

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KYLE STECHERT, et al.

Plaintiffs,

v.

**THE TRAVELERS HOME AND MARINE
INSURANCE COMPANY, et al.**

Defendants.

Civil Action

No. 17-cv-00784-KSM

**PLAINTIFFS' SUPPLEMENTAL BRIEF IN FURTHER SUPPORT OF THEIR
UNOPPOSED MOTION FOR AWARD OF ATTORNEYS' FEES AND EXPENSES TO
CLASS COUNSEL AND SERVICE AWARDS TO CLASS REPRESENTATIVES**

Plaintiffs, Kyle Stechert and Marie Stechert, husband and wife, on behalf of themselves and all others similarly situated, by and through their attorneys, Richard M. Ochroch & Associates, P.C. and the Locks Law Firm, hereby submit this Supplemental Brief in Further Support of Their Unopposed Motion for Award of Attorneys' Fees and Expenses to Class Counsel, and Service Awards to Class Representatives (the "Fee and Service Award Motion").¹ Defendants do not oppose the Fee and Service Award Motion. *See* E.D. Pa. L.R. 7.1.

I. BRIEF PROCEDURAL BACKGROUND

A. Fee and Service Award Motion

On February 22, 2022, Plaintiffs filed the Fee and Service Award Motion. [ECF 64] With regard to Class Counsels' attorneys' fees and expense award, the Fee and Service Award Motion sought:

¹ Capitalized terms not defined herein are defined in the Parties' Settlement Agreement. References to the "Class" or "Settlement Class" refer to the Class certified in the Court's November 9, 2021 Order preliminarily approving the class action settlement. (Order (Nov. 9, 2021).) [ECF 60] *See also* Mem. (Nov. 9, 2021) [ECF 61]; *Stechert v. Travelers Home & Marine Ins. Co.*, 2021 WL 5235221 (E.D. Pa. Nov. 9, 2021).

- a. An award of \$1,187,995.18 in attorneys' fees and an award of \$22,004.82 in expenses to Class Counsel; and
- b. Authorization for Defendants to reimburse \$5,385 to Class Counsel for the partial payment made to JAMS, as agreed in the Parties' Settlement Agreement.

In support of the Fee and Incentive Award Motion, lead Class Counsel, Richard M. Ochroch and Marc P. Weingarten, submitted declarations describing, among other things, work and time incurred in the Action. (Fee and Service Award Mem. of Law Ex. "4," R. Ochroch Decl.; *id.* Ex. "5," M. Weingarten Decl.) [ECF 64-4; ECF 64-5] Both declarations stated:

Class Counsels' lodestar will increase as they will, among other things, continue to perform work on this case, due to the need to communicate with Settlement Class Members, oversee the settlement process, and attend the Final Approval hearing.

Fee and Service Award Mem. of Law Ex. "4," R. Ochroch Decl. ¶ 65; *id.* Ex. "5," M. Weingarten Decl. ¶ 27.) [ECF 64-4; ECF 64-5]

B. Motion for Final Approval of Class Action Settlement

On May 31, 2022, Plaintiffs filed their Unopposed Motion for Final Approval of Class Action Settlement. [ECF 69] As set forth in that Motion, no Class Member objected to any part of the Settlement, including the request for attorneys' fees or class representative service awards. (Pls.' Mem. of Law in Support of Pls.' Unopposed Mot. for Final Approval of Class Action Settlement at 8.)

II. ARGUMENT IN FURTHER SUPPORT OF THE FEE AND SERVICE AWARD MOTION

Class Counsel now supplements the Fee and Award Motion due to the additional work and time incurred since it was filed. Since February 23, 2022 (the day after Fee and Service Award Motion was filed), Class Counsel continued to work on behalf of the Class by, among other things:

- a. Communicating with the Class, Epiq (the claims administrator appointed by the Court), opposing counsel, and the Court;

- b. Overseeing the settlement process;
- c. Drafting and revising Plaintiffs' Unopposed Motion for Final Approval of Class Action Settlement [ECF 69]; and
- d. Preparing for the Final Approval Hearing scheduled for June 15, 2022.

