

**U.S. Department of Labor**

Office of Administrative Law Judges  
11870 Merchants Walk - Suite 204  
Newport News, VA 23606

(757) 591-5140  
(757) 591-5150 (FAX)



**Issue Date: 14 August 2014**

**ARB NO.: 14-039**  
**CASE NO.: 2010-AIR-00001**

*In the Matter of:*

**ROBERT BENJAMIN,**

Claimant,

v.

**CITATIONSHARES MANAGEMENT, LLC,  
N/K/A CITATIONAIR,**

Respondent.

**ORDER AWARDING ATTORNEY'S FEES**

This case arises under the employee protection provision of Section 519 of the Wendell H. Ford Aviation Investment and Reform Act for the 21<sup>st</sup> Century, Public Law 106-181, 49 U.S.C. § 42121, ("AIR 21") and the implementing regulations found at 29 C.F.R. § 1979. This statutory provision, in part, prohibits an air carrier, contractor or subcontractor of an air carrier, from discharging or otherwise discriminating against any employee with respect to compensation, terms, conditions, or privileges of employment because the employee provided to the employer or Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration ("FAA") or any other provision of Federal law relating to air carrier safety.

**PROCEDURAL HISTORY**

A hearing was held in this case during the week of July 25, 2011 in Stamford, Connecticut. On December 22, 2011, I issued a Decision and Order. *Benjamin v. Citationshares Management LLC*, 2010-AIR-00001 (Dec. 22, 2011). I found that Complainant proved by a preponderance of the evidence that he attempted to make an audio recording of his March 24, 2009 meeting at CitationAir. *Id.* at 25. In addition, I found that Complainant proved that he subsequently suffered the adverse employment actions of termination and denial of peer review. *Id.* CitationAir acknowledged that the recording was the decisive factor in both personnel actions. I denied Complainant's retaliation complaint on the basis that the actions did not constitute protected activity under Air 21. Complainant appealed to the Administrative Review Board.

The Administrative Review Board issued an Order of Remand on November 5, 2013. *Benjamin v. Citationshares Management LLC*, ARB. No. 12-029, ALJ 2010-AIR-00001 (ARB Nov. 5, 2013). The Board found that Complainant had, as a matter of law, engaged in several acts of protected activity. The Board found that my findings settled the question of causation, and remanded the case for a determination on damages. The Board also noted that CitationAir should be given the opportunity to present clear and convincing evidence to avoid damages.

On March 7, 2014, I issued a Decision and Order on Remand. *Benjamin v. Citationshares Management, LLC*, 2010-AIR-00001 (Mar. 7, 2014). I noted that the Board stated that Complainant could not be afforded relief if the Respondent demonstrated by clear and convincing evidence that it would have taken the same unfavorable personnel action in the absence of the protected behavior. *Id.* at 3. I found that CitationAir could not satisfy this standard, as it had consistently proffered the attempted recording as the reason for termination. *Id.* In addition, I noted that the parties agreed to a figure of \$450,000.00 for Complainant's economic losses through the end of February 2014. *Id.* at 5. I noted that the parties agreed that a figure of \$1,893.75 per month was accurate for the difference in earnings going forward, from the end of February until May 2014. In addition, I found that compensatory damages of \$50,000.00 for emotional distress were appropriate. *Id.* Respondent appealed to the U.S. Court of Appeals for the Second Circuit. As the appeal was deemed premature, it was returned to the Administrative Review Board.

On July 28, 2014, the Administrative Review Board issued a Final Decision and Order summarily affirming my Decision and Order. *Benjamin v. Citationshares Management, L.L.C.*, ARB No. 14-039, ALJ No. 2010-AIR-0001, slip op. at 5 (ARB July 28, 2014). The Board affirmed my finding that Respondent failed to demonstrate that it would have terminated Complainant's employment absent the protected activity. *Id.* In addition, the Board affirmed the following: the order of reinstatement; the award of \$450,000 for lost wages, benefits, and interest through February 2014; the award of \$1,893.75 per month from March 1, 2014 until the reinstatement becomes effective; and the award of \$50,000 for emotional distress. *Id.*

