

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

BLAIR DOUGLASS, on behalf of himself and
all similarly situated individuals,

Plaintiff,

v.

iFIT INC.,

Defendant.

Civil Action No.2:23-cv-00917-MJH

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

Plaintiff Blair Douglass, 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 Memorandum In Support Of Plaintiff's Motion For Attorneys' Fees And Incentive Award, the attorney Declaration of Kevin Tucker, and a proposed order.

Respectfully submitted,

Dated: January 17, 2024

/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 January 17, 2024, 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: January 17, 2024

/s/ Stephanie Moore

Stephanie Moore

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

BLAIR DOUGLASS, on behalf of himself
and all similarly situated individuals,

Plaintiff,

v.

iFIT INC.,

Defendant.

Civil Action No. 2:23-cv-00917-MJH

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 President Elect of its Alumni Board of Governors. My resume was previously filed in this case. (*See* Doc. 13-3.)

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. In 2023, I received the Young Alumni Award from the University of Pittsburgh School of Law for my contributions in cases concerning consumer protection, cybersecurity and privacy, and the Americans with Disabilities Act.

5. Also in 2023, my colleagues and I at East End Trial Group received the Excellence in Legal Services Award from Achieva, a Pittsburgh-based public charity that advocates with, empowers, and supports people with disabilities and their families.

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

7. Before founding East End Trial Group, 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.

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

9. This work includes serving as a committee member representing plaintiffs in *In Re: Philips Recalled CPAP, Bi-Level PAP, and Mechanical Ventilator Products Litigation*, MDL 3014, Doc. 395 (W.D. Pa.) ("*Philips*"); *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*").

10. In *Philips*, Judge Conti of the Western District of Pennsylvania appointed me to Plaintiffs' Leadership Development Committee ("LDC"). Following this appointment, the LDC elected me to serve as its Co-Chair, tasked with ensuring LDC members receive opportunities to materially contribute to the prosecution of the MDL.

11. 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.

12. 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.

13. 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).

14. More recently, I have been appointed class counsel in several Title III class actions concerning digital accessibility. *See Douglass v. Mondelez Global, LLC*, No. 2:22-cv-875, Doc. 26, p. 3 (W.D. Pa. Sept. 19, 2023) (Hardy, J.), *Murphy v. Le Sportsac, Inc.*, No. 1:22-cv-58, Doc. 57, p. 3 (W.D. Pa. July 6, 2023) (Lanzillo, J.), *Douglass v. P.C. Richard & Son, LLC*, No. 2:22-cv-399, Doc. 55, p. 3 (W.D. Pa. June 27, 2023) (Kelly, J.), *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.); and *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

15. Class Counsel have pursued this case on behalf of Plaintiff since June 2020, 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 both the original settlement Agreement and Amended Agreement. (Doc. 18-1.) Plaintiff is aware of his duties as a class representative and has performed them adequately and in a timely manner.

16. 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 stores 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 January 16, 2024).

(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 January 16, 2024).

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

(d) Class Counsel successfully moved for preliminary class certification on behalf of "all Blind or Visually Disabled persons who have accessed, attempted to access, or been deterred from attempting to access, or who will access, attempt to access, or be deterred from accessing the Digital Properties from the United States." (Doc. 14, p. 2.).

(e) Class Counsel engaged in years 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 December 4, 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, Guide Dogs for the Blind, National Association of Blind Merchants, National Council on Disability, and National Federation of the Blind.

(g) On December 4, 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: Beaver County Association for the Blind, Blair/Clearfield Association for the Blind and Visually Impaired, Blind and Vision Rehabilitation Services of Pittsburgh, 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, Civil Rights Education and Enforcement Center, Community Services for Sight, Disability Law Center, Disability Rights Education and Defense Fund, Fayette County Association for the Blind, Guide Dogs for the Blind, Keystone Blind Association, Lackawanna Blind Association, Lighthouse Guild International, Montgomery County Association for the Blind, North Central Sight Services, NuVisions Center, Pennsylvania Association for the Blind, 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, VisionCorps, VisionLink, and Westmoreland County Blind Association.

