

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY HAMMOND MURPHY, on behalf
of himself and all similarly situated individuals,

Plaintiff,

v.

LE SPORTSAC, INC.,

Defendant.

Civil Action No.1:22-cv-00058

**PLAINTIFF'S UNOPPOSED MOTION FOR
ATTORNEYS' FEES AND INCENTIVE AWARD**

Plaintiff Anthony Hammond Murphy, on behalf of himself and all similarly situated individuals, by and through undersigned counsel, hereby moves for entry of an order awarding attorneys' fees and an incentive award.

1. In support, Plaintiff submits the accompanying Brief in Support of Plaintiff's Unopposed Motion for Attorneys' Fees and Incentive Award, the Declaration of Kevin Tucker, one of Plaintiff's counsel, and a proposed order.

2. Defendant does not oppose the relief sought in this motion.

Respectfully submitted,

Dated: May 15, 2023

/s/ Stephanie Moore

Kevin W. Tucker (He/Him) (PA 312144)

Kevin J. Abramowicz (PA 320659)

Chandler Steiger (She/Her) (PA 328891)

Stephanie Moore (She/Her) (PA 329447)

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Counsel for Plaintiff and Class

CERTIFICATE OF SERVICE

I hereby certify that, on May 15, 2023, a true and correct copy of the foregoing document was filed and served by way of the Court's CM/ECF system on counsel of record.

Dated: May 15, 2023

/s/ Stephanie Moore

Stephanie Moore

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

ANTHONY HAMMOND MURPHY, on
behalf of himself and all similarly situated
individuals,

Plaintiff,

v.

LE SPORTSAC, INC.,

Defendant.

Civil Action No. 1:22-cv-00058

DECLARATION OF KEVIN TUCKER

I, Kevin Tucker, under penalty of perjury under the laws of the United States of America, affirm and state as follows:

1. I have personal knowledge as to all matters set forth in this declaration and could testify to the same if called to do so.

2. I am a co-founder of East End Trial Group LLC and work as an attorney for the firm. I am a consumer and civil rights attorney experienced in prosecuting actions under federal and state consumer protection and anti-discrimination statutes. I am a graduate of the University of Michigan with degrees in English and Anthropology, and of the University of Pittsburgh School of Law, for which I serve as Vice President of its Alumni Board of Governors. My resume was previously filed in this case. (*See* Doc. 36-3.)

3. I am a member in good standing of the Pennsylvania bar. I am admitted to practice before the Third and Ninth Circuit Courts of Appeals and before the following federal courts: the Eastern, Middle, and Western Districts of Pennsylvania, the Northern and Western Districts of New York, the Northern District of Illinois, and the Eastern District of Michigan.

4. I previously chaired the Allegheny County Bar Association's Civil Rights Litigation Committee.

5. Before founding East End Trial Group LLC, I was a partner at Carlson Lynch LLP, a national plaintiffs-side class action law firm based in Pittsburgh, PA. The Legal Intelligencer named Carlson Lynch the Litigation Department of the Year in 2019 for work the firm did while I was a member of the Carlson Lynch team.

6. Since 2016, I have helped prosecute actions on behalf of consumers.

7. This work includes having served as a committee member representing plaintiffs in *In Re FedLoan Student Loan Servicing Litigation*, MDL 2833 (E.D. Pa.) ("*FedLoan*") and *In Re Equifax, Inc. Customer Data Security Breach Litigation*, MDL 2800 (N.D. Ga.) ("*Equifax*").

8. In *FedLoan*, I served as a committee member for the leadership team prosecuting claims against the United States Department of Education and one of the country's largest student loan servicers on behalf of a putative nationwide class of student loan borrowers. This committee work included investigating the factual backgrounds of putative class representatives, identifying the common policies and practices by which they were harmed, and drafting the consolidated complaint's allegations from this information.

9. In *Equifax*, I served as a committee member for a leadership team that secured a \$30 million recovery for a putative class of financial institutions for injuries they suffered as a result of a 2017 data breach. *See* Unopposed Motion for Settlement, *In Re Equifax, Inc. Customer Data Security Breach Litigation*, MDL 2800, ECF 1107 (N.D. Ga. May 15, 2020). My contributions centered on research into third-party information sources, including document requests for public filings, congressional testimony, and independent news coverage.

10. In addition to litigating class actions generally, I have litigated Title III digital accessibility claims since 2016, helping to secure landmark decisions across the country confirming public accommodations have a legal obligation to make digital content fully and equally accessible to everyone. *See, e.g., Gniewkowski v. Lettuce Entertain You Enters., Inc.*, 251 F. Supp. 3d 908 (W.D. Pa. 2017); *Access Now, Inc. v. Otter Prods., LLC*, 280 F. Supp. 3d 287 (D. Mass. 2017); *Access Now, Inc. v. Blue Apron, LLC*, No. 17-cv-00116, 2017 U.S. Dist. LEXIS 185112 (D.N.H. Nov. 8, 2017); *Gathers v. 1-800-Flowers.com, Inc.*, No. 17-cv-10273, 2018 U.S. Dist. LEXIS 22230 (D. Mass. Feb. 12, 2018); *Access Now, Inc. v. Sportswear, Inc.*, 298 F. Supp. 3d 296 (D. Mass. 2018); *Murphy v. Bob Cochran Motors, Inc.*, No. 1:19-cv-00239, 2020 U.S. Dist. LEXIS 139887 (W.D. Pa. Aug. 4, 2020), *adopted by, motion denied by, objection overruled by* 2020 U.S. Dist. LEXIS 177593 (W.D. Pa. Sept. 28, 2020).

11. More recently, I have been appointed class counsel in five Title III class actions concerning digital accessibility. *See Douglass v. Optavia LLC*, No. 2:22-cv-00594, Doc. 38, p. 3 (W.D. Pa. Jan. 23, 2023) (Wiegand, J.); *Murphy v. The Hundreds Is Huge, Inc.*, No. 1:21-cv-00204, Doc. 41, p. 3 (W.D. Pa. Nov. 17, 2022) (Lanzillo, J.); *Giannaros v. Poly-Wood, LLC*, No. 1:21-cv-10351, Doc. 45, p. 2 (D. Mass. Oct. 27, 2022) (Young, J.); *Murphy v. Charles Tyrwhitt, Inc.*, No. 1:20-cv-00056, Doc. 47, p. 3 (W.D. Pa. Feb. 16, 2022) (Baxter, J.); *Murphy v. Eyebobs, LLC*, No. 1:21-cv-00017, Doc. 49, p. 3 (W.D. Pa. Feb. 9, 2022) (Lanzillo, J.).