See R. Ochroch Suppl. Decl. ¶ 4, attached as Exhibit "9;" M. Weingarten Suppl. Decl. ¶ 4, attached as Exhibit "10."

In total, Class Counsel has expended 1,833.72 hours on this case, which correlates to a lodestar amount of \$1,140,589, as summarized below:

RICHARD M. OCHROCH & ASSOCIATES, P.C.					
Attorney	Position	Yrs. Involved	Hrs.	Rate	Individual Lodestar
Richard Ochroch	Partner	2016-present	762.00	\$750	\$571,500
Brett Benton	Partner	2016-present	161.43	\$550	\$88,786.50
Andrew Ochroch	Associate	2016-present	582.36	\$450	\$262,062
TOTAL			1,505.79		\$922,348.50

Table 1

THE LOCKS LAW FIRM					
Attorney	Position	Yrs. Involved	Hrs.	Rate	Individual Lodestar
Marc Weingarten	Partner	2016-present	185.97	\$750	\$139,477.50
Andrew Bell	Partner	2016-2018	N/A	\$675	N/A
Jonathan Miller	Partner	2019-present	13.70	\$600	\$8,220
James Barry	Partner	2019-present	128.26	\$550	\$70,543
TOTAL			327.93		\$218,240.50

Table 2

See R. Ochroch Suppl. Decl., attached as Exhibit "9;" M. Weingarten Suppl. Decl., attached as Exhibit "10."² The above lodestar does **not** include, among other things, time incurred in the preparation of the Fee and Service Award Motion and this Supplemental Brief.

As set forth in the Fee and Service Award Motion, the work conducted sufficiently justifies the requested attorneys' fees and expense award and is reasonable under the percentage of recovery

² Due to an error in transposing time, the time set forth in the Fee and Service Award Motion was reduced 2.17 hours to 1,698.11 hours. Additionally, Class Counsel, incurred 135.61 hours since that motion was filed on February 22, 2022.

method. (*See* Fee and Service Award Mem. of Law at 6-17.) Due to the additional work above, the cross-check multiplier applicable to the percentage of the recovery method has been reduced from 1.13 to 1.04 ($\$1,187,995.18 \div \$1,140,589$). (*See id.* at 16-17.) This cross-check multiplier falls well within the accepted range of 1 to 8. *See Stevens v. SEI Invs. Co.*, 2020 WL 996418, at *13 (E.D. Pa. Feb. 28, 2020); *Dickerson v. York Int’l Corp.*, 2017 WL 3601948, at *11 (M.D. Pa. Aug. 22, 2017); *In re CertainTeed Fiber Cement Siding Litig.*, 303 F.R.D. 199, 225 (E.D. Pa. 2014); *In re AT&T Corp.*, 455 F.3d 160, 173 (3d Cir. 2006). Thus, the additional time for the work set forth in the attached supplemental declarations further demonstrates the requested attorneys’ fees and expense award is reasonable. *See* R. Ochroch Suppl. Decl., attached as Exhibit “9;” M. Weingarten Suppl. Decl., attached as Exhibit “10.”

III. NOTICE OF THE SUPPLEMENTAL BRIEF TO THE CLASS

A copy of this Supplemental Brief will be posted on the settlement website.

IV. CONCLUSION

Based upon the foregoing reasons and the reasons set forth in the Fee and Service Award Motion, Plaintiffs respectfully request the Court award \$1,187,995.18 in attorneys’ fees and \$22,004.82 in expenses to Class Counsel. It is further requested that, in addition to those amounts, the Court approves and authorizes Defendants’ reimbursement of the \$5,385 partial payment made to JAMS.