## **DISCUSSION**

### **Positions of the Parties**

#### **Complainant's Fee Petition**

On May 5, 2014, Complainant's counsel, Mr. Daniel Young, submitted a fee petition. Mr. Young requested that his fee be calculated according to the lodestar method, whereby the number of hours reasonably expended in litigation is multiplied by a reasonable hourly rate. (Petition at 2, citing *Clemmons v. Ameristar Airways Inc.*, Admin. Rev. Bd. No. 11-061, 2012 WL 1568662 (Apr. 27, 2012)). Mr. Young proffered his current billing rate of \$375 per hour. (Petition at 3). In support of this rate, Mr. Young outlined his qualifications. He explained that he clerked for a federal district court judge and has been in private practice for 17 years. (Petition at 7). Mr. Young noted that his practice focuses on employment disputes, including representation before state and federal appellate courts. (Petition at 7). In addition, Mr. Young noted that he serves on the Advisory Board for New York University's Center of Labor and Employment Law. (Petition at 8). Mr. Young submitted affidavits from Jonathan Orleans, David

Rosen, Kathryn Emmett, and Scott Centrella, experienced Connecticut lawyers, to confirm that Mr. Young's hourly rate is in line with legal fees prevailing in the community. Furthermore, Mr. Young asserted that the vast majority of his clients pay the \$375 rate. (Petition at 9).

Mr. Young requested 1,095.7 hours of work at an hourly rate of \$375, for a total of \$410,887.50. In addition, Mr. Young requested reimbursement for the use of Complainant's frequent flyer miles and other travel expenses, totaling \$1,550.00. Furthermore, he requested \$8,717.62 for costs paid by Wofsey, Rosen, Kweskin & Kuriansky, LLP. In total, Mr. Young requested \$421,155.12.

#### Respondent's Objections

On June 5, 2014, Respondent replied to Complainant's Fee Petition. (Objections at 1). Respondent argued that Tennessee rates should be utilized when calculating the hourly rate. (Objections at 1). Respondent noted that Complainant was a resident of Nashville while employed and remained a Nashville resident throughout the litigation. (Objections at 1). Using Tennessee as the proper area, Respondent stated that the hourly rate should be \$250 per hour. (Objections at 2). Furthermore, Respondent argued that Mr. Young's fee petition should be reduced due to block billing. (Objections at 3). Respondent argued that Complainant cannot be reimbursed for transcripts, computer research, or travel expense costs. (Objections at 6). Regarding travel costs, Respondent emphasized that it was willing to travel to Tennessee for a hearing. (Objections at 6). Factoring in the reductions for block billing and the lower hourly rate, Respondent urged that \$117,275.00 would constitute a reasonable fee award.

#### Complainant's Brief in Further Support

On June 9, 2014, Complainant responded to Respondent's Objections. (Brief at 1). Regarding the proper locale for determining the hourly rate, Complainant emphasized that the conduct giving rise to the litigation occurred in Connecticut, the investigation was conducted by an OSHA investigator based in Boston, and all litigation occurred in Connecticut. (Brief at 2). Furthermore, Mr. Young emphasized that Complainant reasonably hired a Connecticut lawyer after Respondent alleged that Complainant was properly terminated for violating Connecticut state law. (Brief at 3). In addition, Mr. Young argued that \$375 per hour is also a reasonable hourly rate in Tennessee. Mr. Young argued that block billing should only be reduced when it impedes the adjudicator's ability to differentiate between properly billable and improper tasks. (Brief at 5). Mr. Young asserted that Complainant's costs were compensable because, under the retainer agreement, Complainant is responsible for his own costs. (Brief at 8).

#### Complainant's August 11, 2014 Submission

On August 11, 2014, Complainant's counsel submitted an update to the fee petition. Mr. Young explained that he discovered that attorneys must submit a separate petition to the Administrative Review Board for work performed at that level. Therefore, Mr. Young acknowledged that work performed from January 2, 2012 to April 4, 2012 should not be included in the petition. In addition, he noted that work performed between March 21, 2014 and April 24, 2014 was likewise not compensable at this level. Based on these updated hours, Mr. Young requested a fee award of \$362,475.00.