OVERVIEW OF EFFORTS ON BEHALF OF PLAINTIFF AND THE CLASS

12. Class Counsel have pursued this case on behalf of Plaintiff since the beginning of 2022, when Plaintiff engaged Class Counsel to bring discrimination claims against Defendant for its inaccessible online store. Since the start of his involvement, Plaintiff has been an exemplary class representative. He has provided Class Counsel with information concerning the access and

communication barriers he encountered upon browsing Defendant's online store, reviewed pleadings, reviewed the proposed settlements terms, and approved the Agreement submitted to the Court. (Doc. 36-1.) He is aware of his duties as a class representative and has performed them adequately and in a timely manner.

13. Class Counsel have not been compensated for the work performed on this case, which has required Class Counsel to spend substantial time on this litigation that could have been spent on other matters. The work performed by Class Counsel in this case includes, but is not limited to the following:

(a) Class Counsel completed multiple investigations into the accessibility of Defendant's online store to consumers who use VoiceOver on iPhone and other Apple devices to access digital content. "VoiceOver is an industry-leading screen reader that tells you exactly what's happening on your device." *Accessibility*, Apple, <https://www.apple.com/accessibility/vision/> (last visited May 12, 2023).

(b) Class Counsel investigated the accessibility of Defendant's online store to consumers who use JAWS to access digital content from computers. "JAWS, Job Access With Speech, is the world's most popular screen reader, developed for computer users whose vision loss prevents them from seeing screen content or navigating with a mouse. JAWS provides speech and Braille output for the most popular computer applications on your PC. You will be able to navigate the Internet, write a document, read an email and create presentations from your office, remote desktop, or from home." *JAWS®*, Freedom Scientific, <https://www.freedomscientific.com/products/software/jaws/> (last visited May 12, 2023).

(c) Class Counsel drafted the Nationwide Class Action Complaint. (Doc. 1.)

(d) Class Counsel successfully moved for preliminary class certification on behalf of “all Blind or Visually Disabled individuals who use screen reader auxiliary aids to navigate digital content and who have accessed, attempted to access, or been deterred from attempting to access, or who will access, attempt to access, or be deterred from attempting to access [<https://www.lesportsac.com/>] from the United States.” (Doc. 36, p. 2.).

(e) Class Counsel engaged in months of arm’s-length, serious, informed, and non-collusive negotiations with knowledgeable and experienced counsel. These negotiations were adversarial and required thoughtfulness and discipline to steer the action toward a resolution without compromising the injunctive relief sought on behalf of the Settlement Class Members.

(f) On April 5, 2023, as required by the Agreement and ordered by the Court, Class Counsel notified the following organizations of the Agreement, the settlement website published by Defendant, the objection deadline, and various other documents filed in the course of this litigation: ACHIEVA, American Action Fund for Blind Children and Adults, American Council of the Blind, American Foundation for the Blind, Blinded American Veterans Foundation, Blinded Veterans Association, Foundation Fighting Blindness, Civil Rights Education and Enforcement Center, Disability Law Center, Disability Rights Education and Defense Fund, and National Federation of the Blind.

(g) On April 5, 2023, Class Counsel also notified the following organizations of the Agreement, the settlement website published by Defendant, the objection deadline, and various other documents filed in the course of this litigation: Lighthouse Guild International, Blind and Vision Rehabilitation Services of Pittsburgh, Pennsylvania Association for the Blind, Beaver County Association for the Blind, Blair/Clearfield Association for the Blind and Visually Impaired, Bucks County Association for the Blind and Visually Impaired, Cambria County

Association for the Blind & Handicapped, Center for the Blind and Visually Impaired, Central Susquehanna Sight Services, Chester County Association for the Blind and Visually Impaired, Community Services for Sight, Fayette County Association for the Blind, Guide Dogs for the Blind Keystone Blind Association, Lackawanna Blind Association, Montgomery County Association for the Blind, National Council on Disability North Central Sight Services, Northeast Sight Services, NuVisions Center, Sights for Hope, South Central Blind Association, The Blind Association of Butler and Armstrong, The Sight Center of Northwest PA, Venango County Association for the Blind, Vision Resource Center of Berks County, Vision Resources of Central Pennsylvania, Vision Services of Washington-Greene, VisionCorps, VisionLink, and Westmoreland County Blind Association.

(h) Class Counsel prepared and filed Plaintiff's final approval motion and supporting documents.

(i) Class Counsel prepared and filed Plaintiff's Motion for Attorneys' Fees and Incentive Award and supporting documents.

(j) In addition to the above efforts, the Agreement includes deadlines during the Agreement Term by which Class Counsel must complete various tasks, other obligations that occur annually, and potentially unlimited representation of Settlement Class Members over the next three years, including during informal meet-and-confers with defense counsel, at mediation, and before the Court.

CLASS COUNSEL'S SUBMITTED LODESTAR

14. Class Counsel have spent a total of 185.3 hours prosecuting Plaintiff's claim through today's date.

15. When applied to Class Counsel's hourly rates, Plaintiff's lodestar is \$96,547.50.

East End Trial Group LLC					
Professional	2022 Rate	Hours	2023 Rate	Hours	Lodestar
Kevin Tucker, Esq.	\$600	50.3	\$600	15.6	\$39,540.00
Kevin Abramowicz, Esq.	\$600	4.7	\$600	0	\$2,820.00
Lawrence Fisher, Esq.	\$600	30.2	\$600	4.8	\$21,000.00
Chandler Steiger, Esq.	\$400	21.2	\$425	13.6	\$14,260.00
Stephanie Moore, Esq.	\$400	6.2	\$425	38.7	\$18,927.50
				Total Hours	Total Lodestar
				185.3	\$96,547.50

16. Plaintiff seeks \$45,000.00 as a prevailing party attorneys' fee, which amounts to 46.61% of Class Counsel's lodestar to date.

