

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOANNE HART and SANDRA BUENO, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

vs.

BHH, LLC d/b/a/ BELL + HOWELL and VAN
HAUSER LLC,

Defendants.

Case No. 15-cv-4804

JUDGE WILLIAM H. PAULEY, III

**DECLARATION OF SCOTT D. SIMPKINS IN SUPPORT OF PLAINTIFFS' MOTION
FOR ATTORNEYS' FEES, COSTS, EXPENSES, AND INCENTIVE AWARDS, FILED
ON BEHALF OF CLIMACO, WILCOX, PECA & GAROFOLI CO., L.P.A.**

I, Scott D. Simpkins, hereby declare under penalty of perjury as follows:

1. I am a principal of the law firm of Climaco, Wilcox, Peca & Garofoli Co., L.P.A.

I submit this declaration in support of Class Counsel's application for an award of attorneys' fees in connection with services rendered at the request of Class Counsel as well as for reimbursement of expenses incurred by my firm in connection therewith and leading to the proposed Settlement. I have personal knowledge of the matters set forth herein.

2. At the direction of Class Counsel, my firm performed work on behalf of the Classes in this matter in the related matter filed in the District Court for the Northern District of Ohio, *Steigerwald v. BHH, LLC*, U.S.D.C. Case No. 1:15-cv-00741. We participated in, among other tasks, reviewing and commenting on the Class Counsel's draft motion to intervene in the Ohio action to ensure compliance with the N.D. Ohio local rules; preparing and filing various pro hac vice motions; assisting in scheduling matters; and attending telephonic conferences with Class Counsel

and counsel for plaintiff in the Ohio action. We also shared with Class Counsel our knowledge of, and experience in, the local federal court and local Bar.

3. The information in this declaration regarding my firm's time, including in the schedule attached hereto as Exhibit A, was prepared from daily time records regularly prepared and maintained by my firm in the ordinary course of business. I am the principal who oversaw and conducted the day-to-day activities in the litigation on behalf of my firm, and I reviewed the daily time records with an effort to confirm their accuracy. As a result of this review, I believe that the time reflected in the firm's lodestar calculation is reasonable in amount and was necessary for the effective and efficient prosecution and resolution of the litigation.

4. The total number of hours expended on this Action by my firm's attorneys and professional support staff employees through February 29, 2020, is 25.75. The total resulting lodestar for my firm through February 29, 2020, is \$14,737.50. The schedule attached hereto as Exhibit A is a detailed summary indicating the amount of time spent by each attorney and professional support staff employee of my firm who was involved in this action, and the lodestar calculation based on my firm's current billing rates.

5. The hourly rates are the same as, or comparable to, the rates submitted by my firm for lodestar cross-checks in other class action litigation for fee applications that have been granted. *See, e.g., Government of Guam Retirement Fund v. Invacare Corp.*, N.D. Ohio Case No. 1:13-cv-1165 (J. Boyko); *Smith v. Volkswagen Group of America, Inc.*, S.D. Ill. Case No. 13-cv-00370 (J. Yandle); *Schmidt v. AT&T*, Cuyahoga Common Pleas Case No. CV-09-688788 (J. O'Donnell); *Gemelas v. the Dannon Company, Inc.*, N.D. Ohio Case No. 1:08-cv-00236 (J. Polster); *In re Cooper Companies Derivative Litig.*, C.D. Cal. Case No. 8:06-cv-00169 (J. Carney); *In re Scottish Re Group Securities Litig.*, S.D.N.Y. Case No. 06-cv-5853 (J. Scheindlin);

In re OM Group Securities Litig., N.D. Ohio Case No. 02-cv-2163 (J. Nugent); *In re ProQuest Company Derivative Litig.*, E.D. Mich. Case No. 2:06-cv-11845 (J. Cohn).

6. My firm's lodestar figures are based upon the firm's billing rates, which rates do not include charges for expense items. Expense items are billed separately and such charges are not duplicated in my firm's billing rates.