(h) Class Counsel communicated with National Federation of the Blind and one Settlement Class Member to understand questions they had concerning the Parties' original Agreement, and to account for those questions while negotiating an Amended Agreement with Defendant. (Doc. 18-1.)

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

(j) Class Counsel will prepare and file Plaintiff's final approval motion and supporting documents.

(k) In addition to the above efforts, the Amended 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 Defendant and its counsel, at mediation, and before the Court.

CLASS COUNSEL'S SUBMITTED LODESTAR

17. Class Counsel have spent a total of 150.1 hours prosecuting Plaintiff's claim through today's date.

18. When applied to Class Counsel's hourly rates, Plaintiff's lodestar is \$76,515.00.

East End Trial Group LLC											
Attorney	2020		2021		2022		2023		2024		Lodestar
	Rate	Hours	Rate	Hours	Rate	Hours	Rate	Hours	Rate	Hours	
Kevin Tucker	\$575	3.5	\$575	15.7	\$600	15.2	\$600	38	\$625	10.4	\$49,460.00
Kevin Abramowicz	\$575	—	\$575	—	\$600	—	\$600	—	\$625	.5	\$312.50
Chandler Steiger	—	—	\$350	—	\$400	2.7	\$425	—	\$450	—	\$1,080.00
Stephanie Moore	—	—	\$350	22.2	\$400	5.5	\$425	27.5	\$450	8.9	\$25,662.50
									Total Hours		Total Lodestar
									150.1		\$76,515.00

19. Plaintiff seeks \$53,500.00 as a prevailing party attorneys' fee, which amounts to 69.92% of Class Counsel's lodestar to date.

20. Time sheets reflecting much of the work billed on behalf of Plaintiff and the Settlement Class Members accompany this declaration.

COSTS AND EXPENSES

21. 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: January 17, 2024

/s/ Kevin W. Tucker

Kevin W. Tucker (He/Him) (PA 312144)
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ktucker@eastendtrialgroup.com