17. Time sheets reflecting work billed on behalf of Plaintiff and the class accompany this declaration.

COSTS AND EXPENSES

18. Class Counsel do not seek reimbursement for the costs incurred in connection with this action.

I declare pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Dated: May 15, 2023

/s/ Kevin W. Tucker

Kevin W. Tucker (He/Him) (PA 312144)
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Class Counsel's Time Sheets

Date	Timekeeper	Task Description	Hourly Rate (\$)	Hours Worked	Fee (\$)
1/21/2022	K. Tucker	Review email from C. Steiger to L. Fisher re complaint	\$ 600.00	0.1	\$ 60.00
1/21/2022	C. Steiger	Email to L. Fisher re complaint against Le Sportsac Inc.	\$ 400.00	0.5	\$ 200.00
1/26/2022	K. Tucker	Email to L. Fisher re complaint	\$ 600.00	0.2	\$ 120.00
1/26/2022	K. Tucker	Review email from S. Moore to L. Fisher re service	\$ 600.00	0.1	\$ 60.00
		Review end-user test of potential Defendant website accessibility barriers to screen reader technology; consult with client, confer with KT re same; Perform end-user testing assessing website accessibility barriers to screen reader technology; additional consult with client, additional conferral with KT re same; set up file upon determination website and Defendant violate the ADA			
1/26/2022	L. Fisher	Email to L. Fisher re defendant's mailing address and registered agent	\$ 600.00	2.9	\$ 1,740.00
1/26/2022	S. Moore	Review registered agent information for service of process against Defendant owner operator of violating website; conform existing complaint template to allege existing website accessibility barriers to screen reader technology, including especially inclusion of video links depicting barriers review proper incorporation of video links as not previously included in prior ADA website accessibility Complaints)	\$ 400.00	0.2	\$ 80.00
1/27/2022	L. Fisher	Draft Civil Coversheet; draft summons; draft email to Defendant seeking waiver of service of summons (draft and supply Notice and Waiver) -- contact process server for service of summons if defendant does not waive Discussion with client re his additional assessment and review of website; his specific experience with this particular website, verification of complaint allegations and approval for filing of lawsuit; Revise, edit, finalize and format all documents for filing, including especially Complaint	\$ 600.00	4.75	\$ 2,850.00
1/28/2022	L. Fisher	File Complaint, Civil Coversheet, Summons; email Defendant requesting waiver of service of summons; update KT; update client; download documents forward by Court via ECF email; write to company seeking waiver of service	\$ 600.00	2.25	\$ 1,350.00
2/13/2022	L. Fisher	Process and pay for service of process; send matter out for service	\$ 600.00	3.9	\$ 2,340.00
2/16/2022	L. Fisher	File Return of Summons Served with Court	\$ 600.00	1.1	\$ 660.00
3/2/2022	L. Fisher	Review email from L. Fisher re Answer	\$ 600.00	0.75	\$ 450.00
3/4/2022	L. Fisher	Review defendant's Answer	\$ 600.00	0.5	\$ 300.00
3/23/2022	K. Tucker	Email to L. Fisher re defendant's counsel	\$ 600.00	0.1	\$ 60.00
3/23/2022	L. Fisher	Review Answer and Affirmative Defenses	\$ 600.00	1	\$ 600.00
3/24/2022	L. Fisher	Review initial scheduling order of court	\$ 600.00	0.25	\$ 150.00
3/31/2022	L. Fisher	Email to/from counsel for defendant re meet and confer	\$ 600.00	0.1	\$ 60.00

4/6/2022	L. Fisher	Consent to Magistrate	\$ 600.00	0.3	\$	180.00
		Draft and circulate for review Joint Report for Case				
4/7/2022	L. Fisher	Management conference	\$ 600.00	1.3	\$	780.00
4/19/2022	L. Fisher	Finalize and file Joint Rule 26 Report	\$ 600.00	1	\$	600.00
4/20/2022	K. Tucker	Discussion with L. Fisher re case update and possible resolution	\$ 600.00	0.5	\$	300.00
4/20/2022	K. Tucker	Review L. Fisher email to D. Ziegler re potential resolution	\$ 600.00	0.1	\$	60.00
4/21/2022	K. Tucker	Conference call with L. Fisher, D. Ziegler, and S. Cerrone re case and potential resolution	\$ 600.00	0.7	\$	420.00
4/21/2022	K. Tucker	408 email to D. Ziegler	\$ 600.00	0.3	\$	180.00
4/26/2022	K. Tucker	Follow up email to D. Ziegler	\$ 600.00	0.1	\$	60.00
4/26/2022	K. Tucker	Review 408 email from D. Ziegler	\$ 600.00	0.1	\$	60.00
4/29/2022	K. Tucker	Review 408 email from D. Ziegler	\$ 600.00	0.1	\$	60.00
4/29/2022	K. Tucker	408 email to D. Ziegler	\$ 600.00	0.1	\$	60.00
4/29/2022	K. Tucker	Review 408 email from D. Ziegler	\$ 600.00	0.1	\$	60.00
4/29/2022	K. Tucker	Review 408 email from D. Ziegler	\$ 600.00	0.2	\$	120.00
5/5/2022	K. Tucker	Review email from L. Fisher re case management deadlines	\$ 600.00	0.3	\$	180.00
5/5/2022	K. Tucker	Email to L. Fisher re case management deadlines	\$ 600.00	0.2	\$	120.00
5/5/2022	K. Tucker	Review L. Fisher email to D. Ziegler re case management deadlines and notice of settlement	\$ 600.00	0.2	\$	120.00
5/6/2022	K. Tucker	Review D. Ziegler email to L. Fisher re case management deadlines and notice of settlement	\$ 600.00	0.1	\$	60.00
5/6/2022	L. Fisher	Review draft class action settlement agreement	\$ 600.00	1.25	\$	750.00
5/9/2022	K. Tucker	Review/revise/approve L. Fisher's draft Notice of Class Action Settlement	\$ 600.00	0.2	\$	120.00
5/9/2022	K. Tucker	Conference with L. Fisher re potential resolution	\$ 600.00	0.5	\$	300.00
5/13/2022	K. Tucker	Review L. Fisher email to D. Ziegler re case management deadlines	\$ 600.00	0.1	\$	60.00
5/13/2022	K. Tucker	Review S. Cerrone email re case management deadlines	\$ 600.00	0.1	\$	60.00
5/16/2022	K. Tucker	Email to L. Fisher and S. Cerrone re case management deadlines	\$ 600.00	0.1	\$	60.00
5/16/2022	K. Tucker	Review/revise/approve L. Fisher's draft Status Update	\$ 600.00	0.4	\$	240.00
5/16/2022	K. Tucker	Review L. Fisher email re Status Report	\$ 600.00	0.1	\$	60.00
5/16/2022	K. Tucker	Review/Save ECF 17. Status Report	\$ 600.00	0.2	\$	120.00
5/16/2022	K. Tucker	Prepare/file Notice of Appearance	\$ 600.00	0.3	\$	180.00
5/16/2022	L. Fisher	Draf and file Status rept	\$ 600.00	0.5	\$	300.00
5/31/2022	K. Tucker	Review L. Fisher email re progress of case	\$ 600.00	0.1	\$	60.00
5/31/2022	K. Tucker	Email to S. Cerrone re progress	\$ 600.00	0.2	\$	120.00
6/1/2022	K. Tucker	Review email from S. Cerrone re update	\$ 600.00	0.1	\$	60.00
6/1/2022	K. Tucker	Email to S. Cerrone re conference call	\$ 600.00	0.1	\$	60.00
6/3/2022	K. Tucker	408 conference call with L. Fisher and S. Cerrone	\$ 600.00	1	\$	600.00
6/3/2022	K. Tucker	Review/revise L. Fisher's draft Notice of Class Action Settlement	\$ 600.00	0.2	\$	120.00
6/3/2022	K. Tucker	Email to L. Fisher re Notice of Class Action Settlement	\$ 600.00	0.1	\$	60.00