7. As detailed in Exhibit A, my firm has incurred a total of \$1,701.51 in unreimbursed expenses in connection with the prosecution of this Action through February 29, 2020.

8. The expenses detailed herein are reflected on the books and records of my firm. These books and records are prepared from expense vouchers, check records and other source materials and are an accurate record of the expenses incurred.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 20th day of May 2020


SCOTT D. SIMPKINS (Ohio Bar. 0066775)

EXHIBIT A

STEIGERWALD V. BHH, LLC, ETAL

Firm Name: Climaco, Wilcox, Peca & Garofoli Co., LPA

Reporting Through February 29, 2020

TITLES:

(P) Partner

(PL) Paralegal

Name (Title)	HOURS	RATE	CURRENT LODESTAR	CUMULATIVE HOURS	CUMULATIVE LODESTAR
Climaco, John R. (P)	1.25	\$750.00	\$937.50	1.25	\$937.50
Simpkins, Scott D. (P)	22.25	\$600.00	\$13,350.00	22.25	\$13,350.00
Attorney Totals:	23.50		\$14,287.50	23.50	\$14,287.50
Bruno, Gina A. (PL)	2.25	\$200.00	\$450.00	2.25	\$450.00
Non-Attorney Totals:	2.25		\$450.00	2.25	\$450.00
TOTALS:	25.75		\$14,737.50	25.75	\$14,737.50

Signature: 

Date: 3/13/2020

STEIGERWALD V. BHH, LLC, ETAL**EXPENSE SUMMARY REPORT****Firm Name: Climaco, Wilcox, Peca & Garofoli Co., LPA****Reporting Through February 29, 2020**

	TOTALS:
Fax Charges	\$0.00
Filing fees (OHND)	\$120.00
Postage, Shipping, Courier, Certified Mail	\$0.00
Printing & Photocopying (in-house)	\$44.20
Computerized Research-Lexis/Westlaw	\$1,464.01
Telephone-Long Distance	\$2.20
Outside Copy Expense	\$71.10
Travel-Attorney for Deposition, Court or Legislative Hearing	\$0.00
Airfare	\$0.00
Reasonable Ground Transportation	\$0.00
Reasonable Meals	\$0.00
Reasonable Other (Parking, etc.)	\$0.00
Assessments	\$0.00
Car rental, cabs, etc.	\$0.00
TOTAL COSTS	\$1,701.51

CLIMACO, WILCOX, PECA & GAROFOLI CO., L.P.A.

ATTORNEYS AND COUNSELLORS AT LAW

55 PUBLIC SQUARE, SUITE 1950

CLEVELAND, OHIO 44113

(216) 621-8484

FEDERAL I.D. NO.
34-1373042

Steigerwald v. BHH, LLC, etal.
 c/o Bursor & Fisher, P.A.
 888 Seventh Avenue
 New York, NY 10019
 ATTN: Yitz Kopel

March 5, 2020

Matter: 17256.001
 Invoice No.: 255628

Re: Consumer Fraud Action

FOR PROFESSIONAL SERVICES RENDERED THROUGH 02/29/2020

DATE	DESCRIPTION	ATTY	HOURS
08/10/16	Conference call with out of state counsel; pull, research and locate documents per JRC; print complaint and class certification order; meet with JRC.	GAB	1.50
08/10/16	Discussion with JRC and co-counsel; skim complaint; check certified order.	SDS	0.50
08/10/16	Discussion with co-counsel, SDS and GAB.	JRC	0.50
08/11/16	Review class certification orders in Gaughn case and Nugent case.	SDS	0.75
08/11/16	Prepare copies of documents for JRC and SDS.	GAB	0.75
08/12/16	Review and revise draft motion to intervene; discussion with co-counsel.	SDS	1.50
08/15/16	Review draft materials; discussion with JRC; revise and exchange emails with co-counsel.	SDS	1.25
08/15/16	Review materials and discuss same with SDS.	JRC	0.75
08/16/16	Review draft pleading; exchange emails with JRC and co-counsel; attend to filing motion to intervene and pro hac motion.	SDS	1.50
08/18/16	Attend to court order.	SDS	0.25
08/30/16	Review opposition brief; exchange emails with	SDS	0.75