## **Entitlement to a Fee**

A successful complainant is entitled to receive all costs and expenses, including attorney's fees, reasonably incurred in bringing an AIR 21 complaint. 49 U.S.C. § 42121 (b)(3)(B). The Administrative Review Board has endorsed the lodestar method to calculate attorney's fees. *Eash v. Roadway Express, Inc.*, ARB Nos. 02-008, 02-064, ALJ No. 2000-STA-047 slip op. at 7 (ARB June 27, 2003). The lodestar method calculates fees by multiplying the number of hours reasonably expended in bringing the litigation by the reasonable hourly rate. *Cefalu v. Roadway Express, Inc.*, ARB Nos. 04-103, 04-161, ALJ No. 2003-STA-055, slip op. at 2 (ARB Apr. 3, 2008); *Jackson v. Butler & Co.*, ARB Nos. 03-116, 03-144, ALJ No. 2003-STA-026 (ARB Aug. 31, 2004).

An attorney seeking a fee award must submit evidence documenting the hours worked and the rates claimed, as well as records identifying the date, time, and duration necessary to accomplish each specific activity and all claimed costs. *Negron v. Vieques Air Link, Inc.*, ARB No. 04-021, ALJ No. 2003-AIR-010, slip op. at 2 (ARB Mar. 7, 2006). The burden of proof is also on the attorney to demonstrate the reasonableness of his hourly fee by producing evidence that the requested rate is in line with fees prevailing in the community for similar services by lawyers of similar skill and reputation. *Gutierrez v. Regents of the Univ. of Cal.*, ARB No. 99-116, ALJ No. 1998-ERA-019, slip op. at 2 (ARB Feb. 6, 2004).

## **Hourly Rate**

The hourly rate must be in line with legal fees prevailing in the community. In *Clemmons v. Ameristar Airways, Inc.*, the Board noted with approval that the ALJ "acknowledged that the relevant market community for determining a reasonable hourly billing rate is the place where the case was filed." ARB No. 11-061, ALJ No. 2004-AIR-011, slip op. at 5 (Apr. 27, 2012). In a Surface Transportation Assistance Act case, the Board stated that, in accordance with its AIR 21 precedent, the ALJ properly selected the location where the case was filed as the relevant community for determining the hourly rate. *Smith v. Lake City Enterprises, Inc.*, ARB Nos. 12-112 & 12-113, ALJ No. 2006-STA-032, slip op. at 4 (Sept. 12, 2013).

In his Brief in Further Support, Complainant's attorney argued that the hourly rate should be based on the Stamford, Connecticut locality. He explained that Complainant filed the complaint with the Department of Labor Regional Office in Boston, the appropriate office for a whistleblower complaint originating in Connecticut. The Respondent's corporate headquarters are near Stamford, and trying the case there was a convenience both for its counsel and for the numerous employees who testified at depositions and the hearing. Furthermore, Mr. Young explained that all of the litigation, including twelve depositions and the hearing, was held in Stamford, Connecticut. Based on the area where the complaint was filed and work on the case was performed, I find that Stamford, Connecticut, and not Nashville, Tennessee, is the relevant community for determining the hourly rate.

Mr. Young submitted affidavits from Jonathan Orleans, David Rosen, Kathryn Emmett, and Scott Centrella, experienced Connecticut lawyers, to confirm that Claimant's hourly rate is in line with legal fees prevailing in the community. In addition, Mr. Young outlined his qualifications to support his hourly rate. He explained that he clerked for a federal district court

judge and has been in private practice for 17 years. (Petition at 7). Mr. Young noted that his practice focuses on employment disputes, including representation before state and federal appellate courts. (Petition at 7). Furthermore, Mr. Young asserted that the vast majority of his clients pay the \$375 rate, confirming the prevalence of this rate in the applicable community. (Petition at 9).

Mr. David Rosen submitted an affidavit in support of the requested rate. He began by explaining his own qualifications. He noted that he received his undergraduate degree from Harvard and his law degree from Yale before being admitted to the Connecticut bar in 1969. Mr. Rosen asserted that his hourly rate is currently \$575. He noted that he is aware of Mr. Young's background, skills, and experience, and stated that if Mr. Young worked in his firm, he would be billed at an hourly rate between \$375 and \$400. Mr. Rosen emphasized that a \$375 hourly rate for Mr. Young is "fair, reasonable, and consistent with the hourly rates charged by attorneys of similar experience and skill in Connecticut in complex matters." (Mr. Rosen's Affidavit at 2).

