expert study or reports on water absorption claims to prepare for daubert motion
6/21/16	Peter, Timothy, J.	3.00	Research motion to strike re: Soldat
6/22/16	Kang, Cirong, A.	0.70	Reviewed materials submitted by plaintiff's expert, Dr. Karcher, to support daubert motion to strike Soldat's testimony
6/22/16	Kang, Cirong, A.	1.50	Legal research on daubert rulings issued by Judge Bricetti
6/22/16	Kang, Cirong, A.	1.00	Legal research for cases in the second circuit establishing standard for determining relevancy for daubert motion
6/22/16	Kang, Cirong, A.	1.00	Reviewed materials submitted by plaintiff's expert, Dr. Karcher, to support daubert motion to strike Soldat's testimony
6/22/16	Peter, Timothy, J.	4.00	Research motion to strike
6/23/16	Kang, Cirong, A.	1.00	Reviewed Dr. Soldat's deposition transcript for relevant testimony to be included in Daubert motion
6/23/16	Kang, Cirong, A.	0.70	Reviewed Dr. Soldat's deposition transcript for relevant testimony to be included in Daubert motion
6/23/16	Kang, Cirong, A.	1.00	Discussion with Tim regarding Soldat's report for discussion on precluding testimony based on unreliability
6/23/16	Kang, Cirong, A.	1.70	Draft daubert motion to preclude Dr. Soldat's testimony
6/23/16	Kang, Cirong, A.	2.20	Draft daubert motion to preclude Dr. Soldat's testimony
6/23/16	Kang, Cirong, A.	1.50	Draft daubert motion to preclude Dr. Soldat's testimony
6/23/16	Kang, Cirong, A.	2.00	Draft daubert motion to preclude Dr. Soldat's testimony
6/23/16	Peter, Timothy, J.	1.00	Discussion with Audrey re Soldat's report
6/24/16	Kang, Cirong, A.	1.00	Proofread and edited first draft of daubert motion
6/24/16	Kang, Cirong, A.	2.20	Legal research re daubert motion
6/24/16	Kang, Cirong, A.	0.20	Case discussion with Tim re: comments on draft daubert motion
6/24/16	Peter, Timothy, J.	1.20	Review motion to strike Soldat (1.); Discussion with Audrey re comments on draft daubert motion (.20)
6/28/16	Gonnelli, Adam	0.30	conf TP re motion
6/28/16	Kang, Cirong, A.	1.30	Legal research for cases awarding statutory damages on a class basis under a state law claim
6/28/16	Peter, Timothy, J.	0.30	conference with Adam re motion
6/29/16	Aloise, Anthony, J.	0.70	Sending deposition and expert report to Audrey
6/29/16	Kang, Cirong, A.	0.30	Case discussions re: pending summary judgment and daubert motions
6/29/16	Kang, Cirong, A.	2.00	Revised motion to preclude Soldat from offering testimony on the performance of EZ Seed at half water rates
6/29/16	Kang, Cirong, A.	2.30	Legal research for cases excluding testimony of expert when no tests were conducted
6/29/16	Kang, Cirong, A.	2.50	Revised motion to preclude Soldat from offering testimony on the performance of EZ Seed at half water rates
6/29/16	Kang, Cirong, A.	1.00	Reviewed latest draft of 56.1 statement
6/29/16	Kang, Cirong, A.	1.00	Legal research for cases in the second circuit that discusses reliability and the ability to replicate the underlying tests
6/29/16	Kang, Cirong, A.	2.00	Legal research for cases in the second circuit excluding experts on the basis of qualification to fit discussion about Dr. Hopkins
6/29/16	Kang, Cirong, A.	1.00	Legal research for cases precluding expert from failure to comply with Rule 26 (list of cases)
6/29/16	Kang, Cirong, A.	1.50	Reviewed latest draft of memorandum in support of plaintiffs' summary judgment
6/30/16	Kang, Cirong, A.	0.20	Telephone conference with Douglas Karcher about pending declaration for SJ motion