6/3/2022	K. Tucker	Review/save ECF 19. Notice of Class Action Settlement	\$ 600.00	0.1	\$ 60.00
6/3/2022	L. Fisher	Phone conference with counsel for Defendant	\$ 600.00	0.5	\$ 300.00
6/6/2022	K. Tucker	Review/save ECF 20. Order Staying Case	\$ 600.00	0.1	\$ 60.00
6/8/2022	L. Fisher	Draft amd circulate for review Notice of Settlement; file same	\$ 600.00	0.75	\$ 450.00
6/22/2022	L. Fisher	emails re possible glitch in settlement	\$ 600.00	0.5	\$ 300.00
6/28/2022	K. Tucker	Review D. Ziegler 408 email	\$ 600.00	0.2	\$ 120.00
6/28/2022	K. Tucker	408 email to D. Zigler	\$ 600.00	0.3	\$ 180.00
Jun-22	L. Fisher	email re status of settlement	\$ 600.00	0.1	\$ 60.00
6/29/2022	K. Tucker	Email to D. Ziegler re class	\$ 600.00	0.3	\$ 180.00
6/29/2022	L. Fisher	emails tweaking settlement	\$ 600.00	0.3	\$ 180.00
7/1/2022	K. Tucker	Review email from D. Ziegler re class	\$ 600.00	0.1	\$ 60.00
7/1/2022	K. Tucker	Email to D. Ziegler re class	\$ 600.00	0.1	\$ 60.00
7/17/2022	K. Tucker	Review email from L. Fisher re ECF 20	\$ 600.00	0.2	\$ 120.00
7/18/2022	K. Tucker	Email to L. Fisher re ECF 20 deadlines	\$ 600.00	0.1	\$ 60.00
7/18/2022	K. Tucker	Email to L. Fisher re draft class action settlement agreement	\$ 600.00	0.1	\$ 60.00
7/18/2022	K. Tucker	Review draft settlement agreement prepared by L. Fisher	\$ 600.00	2	\$ 1,200.00
7/18/2022	K. Tucker	Review L. Fisher email re draft settlement agreement	\$ 600.00	0.2	\$ 120.00
7/18/2022	K. Tucker	Review/save ECF 21. Status Report	\$ 600.00	0.1	\$ 60.00
7/18/2022	K. Tucker	Email to D. Ziegler, S. Cerrone, and L. Fisher re ECF 20	\$ 600.00	0.2	\$ 120.00
7/18/2022	K. Tucker	Email to D. Ziegler, S. Cerrone, and L. Fisher re ECF 20	\$ 600.00	0.1	\$ 60.00
7/18/2022	K. Tucker	Review D. Ziegler email re progress	\$ 600.00	0.1	\$ 60.00
7/18/2022	L. Fisher	further revisions to class settlement agreement reviewed and emails re same, as well as status report	\$ 600.00	0.5	\$ 300.00
7/19/2022	K. Tucker	Review/save ECF 22. Order	\$ 600.00	0.1	\$ 60.00
8/3/2022	K. Tucker	Review L. Fisher email to D. Ziegler re ECF 22	\$ 600.00	0.1	\$ 60.00
8/4/2022	K. Tucker	Review S. Cerrone email re progress	\$ 600.00	0.1	\$ 60.00
8/4/2022	K. Tucker	Email to S. Cerrone re status report	\$ 600.00	0.2	\$ 120.00
8/4/2022	L. Fisher	follow up emails re status of final class settlement agreement	\$ 600.00	0.25	\$ 150.00
8/9/2022	K. Tucker	Review email from D. Ziegler re progress	\$ 600.00	0.1	\$ 60.00
8/10/2022	K. Tucker	Review email from S. Cerrone re settlement website	\$ 600.00	0.1	\$ 60.00
8/11/2022	K. Tucker	Email to S. Cerrone re settlement website	\$ 600.00	0.3	\$ 180.00
8/12/2022	K. Tucker	Review S. Cerrone email re conference call	\$ 600.00	1	\$ 600.00
8/12/2022	K. Tucker	Conference call with D. Ziegler and S. Cerrone re settlement website	\$ 600.00	0.7	\$ 420.00
8/16/2022	K. Tucker	Review S. Cerrone 408 email and draft status report	\$ 600.00	0.3	\$ 180.00
8/16/2022	K. Tucker	Preliminary review of defendant's proposed revisions to draft settlement agreement	\$ 600.00	0.5	\$ 300.00
8/17/2022	K. Tucker	Review/save ECF 23. Status Report	\$ 600.00	0.1	\$ 60.00
8/17/2022	K. Tucker	Review/Save ECF 24. Order	\$ 600.00	0.1	\$ 60.00
8/17/2022	K. Tucker	Email to S. Cerrone re status report	\$ 600.00	0.1	\$ 60.00
8/17/2022	L. Fisher	Review redlindes to class settlement agreement and status report	\$ 600.00	1.25	\$ 750.00
8/24/2022	K. Tucker	Email to S. Cerrone re accessiBe	\$ 600.00	0.1	\$ 60.00