Class Counsel's Time Sheets

Date	Timekeeper	Task Description	Hourly Rate (\$)	Hours Worked	Fee (\$)
6/30/2020	K. Tucker	Review results of accessibility testing of nordictrack.com	\$ 575.00	0.5	\$ 287.50
6/30/2020	K. Tucker	Communication to B. Douglass	\$ 575.00	0.3	\$ 172.50
6/30/2020	K. Tucker	Draft pre-litigation letter to Icon Health & Fitness, Inc., summarizing claim and alleged barriers	\$ 575.00	1.1	\$ 632.50
8/11/2020	K. Tucker	Email to attorney C. Huther	\$ 575.00	0.1	\$ 57.50
8/12/2020	K. Tucker	Multiple emails to C. Huther	\$ 575.00	0.2	\$ 115.00
8/12/2020	K. Tucker	Call with C. Huther re: pre-litigation letter	\$ 575.00	0.5	\$ 287.50
8/13/2020	K. Tucker	FRE 408 correspondence to C. Huther	\$ 575.00	0.3	\$ 172.50
9/1/2020	K. Tucker	Email to attorney C. Huther	\$ 575.00	0.1	\$ 57.50
9/9/2020	K. Tucker	Review email from C. Huther	\$ 575.00	0.1	\$ 57.50
9/24/2020	K. Tucker	Email to attorney C. Huther	\$ 575.00	0.1	\$ 57.50
11/13/2020	K. Tucker	Email to attorney C. Huther	\$ 575.00	0.1	\$ 57.50
11/13/2020	K. Tucker	Review email from C. Huther	\$ 575.00	0.1	\$ 57.50
1/14/2021	K. Tucker	Email to attorney C. Huther	\$ 575.00	0.1	\$ 57.50
1/20/2021	K. Tucker	Review email from C. Huther	\$ 575.00	0.1	\$ 57.50
1/21/2021	K. Tucker	Email to attorney C. Huther	\$ 575.00	0.1	\$ 57.50
1/22/2021	K. Tucker	Call with C. Huther re: pre-litigation letter	\$ 575.00	0.5	\$ 287.50
1/29/2021	K. Tucker	Call with C. Huther re: pre-litigation letter	\$ 575.00	0.5	\$ 287.50
2/4/2021	K. Tucker	Call with C. Huther re: pre-litigation letter	\$ 575.00	0.4	\$ 230.00
2/10/2021	K. Tucker	Call with C. Huther re: pre-litigation letter	\$ 575.00	0.5	\$ 287.50
2/17/2021	K. Tucker	Review email from C. Huther	\$ 575.00	0.1	\$ 57.50
2/17/2021	K. Tucker	Email to attorney C. Huther	\$ 575.00	0.1	\$ 57.50
2/18/2021	K. Tucker	Call with C. Huther re: pre-litigation letter	\$ 575.00	0.5	\$ 287.50
2/18/2021	K. Tucker	FRE 408 correspondence to C. Huther	\$ 575.00	0.3	\$ 172.50