6/30/16	Kang, Cirong, A.	1.00	Reviewed deposition transcript and expert report with Joe to prepare motion to preclude Dr. Hopkins from testifying
6/30/16	Kang, Cirong, A.	2.50	Draft daubert motion to preclude Dr. Hopkins from testifying as an expert

6/30/16	Kang, Cirong, A.	3.00	Draft daubert motion to preclude Dr. Hopkins from testifying as an expert
6/30/16	Kang, Cirong, A.	3.00	Draft daubert motion to preclude Dr. Hopkins from testifying as an expert
6/30/16	Kang, Cirong, A.	1.00	Draft daubert motion to preclude Dr. Hopkins from testifying as an expert
6/30/16	Kang, Cirong, A.	0.30	Proofread final draft of motion to preclude Def. experts from testifying on consumer's perception of the half-water claim
6/30/16	Kang, Cirong, A.	0.70	Proofread final draft of memorandum in support of SJ motion
6/30/16	Kang, Cirong, A.	0.20	Proofread final draft of motion to preclude Dr. Soldat from testifying on the performance of ez seed at half water rates
6/30/16	Kang, Cirong, A.	0.20	Proofread final draft of motion to preclude Def. experts from testifying on price premium attributable to half-water claim
6/30/16	Kang, Cirong, A.	0.50	Cross checked motions to preclude Soldat, Jacoby, David, and Reibstein against 56.1 statement of facts
6/30/16	Kang, Cirong, A.	0.40	Proofread final draft of motion to preclude Dr. Hopkins from testifying as an expert in the case
7/1/16	Aloise, Anthony, J.	0.50	Download zip drive files from Hunton Williams
7/1/16	Peter, Timothy, J.	4.00	Review MSJ brief and Daubert motions
7/26/16	Peter, Timothy, J.	0.30	Call with A Vozzolo re litigation strategy (.30)
8/23/16	Kang, Cirong, A.	0.70	Reviewed Defendant's motion to exclude plaintiff's expert, Dr. Sukumar, and accompanying exhibits
8/23/16	Kang, Cirong, A.	1.00	Reviewed Defendant's motion to exclude plaintiff's expert, Mike Dennis, and accompanying exhibits
8/25/16	Kang, Cirong, A.	1.50	Reviewed Defendant's motion to decertify plaintiffs' damages class; researched cases cited as authority by defendant to support decertification
8/25/16	Peter, Timothy, J.	3.00	review motion to decertify. review related case law.
8/27/16	Kang, Cirong, A.	0.30	Discussed deposition preparation and new production of documents with Anthony.
8/29/16	Melamed, Innessa	3.50	Review, analyze and annotate case law re: statutory damages and class wide relief and conference with A. Gonnelli regarding same
8/29/16	Peter, Timothy, J.	0.30	Email co-counsel re: upcoming assignments
8/30/16	Kang, Cirong, A.	0.50	Discussion with I Melamed re recent case law.
8/30/16	Melamed, Innessa	6.50	Review, analyze and annotate recent case law (6.00) and conference with C. Kang regarding same (.50).
9/13/16	Aloise, Anthony, J.	1.40	Update calendar and case summary sheet based on email conversation with Defendants
9/15/16	Aloise, Anthony, J.	0.80	Research Not. of Withdrawal and Draft
9/21/16	Peter, Timothy, J.	0.30	review mediation agreement
10/5/16	Peter, Timothy, J.	1.00	Review draft reply brief
10/14/16	Peter, Timothy, J.	0.30	Locate MTD Order in bird seed case
10/20/16	Faruqi, Nadeem	4.20	Review and edit SJ papers
10/21/16	Peter, Timothy, J.	1.00	Review October 20 reply briefing
11/8/16	Faruqi, Nadeem	0.50	review and edit reply brief re: motion to strike Winters and People
11/9/16	Faruqi, Nadeem	0.20	emails regarding upcoming mediation at JAMS
11/21/16	Faruqi, Nadeem	0.20	t/call with A Vozzolo re litigation strategy
11/22/16	Faruqi, Nadeem	1.90	review and edit meditation letter
11/28/16	Peter, Timothy, J.	0.30	Schedule trip to mediation