Respectfully submitted,

By: /s/ Richard M. Ochroch
RICHARD M. OCHROCH & ASSOCIATES, P.C.
Richard M. Ochroch, Esq.
Brett N. Benton, Esq.
Andrew R. Ochroch, Esq.
I.D. # 21432 / 93267 / 315797
318 S. 16th Street
Philadelphia, PA 19102
Phone: (215) 735-2707
Facsimile: (215) 790-0491
rochroch@ochroch-law.com

LOCKS LAW FIRM
Marc P. Weingarten, Esq.
I.D. # 23718
601 Walnut Street, Suite 720 East
170 S. Independence Mall West
Philadelphia, PA 19106
Phone: (215) 893-0100
Facsimile: (215) 893-3333
mweingarten@lockslaw.com

Dated: 6/10/2022

Attorneys for Plaintiffs and the Settlement Class

CERTIFICATE OF SERVICE

I, Richard M. Ochroch, Esquire, hereby certify that on the date below a true and correct copy of the forgoing Supplemental Brief in Further of Their Unopposed Motion for Award of Attorneys' Fees and Expenses to Class Counsel, and Service Awards to Class Representatives were served via the Court's ECF system and/or email on the following:

Mark L. Hanover, Esquire
Dentons US LLP
233 South Wacker Drive
Suite 5900
Chicago, IL 60606
mark.hanover@dentons.com

Brooks R. Foland, Esquire
Allison L. Krupp, Esquire
Marshall Dennehey Warner Coleman &
Goggin
100 Corporate Drive Center
Suite 201
Camp Hill, PA 17011
brfoland@mdwcg.com
alkrupp@mdwcg.com

Vlada Tasich, Esquire
Allison Krupp, Esquire
Marshall Dennehey Warner Coleman &
Goggin
2000 Market Street
Suite 2300
Philadelphia, PA 19103
vxtasich@mdwcg.com

RICHARD M. OCHROCH & ASSOCIATES, P.C.

By: /s/ Richard M. Ochroch
Richard M. Ochroch, Esquire; I.D. # 21432
Brett N. Benton, Esquire; I.D. # 93267
Andrew R. Ochroch, Esquire; I.D. # 315797
318 S. 16th Street
Philadelphia, PA 19102
Phone: (215) 735-2707
Facsimile: (215) 790-0491
rochroch@ochroch-law.com

Dated: 6/10/2022

Attorneys for Plaintiffs and the Settlement Class

EXHIBIT 9

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KYLE STECHERT et al.

Plaintiffs,

v.

**THE TRAVELERS HOME AND MARINE
INSURANCE COMPANY, et al.**

Defendants.

Civil Action

No. 17-cv-00784-KSM

**SUPPLEMENTAL DECLARATION OF RICHARD M. OCHROCH IN SUPPORT OF
PLAINTIFFS' SUPPLEMENTAL BRIEF IN FURTHER SUPPORT OF THEIR
UNOPPOSED MOTION FOR AWARD OF ATTORNEYS' FEES AND EXPENSES TO
CLASS COUNSEL AND SERVICE AWARDS TO CLASS REPRESENTATIVES**

1. I am submitting this declaration in connection with Plaintiffs' Supplemental Brief in Further Support of Their Unopposed Motion for Award of Attorneys' Fees and Expenses to Class Counsel and Service Awards to Class Representatives ("Supplemental Brief") and to supplement my February 21, 2022 Declaration in Support of Plaintiffs' Unopposed Motion for Award of Attorneys' Fees and Expenses to Class Counsel, and Class Representative Service Awards ("R. Ochroch Fee and Service Award Decl."). (*See* Pls.' Unopposed Mot. for Award of Attorneys' Fees and Expenses to Class Counsel (the "Fee and Service Award Motion"), Ex. "4" R. Ochroch Fee and Service Award Decl.) [ECF 64; 64-4]

2. Plaintiffs filed the Fee and Service Award Motion on February 22, 2022.

3. Since February 23, 2022 (the day after the Fee and Service Award Motion was filed) Class Counsels' lodestar increased.