Mr. Jonathan Orleans, another Connecticut attorney, submitted an affidavit in support of Mr. Young's hourly rate. Mr. Orleans began by addressing his own qualifications. He noted that, before joining his current firm, he worked at a mid-sized law firm similar to Wofsey, Rosen, Kveskin & Kuriansky for 23 years. (Mr. Orleans' Affidavit at 2). In addition, Mr. Orleans asserted that his 30 years of practice in Fairfield County, his tenure in law firm management, his work with the ACLU, and his Bar-related activities, render him qualified to address the hourly rates charged by Connecticut lawyers. (Mr. Orleans' Affidavit at 2). Mr. Orleans also stated that he is familiar with Mr. Young's reputation in the legal community. (Mr. Orleans' Affidavit at 3). He described Mr. Young's \$375.00 hourly rate as "eminently fair and reasonable." (Mr. Orleans' Affidavit at 3).

Mr. Young submitted a third affidavit from Ms. Kathryn Emmett and a final affidavit from Mr. Scott Centrella. Ms. Emmett received her undergraduate degree from Yale and her law degree from Harvard. (Ms. Emmett's Affidavit at 1). She noted that she served as a Judge of the Connecticut Superior Court before founding her current firm. (Ms. Emmett's Affidavit at 1). She explained that she is the senior partner at Emmett & Glander, a firm handling primarily employment matters. Due to her experience at the law firm and her position as Corporation Counsel for the City of Stamford, she is knowledgeable about hourly rates charged by lawyers in Connecticut. Furthermore, she stated that she is familiar with Mr. Young and believes that his skills and experience are "first rate." (Ms. Emmett's Affidavit at 2). She stated that an hourly rate of \$375 for Mr. Young is fair and reasonable. (Ms. Emmett's Affidavit at 2). Mr. Scott Centrella stated that he is a practicing attorney in Stamford Connecticut, a partner with a similarly sized firm, and Chair of his firm's Employment Law Department. Mr. Centrella stated that a \$375 hourly rate of Mr. Young is "fair, reasonable, and in line with the rates charged by similarly qualified and experienced employment lawyers in Fairfield County, Connecticut." (Mr. Centrella's Affidavit at 2).

Based on Mr. Young's experience, the hourly rate he charges his paying clients, and the submitted affidavits from distinguished attorneys familiar with hourly rates in the relevant community, I find that \$375.00 per hour is a reasonable hourly rate.

### Proper Number of Billable Hours

Mr. Young billed 1,095.7 hours in his fee petition. (Petition at 11). Employer argued that the number of hours must be reduced because of block billing. (Objections at 3). For example, Employer objected to a 9.3 hour time entry on July 14, 2011, which included such tasks as preparing cross examination, attending a telephone conference with the client, preparing exhibits, exchanging e-mails, and reviewing evidence, without identifying the time spent on each task. (Objections at 4). Respondent asserted that 626.6 of the hours were charged through block billing. Based on the difficulty of determining the reasonableness of specific charges, Respondent argued that the 626.6 hours should be excluded in their entirety. (Objections at 5). In response, Mr. Young argued that an ALJ should only reduce hours based on block billing if the billing impeded the ALJ's ability to differentiate between those tasks which are and are not compensable. (Brief at 5).

An attorney seeking a fee award must submit evidence documenting the hours worked and the rates claimed, as well as records identifying the date, time, and duration necessary to accomplish each specific activity. *Negron v. Vieques Air Link, Inc.*, ARB No. 04-021, ALJ No. 2003-AIR-010, slip op. at 2 (ARB Mar. 7, 2006). If the documentation of hours is inadequate, the adjudicator may reduce the award. *Hensley v. Eckerhardt*, 461 U.S. 424, 433 (1983). Attorneys who engage in block billing may fail to properly outline the necessary information. Block billing is the practice by which attorneys record the total number of hours spent on multiple tasks in one day, rather than allocating specific times to specific tasks. *Cadena v. Pacesetter Corp.*, 224 F.3d 1203, 1214 (10th Cir. 2000). When a respondent argues that the entries should be reduced due to block billing, the ALJ must address the argument. *Evans v. Miami Valley Hospital*, ARB Nos. 08-039 & 08-043, ALJ No. 2006-AIR-022, slip op. at 4, 8 (ARB Aug. 31, 2009).