11/30/16	Faruqi, Nadeem	4.20	Travel and prep for mediation in Chicago
11/30/16	Peter, Timothy, J.	3.00	Travel to mediation
11/30/16	Peter, Timothy, J.	6.00	Prep for mediation (review relevant filings and mediation statement)
12/1/16	Faruqi, Nadeem	8.20	mediation in Chicago with Judge Anderson and travel back to NYC
12/1/16	Peter, Timothy, J.	7.00	Attend mediation session
12/1/16	Peter, Timothy, J.	1.00	Prep for mediation
12/1/16	Peter, Timothy, J.	3.00	Travel from mediation
12/2/16	Peter, Timothy, J.	0.20	Call with A Vozzolo re litigation strategy
12/6/16	Peter, Timothy, J.	2.00	Research analyst issue and prepare email re: same
12/7/16	Peter, Timothy, J.	0.50	Review previous letter to the SEC
12/16/16	Peter, Timothy, J.	2.00	Create packet for analysts
12/16/16	Peter, Timothy, J.	3.00	Research SEC defamation issue
12/19/16	Peter, Timothy, J.	3.00	Research SEC issue and prepare packets for mailing
12/19/16	Peter, Timothy, J.	1.50	Research 10b claim
12/20/16	Peter, Timothy, J.	0.30	Call with co-counsel
12/29/16	Peter, Timothy, J.	0.50	Review and edit draft letter

1/3/17	Faruqi, Nadeem	1.00	review letter to SEC regarding Scott's 10-K disclosures
1/3/17	Peter, Timothy, J.	2.00	Edit letter to SEC
1/3/17	Peter, Timothy, J.	0.30	Review status letter
1/4/17	Peter, Timothy, J.	1.00	Finalize SEC letter
1/5/17	Faruqi, Nadeem	1.00	review FRCP 1 letter to Judge
1/5/17	Peter, Timothy, J.	0.50	Review letter to Judge re: motions
1/23/17	Peter, Timothy, J.	0.10	Review Order
1/31/17	Peter, Timothy, J.	0.20	Review letter to court
3/21/17	Peter, Timothy, J.	0.70	Review letter to Judge
3/27/17	Faruqi, Nadeem	1.00	review letter to Judge re: Belfiore
3/28/17	Peter, Timothy, J.	0.40	Review letter to judge
3/30/17	Peter, Timothy, J.	0.20	Review letter to Judge
4/11/17	Peter, Timothy, J.	0.10	Review order
8/8/17	Peter, Timothy, J.	0.40	Call with A Vozzolo re Summary Judgment order
8/8/17	Peter, Timothy, J.	1.00	Review order and opinion on MSJ and Daubert motions
8/24/17	Faruqi, Nadeem	2.20	review and edit 1292 opp'n brief
8/24/17	Peter, Timothy, J.	1.00	Review and edit opp to 1292 motion
8/31/17	Peter, Timothy, J.	0.30	Review order re: stay
9/11/17	Peter, Timothy, J.	1.00	Review petition for permission to appeal
9/20/17	Peter, Timothy, J.	2.00	Review and edit opp to defendant's permission to appeal
9/21/17	Peter, Timothy, J.	0.50	2nd Circuit application
9/29/17	Peter, Timothy, J.	0.60	Review Motion for Leave to File Reply in Support of Permission to Appeal
1/8/18	Peter, Timothy, J.	0.20	Review Second Circuit Mandate Denying Scotts' Petition For Leave To Appeal
1/16/18	Peter, Timothy, J.	0.20	Review discovery letter
1/16/18	Peter, Timothy, J.	0.30	Review emails re: notice issues
1/18/18	Peter, Timothy, J.	0.10	Email to co-counsel re: case status
1/18/18	Peter, Timothy, J.	0.20	Review draft proposed schedule
1/22/18	Peter, Timothy, J.	1.10	Review and edit letter to the SEC
1/23/18	Peter, Timothy, J.	0.30	Emails to co-counsel re: letter to SEC
1/25/18	Peter, Timothy, J.	0.20	Email with co-counsel regarding potential settlement
1/31/18	Peter, Timothy, J.	1.00	Review Scotts earnings call with investors
2/1/18	Peter, Timothy, J.	1.10	Review opposition to motion for reconsideration
2/2/18	Peter, Timothy, J.	0.30	Review and edit Plaintiff's draft witness list
2/5/18	Peter, Timothy, J.	1.20	Review and edit Plaintiffs' Statement of Relief Sought and witness list
2/9/18	Peter, Timothy, J.	1.10	Review and draft email regarding Scotts 10-Q