4. Since February 23, 2022, Class Counsel continued to work on behalf of the Class by, among other things:

- a. Communicating with the Class, Epiq (the claims administrator appointed by the Court), opposing counsel, and the Court;
- b. Overseeing the settlement process;
- c. Drafting and revising Plaintiffs' Unopposed Motion for Final Approval of Class Action Settlement [ECF 69]; and
- d. Preparing for the Final Approval Hearing scheduled for June 15, 2022.

5. My law firm has spent more than 1,500 attorney hours over 6 years representing the Class:

RICHARD M. OCHROCH & ASSOCIATES, P.C.					
Attorney	Position	Yrs. Involved	Hrs.	Rate	Individual Lodestar
Richard Ochroch	Partner	2016-present	762.00	\$750	\$571,500
Brett Benton	Partner	2016-present	161.43	\$550	\$88,786.50
Andrew Ochroch	Associate	2016-present	582.36	\$450	\$262,062
TOTAL			1,505.79		\$922,348.50

6. The above time does not include time incurred in connection with, among other things, the preparation of the Fee and Service Award Motion and Supplemental Brief.

7. Class Counsels’ lodestar will increase as they will, among other things, continue to perform work on this case, due to the need to communicate with Settlement Class Members, oversee the settlement process, prepare for the Final Approval Hearing, and attend the Final Approval hearing.

8. I incorporate paragraphs 2, 59-60, 62-80 of my Declaration in Support of the Fee and Service Award Motion. (Fee and Service Award Mot., Ex. “4” R. Ochroch Fee and Service Award Decl. ¶¶ 2, 59-60, 62-80.) [ECF 64-4]

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

By: /s/ Richard M. Ochroch
 Richard M. Ochroch, Esquire
 Richard M. Ochroch & Associates, P.C.,
 Managing Shareholder

Dated: 6/10/2022

EXHIBIT 10

**IN THE UNITED STATES DISTRICT COURT
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**SUPPLEMENTAL DECLARATION OF MARC P. WEINGARTEN IN SUPPORT OF
PLAINTIFFS' SUPPLEMENTAL BRIEF IN FURTHER SUPPORT OF THEIR
UNOPPOSED MOTION FOR AWARD OF ATTORNEYS' FEES AND EXPENSES TO
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1. I am submitting this declaration in connection with Plaintiffs' Supplemental Brief in Further Support of Their Unopposed Motion for Award of Attorneys' Fees and Expenses to Class Counsel and Service Awards to Class Representatives ("Supplemental Brief") and to supplement my February 21, 2022 Declaration in Support of Plaintiffs' Unopposed Motion for Award of Attorneys' Fees and Expenses to Class Counsel, and Class Representative Service Awards ("M. Weingarten Fee and Service Award Decl."). (*See* Pls.' Unopposed Mot. for Award of Attorneys' Fees and Expenses to Class Counsel (the "Fee and Service Award Motion"), Ex. "5" M. Weingarten Fee and Service Award Decl.) [ECF 64; 64-5]

2. Plaintiffs filed the Fee and Service Award Motion on February 22, 2022.

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5. My law firm has spent more than 320 attorney hours over 6 years representing the Class:

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6. The above time does not include time incurred in connection with, among other things, the preparation of the Fee and Service Award Motion and Supplemental Brief.

7. Class Counsels' lodestar will increase as they will, among other things, continue to perform work on this case, due to the need to communicate with Settlement Class Members, oversee the settlement process, prepare for the Final Approval Hearing, and attend the Final Approval hearing.

8. I incorporate paragraphs 1, 20-31 of my Declaration in Support of the Fee and Service Award Motion. (Fee and Service Award Mot., Ex. "5" M. Weingarten Fee and Service Award Decl. ¶¶ 1, 20-31.) [ECF 64-5]

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

By: /s/ Marc P. Weingarten
 Marc P. Weingarten, Esquire
 The Locks Law Firm

Dated: 6/10/2022