2/22/2021	K. Tucker	Review email from E. Toledano	\$ 575.00	0.1	\$ 57.50
3/1/2021	K. Tucker	Call with C. Huther and E. Toledano re: pre-litigation letter	\$ 575.00	0.5	\$ 287.50
3/1/2021	K. Tucker	FRE 408 correspondence to C. Huther and E. Toledano	\$ 575.00	0.2	\$ 115.00
4/2/2021	K. Tucker	Email to C. Huther and E. Toledano	\$ 575.00	0.1	\$ 57.50
4/2/2021	K. Tucker	Review email from E. Toledano	\$ 575.00	0.1	\$ 57.50
5/28/2021	K. Tucker	Email to C. Huther and E. Toledano	\$ 575.00	0.1	\$ 57.50
5/29/2021	K. Tucker	Review email from E. Toledano	\$ 575.00	0.1	\$ 57.50
6/14/2021	K. Tucker	Review email and proposed revisions to class action settlement agreement	\$ 575.00	1.5	\$ 862.50
6/17/2021	K. Tucker	Review proposed revisions to class action settlement agreement, revise, and circulate new revisions	\$ 575.00	1.5	\$ 862.50
7/8/2021	K. Tucker	Email to C. Huther and E. Toledano	\$ 575.00	0.1	\$ 57.50
9/16/2021	K. Tucker	Email to C. Huther and E. Toledano	\$ 575.00	0.1	\$ 57.50
9/21/2021	K. Tucker	Review C. Huther email re: class settlement agreement	\$ 575.00	0.1	\$ 57.50
9/22/2021	K. Tucker	Review C. Huther's proposed revisions to class settlement agreement	\$ 575.00	0.8	\$ 460.00
9/24/2021	K. Tucker	Call with C. Huther and E. Toledano re: pre-litigation letter	\$ 575.00	0.5	\$ 287.50
10/5/2021	K. Tucker	Review C. Huther's proposed revisions to class settlement agreement, revise, circulate new revisions	\$ 575.00	2	\$ 1,150.00
10/5/2021	K. Tucker	Draft proposed class notice and circulate to C. Huther	\$ 575.00	0.5	\$ 287.50
10/5/2021	K. Tucker	Draft proposed class notice plan and circulate to C. Huther	\$ 575.00	0.7	\$ 402.50
10/26/2021	K. Tucker	Email to C. Huther	\$ 575.00	0.1	\$ 57.50
10/29/2021	K. Tucker	Review C. Huther email	\$ 575.00	0.1	\$ 57.50
12/8/2021	K. Tucker	Email to C. Huther	\$ 575.00	0.1	\$ 57.50
12/8/2021	K. Tucker	Email to attorney S. Moore re: motion for preliminary approval, supporting brief, notice, and notice plan	\$ 575.00	0.3	\$ 172.50