2/12/18	Peter, Timothy, J.	1.00	Review Scotts deposition designations
2/15/18	Peter, Timothy, J.	1.00	Review Scotts Reply in Further Support of its Motion for Reconsideration
2/19/18	Peter, Timothy, J.	1.00	Review Scott's Trial Exhibit List
2/19/18	Peter, Timothy, J.	1.00	Review Plaintiff's Exhibit List
2/20/18	Peter, Timothy, J.	0.20	Call with A Vozzolo re status update, exhibits
2/20/18	Peter, Timothy, J.	0.30	Call with co-counsel regarding case status
2/21/18	Peter, Timothy, J.	0.30	Email co-counsel copies of pre-trial documents
2/23/18	Peter, Timothy, J.	0.20	Call with Avozzolo re litigation strategy
2/23/18	Peter, Timothy, J.	0.80	Review and edit summary of claims to be tried and not tried
3/5/18	Peter, Timothy, J.	0.50	Review decision on the motion for reconsideration
3/7/18	Peter, Timothy, J.	0.20	Call with co-counsel to discuss recent case developments
3/7/18	Peter, Timothy, J.	0.40	Draft emails to managing partner re: mediation
3/8/18	Peter, Timothy, J.	0.20	Call with co-counsel to discuss dates for mediation
3/8/18	Peter, Timothy, J.	0.20	Draft e-mail to co-counsel re: mediation dates
3/9/18	Peter, Timothy, J.	0.20	Call with A Vozzolo re mediation

3/14/18	Faruqi, Nadeem	0.30	Discussion with A Vozzolo re mediation, litigation strategy
4/3/18	Faruqi, Nadeem	2.70	review and edit stip of settlement
4/6/18	Peter, Timothy, J.	3.50	Prep for mediation
4/8/18	Faruqi, Nadeem	5.50	Travel to and prep for mediation in Miami with Judge Anderson
4/8/18	Peter, Timothy, J.	5.00	Travel to Miami for mediation
4/8/18	Peter, Timothy, J.	2.00	Preparation for mediation
4/9/18	Faruqi, Nadeem	12.20	Mediation in Miami with Judge Anderson and travel back to NYC
4/9/18	Peter, Timothy, J.	1.00	Preparation for mediation
4/9/18	Peter, Timothy, J.	8.00	Attend mediation
4/10/18	Peter, Timothy, J.	0.20	Review emails re: settlement
4/13/18	Peter, Timothy, J.	0.10	Review letter to court
4/17/18	Peter, Timothy, J.	0.10	Review order
5/23/18	Peter, Timothy, J.	0.70	Review Settlement agreement
5/29/18	Peter, Timothy, J.	0.50	review and send firm resume for preliminary approval
5/31/18	Peter, Timothy, J.	2.00	Review prelim approval papers and notice
6/4/18	Peter, Timothy, J.	0.10	Draft email to co-counsel re: status of filing
6/21/18	Peter, Timothy, J.	0.20	Review Preliminary Approval Order
7/20/18	Peter, Timothy, J.	1.00	Edit internet ads
8/13/18	Peter, Timothy, J.	0.50	Draft email to co-counsel re: case status
8/13/18	Peter, Timothy, J.	0.20	Review claims report
8/20/18	Peter, Timothy, J.	0.30	Review claims report
8/27/18	Peter, Timothy, J.	0.20	Review claims report
9/5/18	Peter, Timothy, J.	0.20	Review claims report
9/7/18	Peter, Timothy, J.	0.30	Call with co-counsel to discuss plans for final approval
9/10/18	Peter, Timothy, J.	0.20	Review claims report
9/13/18	Peter, Timothy, J.	0.30	Review settlement agreement
9/13/18	Peter, Timothy, J.	0.20	Call with co-counsel to discuss final approval



**EXHIBIT D**

**SCOTT'S EZ SEED  
FARUQI & FARUQI, LLP  
EXPENSE REPORT**

CATEGORY	AMOUNT
Commercial Copies	\$738.40
Computer & Other Research Fee(s) (Lexis/Westlaw/Bloomberg)	\$6,506.92
Courier & Overnight Delivery Services	\$571.48
Court Filing/Service Fee(s)	\$1,723.60
Court Reporting Service	\$27,399.92
eDiscovery Expenses	\$4,645.43
Expert Fees	\$170,982.45
Mediation Fees	\$6,837.72
Postage	\$338.04
Reproduction (Internal)	\$2,107.50
Telephone/Fax	\$885.21
Travel Expenses (including hotels, meals & transportation)	\$19,265.25
<b>TOTAL:</b>	<b>\$242,001.92</b>