8/25/2022	K. Tucker	Review/revise Defendant's proposed revisions to class action settlement agreement; circulate to K. Abramowicz for review	\$ 600.00	2.6	\$ 1,560.00
8/25/2022	K. Tucker	Review/respond K. Abramowicz email re overlays	\$ 600.00	0.2	\$ 120.00
8/25/2022	K. Tucker	Review/respond to K. Abramowicz email re customer services	\$ 600.00	0.4	\$ 240.00
8/25/2022	K. Tucker	Review/revise K. Abramowicz proposed revisions to settlement agreement	\$ 600.00	1.3	\$ 780.00
8/25/2022	K. Tucker	408 email to S. Cerrone with proposed revisoins to settlement agreement	\$ 600.00	0.1	\$ 60.00
8/25/2022	K. Abramowicz	Edit and Review Settlement Agreement	\$600.00	2.5	\$ 1,500.00
8/25/2022	K. Abramowicz	Emails to K. Tucker re Settlement Agreement	\$600.00	1	\$ 600.00
9/7/2022	K. Tucker	Email to S. Cerrone re progress	\$ 600.00	0.1	\$ 60.00
9/7/2022	K. Tucker	Review 408 email from S. Cerrone	\$ 600.00	0.2	\$ 120.00
9/7/2022	K. Tucker	408 email to S. Cerrone	\$ 600.00	0.3	\$ 180.00
9/7/2022	K. Tucker	Review 408 email from S. Cerrone	\$ 600.00	0.1	\$ 60.00
9/7/2022	K. Tucker	408 email to S. Cerrone	\$ 600.00	0.1	\$ 60.00
9/14/2022	S. Moore	Prepare Amended Class Action Complaint	\$ 400.00	3.4	\$ 1,360.00
9/15/2022	K. Tucker	Review end user testing for amended class action complaint	\$ 600.00	0.6	\$ 360.00
9/15/2022	K. Tucker	Review/revise draft amended class action complaint	\$ 600.00	1	\$ 600.00
9/15/2022	K. Tucker	Review/revise draft motion for leave to file ACAC	\$ 600.00	0.2	\$ 120.00
9/15/2022	K. Tucker	Review/revise proposed order for motion for leave	\$ 600.00	0.1	\$ 60.00
9/15/2022	K. Tucker	Prepare brief in support of motion for preliminary approval	\$ 600.00	4.5	\$ 2,700.00
9/15/2022	K. Tucker	Email to K. Abramowicz re brief in support of motion for preliminary approval	\$ 600.00	0.2	\$ 120.00
9/15/2022	K. Tucker	Review D. Ziegler 408 email	\$ 600.00	0.3	\$ 180.00
9/15/2022	K. Tucker	Prepare a response to D. Ziegler 408 and ciruclate to K. Abramowicz, S. Moore, and C. Steiger	\$ 600.00	0.8	\$ 480.00
9/15/2022	K. Tucker	Respond to D. Ziegler 408 email	\$ 600.00	0.2	\$ 120.00
9/15/2022	K. Abramowicz	Email K. Tucker re Preliminary Approval	\$600.00	0.1	\$ 60.00
9/15/2022	S. Moore	Prepare Amended Class Action Complaint	\$ 400.00	1	\$ 400.00
9/15/2022	S. Moore	Draft motion for leave to file ACAC	\$ 400.00	0.8	\$ 320.00
9/15/2022	S. Moore	Draft proposed order for motion for leave	\$ 400.00	0.3	\$ 120.00
9/16/2022	K. Tucker	Revise brief in support of motion for preliminary approval	\$ 600.00	1.5	\$ 900.00
9/16/2022	K. Tucker	Circulate revisions/updated brief in support of motion for preliminary approval to K. Abramowicz	\$ 600.00	0.1	\$ 60.00
9/16/2022	K. Tucker	Email to S. Cerrone requesting Defendant's consent to motion for leave to file amended class action complaint	\$ 600.00	0.1	\$ 60.00
9/16/2022	K. Tucker	Email to D. Ziegler and S. Cerron requesting defendant's consent to motion for leave to file ACAC	\$ 600.00	0.1	\$ 60.00
9/20/2022	K. Tucker	Finalize Motion for Leave to File ACAC, ACAC, and PO	\$ 600.00	1	\$ 600.00
9/20/2022	K. Tucker	File Motion for Leave to File ACAC, ACAC, and PO	\$ 600.00	0.3	\$ 180.00
9/20/2022	K. Tucker	Review/save ECF 25. MFL to to file ACAC	\$ 600.00	0.1	\$ 60.00
9/20/2022	K. Tucker	Review/save ECF 26. Order	\$ 600.00	0.1	\$ 60.00
9/20/2022	K. Tucker	Review/save ECF 27. ACAC	\$ 600.00	0.1	\$ 60.00
9/20/2022	L. Fisher	Review Amended Complaint and Motion to Amend Complaint	\$ 600.00	1.3	\$ 780.00