12/8/2021	S. Moore	Drafted first version of motion for preliminary approval and supporting documents	\$ 350.00	4.1	\$ 1,435.00
12/9/2021	S. Moore	Drafted first version of brief in support of motion for preliminary approval	\$ 350.00	8.3	\$ 2,905.00
12/10/2021	S. Moore	Continued drafting first version of brief in support of motion for preliminary approval	\$ 350.00	4.5	\$ 1,575.00
12/13/2021	K. Tucker	Review S. Moore email re: motion to preliminary approval and supporting brief	\$ 575.00	0.2	\$ 115.00
12/13/2021	K. Tucker	Review C. Huther email re: class settlement agreement	\$ 575.00	0.1	\$ 57.50
12/13/2021	S. Moore	Finished drafting first version of brief in support of motion for preliminary approval and sent to K. Tucker for review	\$ 350.00	5.3	\$ 1,855.00
12/16/2021	K. Tucker	Email to C. Huther	\$ 575.00	0.1	\$ 57.50
12/21/2021	K. Tucker	Review C. Huther's proposed revisions to class settlement agreement, revise, circulate new revisions	\$ 575.00	1.2	\$ 690.00
12/21/2021	K. Tucker	Email to C. Huther re: class settlement agreement	\$ 575.00	0.3	\$ 172.50
12/21/2021	K. Tucker	Call with C. Huther and S. Moore re: class settlement agreement	\$ 575.00	1	\$ 575.00
1/12/2022	K. Tucker	Email to C. Huther	\$ 600.00	0.1	\$ 60.00
1/20/2022	K. Tucker	Review email from C. Huther	\$ 600.00	0.1	\$ 60.00
1/21/2022	K. Tucker	Review C. Huther's proposed revisions to class settlement agreement, revise, circulate new revisions	\$ 600.00	0.8	\$ 480.00
1/21/2022	K. Tucker	Review C. Huther's proposed revisions to class settlement agreement	\$ 600.00	0.5	\$ 300.00
1/21/2022	S. Moore	Email correspondence with opposing counsel RE: reviewing proposed class settlement	\$ 400.00	0.2	\$ 80.00
1/24/2022	K. Tucker	Review C. Huther's proposed revisions to class settlement agreement, revise, circulate new revisions	\$ 600.00	1	\$ 600.00
1/24/2022	K. Tucker	Email to plaintiff B. Douglass re: case update	\$ 600.00	0.7	\$ 420.00
1/24/2022	S. Moore	Reviewed proposed class settlement agreement and made revisions	\$ 400.00	2.1	\$ 840.00
1/25/2022	K. Tucker	Review email from B. Douglass re: case update	\$ 600.00	0.2	\$ 120.00
1/25/2022	K. Tucker	Email to plaintiff B. Douglass re: case update	\$ 600.00	0.2	\$ 120.00
1/25/2022	S. Moore	Reviewed proposed class settlement agreement and made revisions	\$ 400.00	2.3	\$ 920.00
1/26/2022	K. Tucker	Review S. Moore's proposed revisions to class settlement agreement	\$ 600.00	0.3	\$ 180.00
1/26/2022	S. Moore	Sent revisions of proposed class settlement agreement to opposing counsel	\$ 400.00	0.5	\$ 200.00
2/9/2022	K. Tucker	Email to C. Huther re: Eyebobs certification	\$ 600.00	0.1	\$ 60.00
2/16/2022	K. Tucker	Email to C. Huther	\$ 600.00	0.1	\$ 60.00
2/16/2022	K. Tucker	Review C. Huther email re: Eyebobs certification	\$ 600.00	0.1	\$ 60.00
2/16/2022	K. Tucker	Email to C. Huther re: corrected draft agreement	\$ 600.00	0.1	\$ 60.00
3/2/2022	K. Tucker	Email to C. Huther	\$ 600.00	0.1	\$ 60.00
4/21/2022	K. Tucker	Email to C. Huther	\$ 600.00	0.1	\$ 60.00
5/2/2022	K. Tucker	Review email from C. Huther	\$ 600.00	0.1	\$ 60.00
5/3/2022	K. Tucker	Email to C. Huther	\$ 600.00	0.1	\$ 60.00
5/10/2022	K. Tucker	Email to C. Huther	\$ 600.00	0.1	\$ 60.00
5/10/2022	K. Tucker	Call with C. Huther re: settlement	\$ 600.00	0.6	\$ 360.00
5/10/2022	K. Tucker	Review C. Huther's proposed revisions to class settlement agreement	\$ 600.00	0.6	\$ 360.00
5/12/2022	K. Tucker	Review C. Huther's proposed revisions to class settlement agreement, revise, circulate new revisions	\$ 600.00	1.5	\$ 900.00