Block billing can lead to reductions under a number of circumstances. For example, the block billing style may lead to vague entries that are not specific enough to meet the Complainant's duty. Entries listed simply as office conference are not compensable, as they "may involve duplication of attorney work or training time and, without justifying detail, are not normally billed to private clients." *Id.* at 9. In addition, an unusually large amount of time billed for telephone conferences or internal meetings will not be recoverable. *Id.* Fee petition entries should list the topic or issue upon which the action was based, and should not simply state "research" or "document review." *Id.* at 10, 12. Time spent in general background reading is likewise not compensable. *Id.* at 11. Clerical tasks are not compensable. *Id.* at 12. The ALJ may apply an across-the-board reduction for the attorney who presented the block billing with entries that are not compensable. *Id.*

I find that the billed hours must be reduced based on a number of factors. First, Mr. Young's fee petition contains approximately 100 telephone conferences with the client. Some of the entries for the telephone conferences do not list the subject of the discussion. Based on the vague nature of some of the entries, as well as the unusually large number of teleconferences, I find that the fee petition should be reduced. It would be difficult to reduce only the time for the client teleconferences, as Mr. Young inserted the teleconferences within blocks of billing. Therefore, I find that it is appropriate to reduce Mr. Young's entries by fifteen percent. This is also appropriate because some of Mr. Young's other entries, such as the July 13, 2009 entry for

“[e]xchange e-mails with client” do not contain the requisite specificity. In addition, as Complainant asserted that he only sought reimbursement for work performed by Mr. Young, entries performed by other members of the firm are disallowed. (Petition at 5).

Entries for work performed before the Administrative Review Board are disallowed. Mr. Young’s petition contained entries for working on the appeal and communicating with the Administrative Review Board. Pursuant to 29 C.F.R. § 1979.110, “[a]t the request of the complainant, the Board shall assess against the named person all costs and expenses (including attorney’s and expert witness fees) reasonable incurred.” Therefore, Complainant’s attorney should seek an award from the Administrative Review Board for work performed at that level. This includes entries from January 18, 2012 through November 7, 2013. This also includes entries performed after the Decision and Order on Remand and basic review of the Decision. Therefore, I will not award fees for work performed after March 17, 2014, with the exception of entries for preparing the fee petition.

Mr. Young argued that the initial time period of work before the Administrative Review Board covered January 2, 2012 to April 4, 2012. However, the Administrative Review Board remanded the case to the Office of Administrative Law Judges by Order dated November 5, 2013. *Benjamin v. Citationshares Management, L.L.C.*, ARB No. 12-029, ALJ No. 2010-AIR-001 (ARB Nov. 5, 2013). In addition, the work entries between April 4, 2012 and November 7, 2012 demonstrate that Mr. Young was performing work before the Board. For example, the entry from April 12, 2013 states “[t]elephone conference with ARB re: status.” As discussed above, I find that the work from January 18, 2012 through November 7, 2013 constitutes work performed before the Board. Regarding the second time period, Mr. Young asserted that only the March 21, 2014 and April 24, 2014 entries were for work performed before the Board. I issued a Decision and Order on Remand on March 7, 2014. The March 13, 2014 entry for reviewing my decision and research constitutes reasonable windup at the OALJ level. However, as stated above, the other entries for the time period constitute work performed before the Board.

When adjusted for disallowed hours based on work performed before the ARB, Mr. Young billed 977.4 hours for his work. Reduced by fifteen percent as discussed above, the number of hours is 830.79. When multiplied by the hourly rate of \$375, the proper fee award is \$311,546.25.

#### Expenses

Complainant also requested reimbursement for \$8,717.62 in expenses. (Petition Exhibit B). These expenses included: Westlaw research, Federal Express charges, court reporting charges, copying charges, and the payment made to the Department of Labor for a transcript. In addition, Complainant requested witness costs.

Complainant also sought reimbursement for frequent flyer miles he used in conjunction with traveling to the hearing. Complainant asserted that he used frequent flyer miles to stay in the Stamford Sheraton for one night to attend his deposition and for seven nights to attend the hearing. (Mr. Young’s Affidavit at 16). Complainant requested compensation for the use of his frequent flyer miles at a rate of \$100 per night. In addition, Complainant explained that he used frequent flyer miles to travel to the first deposition and the hearing. Based on the use of these miles, Complainant requested \$1,550.00 in reimbursement. I find that the frequent flyer miles

are not reimbursable. The regulation provides that an administrative law judge may assess against a respondent “all costs and expenses . . . reasonably *incurred*.” 20 C.F.R. § 1979.109 (b) (emphasis added). As Complainant did not incur an expense in arranging hotel accommodations and flight reservations for the proceedings, I will not assess a cost against Respondent.