9/20/2022	K. Abramowicz	Review and Edit Preliminary Approval Brief	\$ 600.00	1.1	\$ 660.00
9/27/2022	K. Tucker	408 Email to D. Ziegler and S. Cerrone	\$ 600.00	0.1	\$ 60.00
9/27/2022	K. Tucker	Review S. Cerrone update email	\$ 600.00	0.1	\$ 60.00
9/27/2022	K. Tucker	Email to S. Cerrone suggesting the parties request a status conference if another extension is necessary	\$ 600.00	0.2	\$ 120.00
9/30/2022	K. Tucker	Review/save ECF 28. Stipulation	\$ 600.00	0.1	\$ 60.00
9/30/2022	K. Tucker	Review/respond D. Ziegler email re extension	\$ 600.00	0.1	\$ 60.00
9/30/2022	L. Fisher	Review Stipulation for Extension of Time to Answer	\$ 600.00	0.25	\$ 150.00
10/7/2022	K. Tucker	Email to S. Cerrone re progress	\$ 600.00	0.1	\$ 60.00
10/10/2022	K. Tucker	Email to S. Cerrone re progress	\$ 600.00	0.1	\$ 60.00
11/4/2022	K. Tucker	Review/respond to D. Ziegler 408 email	\$ 600.00	0.3	\$ 180.00
11/4/2022	K. Tucker	Prepare and circulate Status Report	\$ 600.00	0.5	\$ 300.00
11/4/2022	K. Tucker	File status report	\$ 600.00	0.2	\$ 120.00
11/4/2022	K. Tucker	Review/save ECF 29. Status Report	\$ 600.00	0.1	\$ 60.00
11/4/2022	K. Tucker	Review/save ECF 30. Status Report Order	\$ 600.00	0.1	\$ 60.00
11/4/2022	L. Fisher	Status Report	\$ 600.00	0.1	\$ 60.00
11/7/2022	K. Tucker	Review S. Cerrone 408 email and proposed revisions of settlement agreement	\$ 600.00	0.5	\$ 300.00
11/8/2022	K. Tucker	Review L. Fisher email re defendant's proposed revisions	\$ 600.00	0.5	\$ 300.00
11/8/2022	L. Fisher	Review further revisions to CASA	\$ 600.00	0.5	\$ 300.00
11/9/2022	K. Tucker	Email to L. Fisher re defendant's proposed revisions	\$ 600.00	0.1	\$ 60.00
11/10/2022	K. Tucker	Review/revise draft settlement agreement and 408 email to S. Cerrone	\$ 600.00	1.5	\$ 900.00
11/10/2022	K. Tucker	Review C. Steiger email re agreement	\$ 600.00	0.1	\$ 60.00
11/10/2022	K. Tucker	Review/respond L. Fisher email re agreement	\$ 600.00	0.2	\$ 120.00
11/10/2022	L. Fisher	Review addition revisions to CASS	\$ 600.00	0.3	\$ 180.00
11/10/2022	C. Steiger	began preparing memorandum in support of motion for class certification and preliminary approval	\$ 400.00	5.1	\$ 2,040.00
11/11/2022	K. Tucker	Preliminary review of draft brief in support of motion for preliminary approval	\$ 600.00	0.5	\$ 300.00
11/11/2022	K. Tucker	Review C. Steiger email and attachment re agreement	\$ 600.00	0.5	\$ 300.00
11/11/2022	K. Tucker	finished preparing memorandum in support of motion for class certification and preliminary approval; proofread and prepared tables of contents and authorities for same; emailed to K. Tucker for review	\$ 400.00	7.2	\$ 2,880.00
11/14/2022	K. Tucker	Finalize motion for preliminary approval, supporting brief, proposed order, notice plan, settlement agreement	\$ 600.00	4.5	\$ 2,700.00
11/14/2022	C. Steiger	prepared motion for class certification and preliminary approval, proposed order, and notice plan; made edits to memorandum in support of motion for class certification and preliminary approval; emailed all documents to K. Tucker for review and circulation	\$ 400.00	6.2	\$ 2,480.00
11/15/2022	K. Tucker	Circulate motion for preliminary approval, supporting brief, proposed order, notice plan, settlement agreement to L. Fisher for review/revision	\$ 600.00	0.5	\$ 300.00

11/15/2022	L. Fisher	Procure client's signature of Class Settlement Agreement reviewed K. Tucker's edits to motion for class certification and preliminary approval and proposed order, and made additional edits to same	\$ 600.00	0.25	\$	150.00
11/15/2022	C. Steiger		\$ 400.00	0.5	\$	200.00
11/17/2022	K. Tucker	Review and incorporate C. Stieger updated resume prepared resume to attach as exhibit 2 to motion for class certification and preliminary approval; emailed to K. Tucker	\$ 600.00	0.2	\$	120.00
11/17/2022	C. Steiger		\$ 400.00	1.7	\$	680.00
11/18/2022	K. Tucker	Review and incorporate S. Moore updated resume	\$ 600.00	0.2	\$	120.00
11/18/2022	L. Fisher	Approval of Class Settlement	\$ 600.00	1.25	\$	750.00
11/18/2022	S. Moore	Update resume and send to K. Tucker	\$ 400.00	0.5	\$	200.00
11/20/2022	K. Tucker	Incorporate A. Murphy's signature page into settlement agreement document	\$ 600.00	0.2	\$	120.00
11/20/2022	K. Tucker	Email to D. Ziegler and S. Cerrone with execution page	\$ 600.00	0.2	\$	120.00
11/21/2022	K. Tucker	Review/respond to D. Ziegler email re status report	\$ 600.00	0.1	\$	60.00
11/21/2022	K. Tucker	File status report	\$ 600.00	0.2	\$	120.00
11/21/2022	K. Tucker	Review/save ECF 31. Status Report	\$ 600.00	0.1	\$	60.00
11/21/2022	K. Tucker	Circulate motion for preliminary approval and supporting documents to D. Ziegler and S. Cerrone for defendant's consent	\$ 600.00	0.5	\$	300.00
11/21/2022	K. Tucker	Email to all counsel re status report as alternative to preliminary approval motion	\$ 600.00	0.2	\$	120.00
11/22/2022	K. Tucker	Review/save ECF 32. Order	\$ 600.00	0.1	\$	60.00
11/23/2022	K. Tucker	Review/save ECF 33. Order	\$ 600.00	0.1	\$	60.00
11/28/2022	K. Tucker	Email to S. Cerrone for update	\$ 600.00	0.1	\$	60.00
11/28/2022	K. Tucker	Email to S. Cerrone for update	\$ 600.00	0.1	\$	60.00
11/28/2022	K. Tucker	Emails to/from. S. Cerrone re defendant's unavailability and status report	\$ 600.00	0.5	\$	300.00
11/28/2022	K. Tucker	File status report	\$ 600.00	0.2	\$	120.00
11/28/2022	K. Tucker	Review/save ECF 34. Status Report	\$ 600.00	0.1	\$	60.00
11/29/2022	K. Tucker	Review/save ECF 35. order	\$ 600.00	0.1	\$	60.00
12/2/2022	K. Tucker	Review/save D. Humphries email re call-in instructions	\$ 600.00	0.1	\$	60.00
12/2/2022	K. Tucker	Save Defendant's executed signature page	\$ 600.00	0.2	\$	120.00
12/2/2022	K. Tucker	Email to L. Fisher re Murphy se-signing signature page	\$ 600.00	0.1	\$	60.00
12/5/2022	K. Tucker	Review/save fully executed class action settlement agreement	\$ 600.00	0.1	\$	60.00
12/5/2022	K. Tucker	Finalize motion for preliminary approval and all supporting documents; file	\$ 600.00	2.0	\$	1,200.00
12/5/2022	K. Tucker	Review/save ECF 36. Motion to Certify and for Preliminary Approval	\$ 600.00	0.2	\$	120.00
12/5/2022	K. Tucker	Review/Save ECF 37. Brief	\$ 600.00	0.1	\$	60.00
12/6/2022	K. Tucker	Review/save ECF 38 Order	\$ 600.00	0.1	\$	60.00
12/6/2022	L. Fisher	Review and calendar hearing on certification and approval	\$ 600.00	0.25	\$	150.00
12/8/2022	K. Tucker	Review/respond to S. Cerrone email re timeline for final approval	\$ 600.00	0.4	\$	240.00
1/4/2023	K. Tucker	Review/save ECF 39 Order	\$ 600.00	0.1	\$	60.00
1/4/2023	L. Fisher	Review Court Order rescheduling to January 19, 2023	\$ 600.00	0.1	\$	60.00