6/16/2022	K. Tucker	Email to C. Huther	\$ 600.00	0.1	\$ 60.00
6/21/2022	K. Tucker	Email to C. Huther	\$ 600.00	0.1	\$ 60.00
6/21/2022	K. Tucker	Call with C. Huther re: settlement	\$ 600.00	0.7	\$ 420.00
		Phone call with opposing counsel re: proposed class settlement agreement			
6/21/2022	S. Moore	settlement agreement	\$ 400.00	0.4	\$ 160.00
6/22/2022	K. Tucker	Review email from C. Huther re: settlement	\$ 600.00	0.1	\$ 60.00
		Review C. Huther's proposed revisions to class settlement agreement			
6/23/2022	K. Tucker	Review C. Huther's proposed revisions to class settlement agreement, revise, circulate new revisions	\$ 600.00	0.4	\$ 240.00
6/27/2022	K. Tucker	Review email from C. Huther re: settlement	\$ 600.00	2	\$ 1,200.00
7/8/2022	K. Tucker	Email to C. Huther re: settlement agreement	\$ 600.00	0.1	\$ 60.00
7/12/2022	K. Tucker	Email to C. Huther re: settlement agreement	\$ 600.00	0.1	\$ 60.00
8/30/2022	K. Tucker	Review email from C. Huther re: settlement	\$ 600.00	0.1	\$ 60.00
9/8/2022	K. Tucker	Email to C. Huther re: settlement agreement	\$ 600.00	0.1	\$ 60.00
9/8/2022	K. Tucker	Email to C. Huther re: settlement agreement	\$ 600.00	0.1	\$ 60.00
9/26/2022	K. Tucker	Email to C. Huther re: settlement agreement	\$ 600.00	0.1	\$ 60.00
10/21/2022	K. Tucker	Email to C. Huther re: settlement agreement	\$ 600.00	0.1	\$ 60.00
10/23/2022	K. Tucker	Review email from C. Huther re: settlement	\$ 600.00	0.1	\$ 60.00
10/24/2022	K. Tucker	Draft class action complaint	\$ 600.00	3	\$ 1,800.00
10/24/2022	K. Tucker	Email to C. Huther re: class action complaint	\$ 600.00	0.2	\$ 120.00
10/24/2022	C. Steiger	Reviewed and made edits to class action complaint	\$ 400.00	2.7	\$ 1,080.00
11/22/2022	K. Tucker	Email to C. Huther re: class action complaint	\$ 600.00	0.1	\$ 60.00
12/8/2022	K. Tucker	Email to C. Huther re: class action complaint	\$ 600.00	0.2	\$ 120.00
		Email to C. Huther re: class action complaint and settlement			
1/13/2023	K. Tucker	Review C. Huther email re: complaint and settlement	\$ 600.00	0.2	\$ 120.00
1/24/2023	K. Tucker	Call with C. Huther re: complaint and settlement	\$ 600.00	0.6	\$ 360.00
1/30/2023	K. Tucker	Email to C. Huther re: class action complaint	\$ 600.00	0.2	\$ 120.00
2/1/2023	K. Tucker	Email to C. Huther re: class action complaint	\$ 600.00	0.2	\$ 120.00
2/28/2023	K. Tucker	Review C. Huther email	\$ 600.00	0.1	\$ 60.00
3/6/2023	K. Tucker	Review C. Huther email	\$ 600.00	0.1	\$ 60.00
3/7/2023	K. Tucker	Call with C. Huther re: plaintiff's complaint	\$ 600.00	0.5	\$ 300.00
3/8/2023	K. Tucker	Email to C. Huther	\$ 600.00	0.1	\$ 60.00
4/5/2023	K. Tucker	Email to C. Huther	\$ 600.00	0.1	\$ 60.00
5/1/2023	K. Tucker	Email to C. Huther	\$ 600.00	0.1	\$ 60.00
5/4/2023	K. Tucker	Review and revise class action complaint	\$ 600.00	0.1	\$ 60.00
5/26/2023	K. Tucker	Review email from C. Huther re: class action complaint	\$ 600.00	1.5	\$ 900.00
5/26/2023	K. Tucker	Review and revise class action complaint	\$ 600.00	0.2	\$ 120.00
5/30/2023	K. Tucker	Email to C. Huther re: class action complaint	\$ 600.00	1	\$ 600.00
5/30/2023	K. Tucker	Email to plaintiff B. Douglass re: case update	\$ 600.00	0.2	\$ 120.00
5/30/2023	K. Tucker	Email to plaintiff B. Douglass re: case update	\$ 600.00	0.5	\$ 300.00
5/30/2023	K. Tucker	Review email from B. Douglass re: case update	\$ 600.00	0.1	\$ 60.00
		Finalize and file class action complaint, summons, and civil cover sheet			
5/31/2023	K. Tucker	Email to C. Huther re: filed complaint, summons, and waiver	\$ 600.00	0.7	\$ 420.00
6/1/2023	K. Tucker	Review email from B. Douglass re: case update	\$ 600.00	0.2	\$ 120.00
6/12/2023	K. Tucker	Email to plaintiff B. Douglass re: case update	\$ 600.00	0.2	\$ 120.00
6/15/2023	K. Tucker	Email to C. Huther re: waiver of service	\$ 600.00	0.1	\$ 60.00
7/5/2023	K. Tucker	Review email from C. Huther	\$ 600.00	0.1	\$ 60.00
7/12/2023	K. Tucker	Call with C. Huther and C. Evans re: preliminary approval	\$ 600.00	0.1	\$ 60.00
7/13/2023	K. Tucker	Email to S. Moore re: motion for preliminary approval	\$ 600.00	0.5	\$ 300.00
7/14/2023	K. Tucker		\$ 600.00	0.2	\$ 120.00