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Invoice No.: 255628
Matter: 17256.001

DATE	DESCRIPTION	ATTY	HOURS
	co-counsel.		
09/07/16	Review and revise reply on motion to intervene; exchange emails with co-counsel.	SDS	0.75
09/08/16	Exchange emails with co-counsel; review, finalize and file reply brief.	SDS	0.75
09/09/16	Review defendant's opposition to motion to intervene.	SDS	0.50
09/12/16	Exchange emails with co-counsel; discussion with co-counsel; discussion with P. Parotti.	SDS	0.75
09/14/16	Discussion with co-counsel; review defendant's motion for summary judgment and motion in limine.	SDS	1.75
09/15/16	Discussion with co-counsel.	SDS	0.25
09/19/16	Review and revise reply brief; review revised reply brief and file same.	SDS	0.75
10/13/16	Review opposition to motion for summary judgment.	SDS	0.50
10/27/16	Download, docket and review reply on motion for summary judgment.	SDS	0.75
10/31/16	Exchange emails with co-counsel.	SDS	0.25
11/08/16	Review court order on intervention; exchange emails with co-counsel; gather research regarding stay pending appeal.	SDS	2.50
11/09/16	Discussion with co-counsel; exchange emails with co-counsel.	SDS	0.50
11/29/16	Review court order on motion for summary judgment; exchange emails with co-counsel.	SDS	0.75

CLIMACO, WILCOX, PECA & GAROFOLI Co., L.P.A.
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FEDERAL I.D. NO.
34-1373042March 5, 2020
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DATE	DESCRIPTION	ATTY	HOURS
12/05/16	Exchange emails with co-counsel.	SDS	0.25
08/07/17	Review New York court order on motion to dismiss and class certification.	SDS	0.75
09/04/19	Review plaintiff's motion for preliminary approval and gather billing information to compile T&E report.	SDS	2.00
09/11/19	Check docket; check T&E report; exchange emails with co-counsel.	SDS	1.00
02/06/20	Review docket and amended settlement.	SDS	0.50
02/11/20	Review amended proposed order on settlement.	SDS	0.50
Total Services:		\$	14,737.50

Expenses Incurred:

09/17/19	Document Reproduction		44.20
09/18/16	Long Distance Calls		2.20
08/16/16	Filing Fee - OHND		120.00
11/30/16	Westlaw (legal research, November 2016)		412.40
11/30/16	Westlaw (legal research, November 2016)		1,051.61
06/30/17	Outside Copying Expense - PACER (second quarter, 2017)		6.40
10/01/17	Outside Copying Expense - PACER (third quarter, 2017)		5.60
01/01/18	Outside Copying Expense - PACER (fourth		6.70

CLIMACO, WILCOX, PECA & GAROFOLI Co., L.P.A.
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FEDERAL I.D. NO.
 34-1373042

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 Matter: 17256.001

Expenses Incurred:

	quarter, 2017)		
07/01/18	Outside Copying Expense - PACER (second quarter, 2018)		6.70
10/01/18	Outside Copying Expense - PACER (third quarter, 2018)		7.20
12/31/18	Outside Copying Expense - PACER (fourth quarter, 2018)		2.10
03/31/19	Outside Copying Expense - PACER (first quarter, 2019)		7.00
06/30/19	Outside Copying Expense - PACER (second quarter, 2019)		8.90
09/30/19	PACER (third quarter 2019 copies)		20.50

Total Expenses: \$ 1,701.51

Total Services and Expenses Incurred: \$ 16,439.01

Total Balance Due: \$ 16,439.01
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