1/17/2023	K. Tucker	Review/respond to D. Ziegler email re attendance at hearing	\$ 600.00	0.2	\$ 120.00
1/17/2023	C. Steiger	preparation for preliminary approval hearing: compared Le Sportsac settlement agreement to the Hundreds Is Huge settlement agreement, to highlight differences for court; prepared hearing outline; reviewed preliminary approval brief and amended complaint	\$ 425.00	7.4	\$ 3,145.00
1/18/2023	K. Tucker	Review/respond to D. Ziegler email re attendance at hearing	\$ 600.00	0.1	\$ 60.00
1/18/2023	K. Tucker	Review/save ECF 40 Motion	\$ 600.00	0.1	\$ 60.00
1/18/2023	K. Tucker	Review/comment C. Steiger hearing argument outline	\$ 600.00	0.3	\$ 180.00
1/18/2023	K. Tucker	Review/comment S. Moore hearing argument outline	\$ 600.00	0.2	\$ 120.00
1/18/2023	K. Tucker	Review/save ECF 41. order	\$ 600.00	0.1	\$ 60.00
1/18/2023	L. Fisher	Prepare for January 19 hearing	\$ 600.00	0.3	\$ 180.00
1/19/2023	L. Fisher	Attend hearing via zoom	\$ 600.00	0.5	\$ 300.00
1/19/2023	C. Steiger	travelled from Pittsburgh to Erie and back for preliiminary approval and class certification hearing	\$ 425.00	4.4	\$ 1,870.00
1/19/2023	S. Moore	Traveled to and from Erie, PA for the preliminary approval hearing	\$ 425.00	4.4	\$ 1,870.00
1/19/2023	S. Moore	Participated in oral argument for preliminary approval of the settlement agreement	\$ 425.00	1.3	\$ 552.50
1/23/2023	K. Tucker	Review/save ECF 43	\$ 600.00	0.1	\$ 60.00
1/23/2023	K. Tucker	Review 1/19/23 hearing transcript	\$ 600.00	0.4	\$ 240.00
1/24/2023	K. Tucker	Review/save ECF 44. Memorandum Opinion	\$ 600.00	0.4	\$ 240.00
1/24/2023	K. Tucker	Review/save ECF 45. order	\$ 600.00	0.1	\$ 60.00
1/24/2023	K. Tucker	Review/save ECF 46. order	\$ 600.00	0.1	\$ 60.00
1/24/2023	L. Fisher	Review Court Memorandum Order Approving Class Certification and Preliminary Approval of Settlement Agreement; notify client	\$ 600.00	1.1	\$ 660.00
1/26/2023	S. Moore	Drafted motion for final approval and supporting brief	\$ 425.00	4.5	\$ 1,912.50
1/27/2023	K. Tucker	Preliminary review of motion for final approval and supporting documents	\$ 600.00	0.5	\$ 300.00
1/27/2023	S. Moore	Finished drafting motion for final approval, brief in support, and proposed order	\$ 425.00	6.2	\$ 2,635.00
2/23/2023	K. Tucker	Emails to/from D. Ziegler and S. Cerrone re defendant's notice obligations	\$ 600.00	0.5	\$ 300.00
2/23/2023	K. Tucker	Review/approve defendant's motion for extension	\$ 600.00	0.2	\$ 120.00
2/23/2023	K. Tucker	Review/save ECF 47. Motion for Extension	\$ 600.00	0.1	\$ 60.00
2/27/2023	K. Tucker	Review/save ECF 48. Order	\$ 600.00	0.1	\$ 60.00
2/27/2023	K. Tucker	Review/respond to S. Cerrone email re publication on settlement website	\$ 600.00	0.3	\$ 180.00
3/10/2023	K. Tucker	Emails to/from D. Ziegler and S. Cerrone re defendant's notice obligations	\$ 600.00	0.4	\$ 240.00
3/23/2023	K. Tucker	Emails to/from D. Ziegler and S. Cerrone re defendant's notice obligations	\$ 600.00	0.3	\$ 180.00
3/23/2023	K. Tucker	Email to/from S. Ceronne re future accessibility inquiries	\$ 600.00	0.2	\$ 120.00