7/14/2023	S. Moore	Prepared second version of motion for preliminary approval and supporting documents	\$ 425.00	1.1	\$ 467.50
		File waiver of service send forward copy to C. Huther and			
7/17/2023	K. Tucker	C. Evans	\$ 600.00	0.3	\$ 180.00
7/17/2023	K. Tucker	Email to C. Huther and C. Evans re: next steps	\$ 600.00	0.5	\$ 300.00
7/17/2023	K. Tucker	Review email from C. Evans re: waiver of service	\$ 600.00	0.1	\$ 60.00
		Continued drafting second version of motion for preliminary approval and supporting documents			
7/17/2023	S. Moore	Began drafting second version of brief in support of motion for preliminary approval	\$ 425.00	3.3	\$ 1,402.50
7/17/2023	S. Moore	approval, supporting brief, notice plan, and proposed order	\$ 425.00	4.5	\$ 1,912.50
7/18/2023	K. Tucker	Finished drafting second version of brief in support of motion for preliminary approval	\$ 600.00	0.6	\$ 360.00
7/18/2023	S. Moore	Finalized motion, brief, and supporting documents, and sent to K. Tucker for review	\$ 425.00	2.3	\$ 977.50
7/18/2023	S. Moore	Further revised proposed class settlement agreement	\$ 425.00	1.1	\$ 467.50
7/18/2023	S. Moore	Review S. Moore email re: revisions to settlement agreement	\$ 425.00	0.9	\$ 382.50
7/19/2023	K. Tucker	Finished revising proposed class settlement agreement and sent to K. Tucker for review	\$ 600.00	0.2	\$ 120.00
7/19/2023	S. Moore	Email to C. Huther and C. Evans re: next steps	\$ 425.00	1.2	\$ 510.00
8/4/2023	K. Tucker	Review email from C. Huther re: next steps	\$ 600.00	0.1	\$ 60.00
8/4/2023	K. Tucker	Email to C. Huther and C. Evans re: next steps	\$ 600.00	0.1	\$ 60.00
8/18/2023	K. Tucker	Review email from C. Huther re: next steps	\$ 600.00	0.1	\$ 60.00
8/21/2023	K. Tucker	Review C. Huther's proposed revisions to settlement agreement	\$ 600.00	0.1	\$ 60.00
8/26/2023	K. Tucker	Review C. Huther's proposed revisions to settlement agreement, revise, circulate proposed revisions	\$ 600.00	0.5	\$ 300.00
8/29/2023	K. Tucker	Call with C. Huther and C. Evans re: preliminary approval	\$ 600.00	1	\$ 600.00
8/30/2023	K. Tucker	Prepare and circulate draft motion for extension and proposed order	\$ 600.00	0.6	\$ 360.00
8/31/2023	K. Tucker	Review C. Huther's proposed revisions to settlement agreement	\$ 600.00	0.5	\$ 300.00
8/31/2023	K. Tucker	Filed Motion for Extension of Time to file Answer	\$ 600.00	0.4	\$ 240.00
8/31/2023	S. Moore	Review C. Huther's proposed revisions to settlement agreement, revise, circulate proposed revisions	\$ 425.00	0.2	\$ 85.00
9/5/2023	K. Tucker	Email C. Huther and C. Evans re: answer deadline	\$ 600.00	1.5	\$ 900.00
9/18/2023	K. Tucker	Review C. Huther's proposed revisions to settlement agreement	\$ 600.00	0.1	\$ 60.00
9/20/2023	K. Tucker	Review C. Huther's proposed revisions to settlement agreement, revise, circulate proposed revisions	\$ 600.00	0.2	\$ 120.00
9/21/2023	K. Tucker	Review C. Evans email re: revisions to settlement agreement	\$ 600.00	0.3	\$ 180.00
9/28/2023	K. Tucker	Email C. Evans re: revisions to settlement agreement	\$ 600.00	0.5	\$ 300.00
9/28/2023	K. Tucker	Email to plaintiff B. Douglass re: case update	\$ 600.00	0.1	\$ 60.00
9/28/2023	K. Tucker	Review email from B. Douglass re: case update	\$ 600.00	0.1	\$ 60.00
		Review and save fully executed class action settlement agreement			
10/3/2023	K. Tucker	Email S. Moore re: notice of settlement	\$ 600.00	0.2	\$ 120.00
10/3/2023	K. Tucker	Review C. Huther's proposed revisions to draft notice of settlement	\$ 600.00	0.2	\$ 120.00
10/4/2023	K. Tucker		\$ 600.00	0.2	\$ 120.00