Respondent argued that Complainant’s expenses are not compensable. (Objections at 6). Respondent asserted that online research, photocopies, and postage are overhead expenses and are therefore not reimbursable. (Petition at 6, citing *Eash v. Roadway Express Inc.*, ARB No. 02-008, 2003 DOL Ad. Rev. Bd. LEXIS 46 (ARB 2003).

The regulation at 29 C.F.R. § 1979.109(b) provides that “[a]t the request of the complainant, the administrative law judge shall assess against the named person all *costs and expenses* (including attorney’s fees and expert witness fees) reasonably incurred” (emphasis added). In *Evans v. Miami Valley Hospital*, the Board found no abuse of discretion in the ALJ’s award of \$21,643.53 in expert witness fees and \$2,345.83 in expert witness travel reimbursement. ARB No. 08-039 & 08-043, ALJ No. 2006-AIR-00022, slip op. at 13 (ARB Aug. 31, 2009). In *Clemmons v. Ameristar Airways Inc.*, the Board found no abuse of discretion in the ALJ’s determination to award \$13,767.82 in litigation costs that were billed directly to the Complainant. ARB No. 11-061, ALJ No. 2004-AIR-00011, slip op. at 8 (ARB Apr. 27, 2012). However, the Board has generally affirmed deduction of expenses on the basis that online legal research, photocopies, and postage constitute part of an attorney’s hourly rate. *See Clemmons v. Ameristar Airways, Inc.*, ARB No. 08-067, ALJ No. 2004-AIR-00011 slip op. at 7 (Jan. 5, 2011); *Fleeman v. Nebraska Pork Partners*, ARB Nos. 09-059 & 09-096, ALJ No. 2008-STA-015, slip op. at 8 n. 9 (ARB May 28, 2010). In *Clemmons*, the Board affirmed the ALJ’s determination that Complainant’s costs should be reimbursed. The Board noted that the firm in question directly billed its clients for such expenses and had already billed the client. ARB No. 08-067, ALJ No. 2004-AIR-00011 slip op. at 7 (Jan. 5, 2011). The Board noted that “[i]nasmuch as Clemmons has provided evidence of his out-of-pocket expenses and is entitled to recover his costs, we approve the request. . .” *Id.*

I find that Complainant is not entitled to reimbursement for the Westlaw research, Federal Express, copying, tabbing, and conference call service charges. The fee petition refers to the expenses as Wofsey, Rosen, Kweskin & Kuriansky’s out-of-pocket expenses. Complainant did not present evidence akin to that presented in *Clemmons* to demonstrate that it is WRKK’s firm policy to allocate such charges to each individual client. As there is not sufficient evidence to demonstrate that these charges are Complainant’s responsibility based on the firm policy of charging each client for these expenses, I find that Complainant is not entitled to reimbursement.

Unlike online research, copying, and postage, court reporting costs and witness costs are not generally considered overhead. Therefore, I approve the \$5,285.11 in court reporting costs and the \$84.90 in witness costs. In addition, I approve the \$250.05 entry for obtaining the transcript from the Department of Labor, as this is a similar expense. In total, I approve \$5,620.06 in costs.

## CONCLUSION

Based on the appropriate legal community of Stamford, Connecticut, I found that \$375 is an appropriate hourly rate. However, I found that Complainant's attorney's block billing contained vague entries and excessive teleconferences with Complainant. Based on these concerns, I reduced Mr. Young's hours by fifteen percent. In addition, I disallowed the entries for work performed before the Administrative Review Board. Based on the hourly rate and the reduced hours, I approved an attorney's fee of \$311,546.25. Reviewing the costs, I disallowed entries for frequent flyer mile reimbursement and overhead. I approved entries for court reporting and witness costs. Based on the approved entries, Complainant is entitled to \$5,620.06 in costs.

## ORDER

Respondent will pay Complainant's attorney's fees and costs in the total amount of \$317, 166.31 as follows:

1. A total of \$311,546.25 for legal fees incurred to Wofsey, Rosen, Kweskin & Kuriansky, LLP.
2. A total of \$5,620.06 for legal costs incurred to Wofsey, Rosen, Kweskin & Kuriansky, LLP.

KENNETH A. KRANTZ  
Administrative Law Judge

KAK/ecd/mrc