3/29/2023	K. Tucker	Email to/from S. Cerrone re social media posts	\$ 600.00	0.2	\$ 120.00
3/29/2023	K. Tucker	Investigate accessibility of Defendant's notice posts and settlement website with S. Moore and C. Steiger	\$ 600.00	1	\$ 600.00
3/29/2023	K. Tucker	Review emails between S. Moore and S. Cerrone re accessibility of posts and settlement website	\$ 600.00	0.4	\$ 240.00
3/30/2023	K. Tucker	Review S. Moore email to S. Heasley re accessible documents	\$ 600.00	0.1	\$ 60.00
3/30/2023	S. Moore	Correspondence to S. Heasley re accessible documents	\$ 425.00	0.5	\$ 212.50
3/31/2023	K. Tucker	Email to S. Cerrone re accessiBe	\$ 600.00	0.1	\$ 60.00
4/5/2023	K. Tucker	Distribute email notice to advocacy organizations listed in class action settlement agreement, and others	\$ 600.00	1.5	\$ 900.00
4/11/2023	S. Moore	Prepared motion for fees and supporting brief	\$ 425.00	4.5	\$ 1,912.50
4/12/2023	S. Moore	Prepared declaration and proposed order for the motion for fees	\$ 425.00	4.2	\$ 1,785.00
4/26/2023	K. Tucker	Review/respond to S. Cerrone email re notice declaration	\$ 600.00	0.2	\$ 120.00
4/28/2023	K. Tucker	Review/approve Plaintiff's draft notice declaration	\$ 600.00	0.2	\$ 120.00
4/28/2023	K. Tucker	Review/save ECF 49 Declaration	\$ 600.00	0.1	\$ 60.00
4/28/2023	K. Tucker	Review/save ECF 50 Declaration	\$ 600.00	0.1	\$ 60.00
4/28/2023	C. Steiger	drafted and filed Declaration of Chandler Steiger Regarding Class Counsel's Compliance with the Court's January 24, 2023 and February 27, 2023 Orders	\$ 425.00	1.8	\$ 765.00
5/2/2023	S. Moore	Finalized motion for final approval papers	\$ 425.00	6.5	\$ 2,762.50
5/3/2023	K. Tucker	Preliminary review of final approval and fee motion papers	\$ 600.00	0.5	\$ 300.00
5/3/2023	S. Moore	Finalized motion for fees papers, and emailed to KT for review along with motion for final approval papers	\$ 425.00	6.6	\$ 2,805.00
5/12/2023	K. Tucker	Review/revise draft motion for final approval, brief, proposed order, motion for fees, brief, delcaration, proposed order	\$ 600.00	5	\$ 3,000.00
5/12/2023	K. Tucker	Email S. Cerrone to confirmed defendant's consent to relief sought in final approval motion and fee motion	\$ 600.00	0.1	\$ 60.00
5/12/2023	K. Tucker	Request K. Abramowicz, L. Fisher, S. Moore, and C. Steiger provide time entries for Murphy v. Le Sportsac	\$ 600.00	0.1	\$ 60.00
5/13/2023	L. Fisher	Review Motion for Attorneys' Fees, Brief and Declaration and Proposed Order	\$ 600.00	1.5	\$ 900.00
5/13/2023	L. Fisher	Review Motion for Final Approval, Brief and Proposed Order	\$ 600.00	1.3	\$ 780.00
5/15/2023	K. Tucker	Review S. Cerrone email re case management deadlines	\$ 600.00	0.1	\$ 60.00
5/15/2023	K. Tucker	Consolidate all attorney time into declaration exhibit	\$ 600.00	0.4	\$ 240.00
5/15/2023	K. Tucker	Finalize motion for fees, brief, and declaration to include all attorney time submitted by 5/15/23	\$ 600.00	0.7	\$ 420.00
Total:				185.3	\$ 96,547.50

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

ANTHONY HAMMOND MURPHY, on behalf
of himself and all similarly situated individuals,

Plaintiff,

v.

LE SPORTSAC, INC.,

Defendant.

Civil Action No. 1:22-cv-00058

**ORDER GRANTING PLAINTIFF'S UNOPPOSED MOTION FOR
ATTORNEYS' FEES AND INCENTIVE AWARD**

Pending before the Court is Plaintiff's Motion for Attorneys' Fees and Incentive Award.

On _____, the Court certified the following Settlement Class:¹

[A]ll Blind or Visually Disabled individuals who use screen reader auxiliary aids to navigate digital content and who have accessed, attempted to access, or been deterred from attempting to access, or who will access, attempt to access, or be deterred from attempting to access, the Website from the United States.

Doc. _____. The Court also granted final approval to the proposed class action settlement set forth in the Agreement. *Id.*

Having considered the pending motion and all accompanying papers, the relevant legal authority, and the Agreement, the Court **GRANTS** Plaintiff's Unopposed Motion for Attorneys' Fees and Incentive Award as set forth below.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The hourly rate of \$600 for work performed in 2022 and 2023, by attorneys Kevin Tucker, Lawrence Fisher, and Kevin Abramowicz is approved as fair and reasonable.

¹ Unless otherwise defined herein, all capitalized terms shall have the meanings set forth in the Agreement, which is available at Doc. 36-1.

2. The hourly rate of \$400 for work performed in 2022, and the hourly rate of \$425 for work performed in 2023, by attorneys Stephanie Moore and Chandler Steiger is approved as fair and reasonable.

3. Pursuant to Fed. R. Civ. P. 23, the Court hereby awards Class Counsel for the Settlement Class attorneys' fees in the amount of \$45,000.00, payable pursuant to the terms of the Agreement.

4. The Court finds the award of fees is reasonable as: (a) Class Counsel achieved a favorable result for the Settlement Class; (b) Class Counsel devoted substantial effort to the investigation of Plaintiff's claims, legal analysis, and litigation; (c) Class Counsel prosecuted the Settlement Class's claims with no guarantee Class Counsel would receive compensation for their services or recover their expenses; (d) Class Counsel employed their knowledge of and experience with class action litigation in achieving a valuable settlement for the Settlement Class, in spite of Defendant's possible legal defenses and its experienced and capable counsel; and (e) the notice informed Settlement Class Members of the amount and nature of Class Counsel's fee request.

5. The Court further approves an incentive award in the amount of \$1,000.00 to Plaintiff, payable pursuant to the terms of the Agreement.

SO ORDERED this ____ day of _____, 20____.

BY THE COURT:

HON. RICHARD A. LANZILLO
United States Magistrate Judge