10/4/2023	K. Tucker	Review S. Moore email re: notice of settlement and answer deadline	\$ 600.00	0.2	\$ 120.00
10/4/2023	K. Tucker	Email to C. Huther re: answer deadline	\$ 600.00	0.1	\$ 60.00
10/4/2023	S. Moore	Drafted Notice of Settlement and sent to opposing counsel for review	\$ 425.00	0.5	\$ 212.50
10/4/2023	S. Moore	Accepted opposing counsel's revisions to the Notice of Settlement and prepared for filing	\$ 425.00	0.6	\$ 255.00
10/5/2023	K. Tucker	Email to plaintiff B. Douglass re: case update	\$ 600.00	0.5	\$ 300.00
10/5/2023	K. Tucker	Circulate fully executed agreement	\$ 600.00	0.2	\$ 120.00
10/15/2023	S. Moore	Revised motion, brief in support of motion, and proposed order for preliminary approval	\$ 425.00	0.8	\$ 340.00
10/15/2023	S. Moore	Revised the notice plan for the proposed class settlement agreement	\$ 425.00	0.5	\$ 212.50
10/16/2023	S. Moore	Made further revisions to the Brief in support of the motion for preliminary approval	\$ 425.00	1.5	\$ 637.50
10/19/2023	K. Tucker	Review C. Huther email re: case status	\$ 600.00	0.1	\$ 60.00
10/19/2023	S. Moore	Accepted revisions to the motion for preliminary approval documents	\$ 425.00	1.5	\$ 637.50
10/20/2023	K. Tucker	Call with C. Huther re: case status	\$ 600.00	0.6	\$ 360.00
10/20/2023	S. Moore	Continued revising the brief in support of the motion for preliminary approval	\$ 425.00	1.1	\$ 467.50
10/23/2023	S. Moore	Continued revising the brief in support of the motion for preliminary approval	\$ 425.00	1.1	\$ 467.50
10/24/2023	K. Tucker	Email to C. Huther and C. Evans re: preliminary approval motion and supporting documents	\$ 600.00	0.4	\$ 240.00
10/24/2023	K. Tucker	Review and revise draft motion for preliminary approval, brief, proposed order, and exhibits	\$ 600.00	3.5	\$ 2,100.00
11/1/2023	K. Tucker	Email to C. Huther and C. Evans re: preliminary approval motion and supporting documents	\$ 600.00	0.1	\$ 60.00
11/8/2023	K. Tucker	Review C. Evans email re: preliminary approval motion and supporting documents	\$ 600.00	1.5	\$ 900.00
11/8/2023	K. Tucker	Email S. Moore re: C. Evans email re: preliminary approval	\$ 600.00	0.2	\$ 120.00
11/8/2023	K. Tucker	Call with C. Huther and C. Evans re: preliminary approval	\$ 600.00	0.5	\$ 300.00
11/9/2023	K. Tucker	Review S. Moore email re: preliminary approval papers and supporting documents	\$ 600.00	0.5	\$ 300.00
11/9/2023	K. Tucker	Review S. Moore's draft motion for preliminary approval, supporting brief, proposed order, and exhibits	\$ 600.00	3.3	\$ 1,980.00
11/9/2023	S. Moore	Reviewed opposing counsel's proposed revisions to the motion + brief in support of preliminary approval and incorporated into documents	\$ 425.00	2.3	\$ 977.50
11/9/2023	S. Moore	Sent documents including opposing counsel's revisions to K. Tucker for review	\$ 425.00	0.3	\$ 127.50
11/10/2023	K. Tucker	Email to C. Evans re: preliminary approval filings	\$ 600.00	0.1	\$ 60.00
11/10/2023	K. Tucker	Review S. Moore email re: proposed order	\$ 600.00	0.1	\$ 60.00
11/10/2023	S. Moore	Sent word document version of the proposed order for the motion for preliminary approval to Judge Horan's chambers	\$ 425.00	0.3	\$ 127.50
11/13/2023	K. Tucker	Review B. Linsenmeyer email re: proposed order	\$ 600.00	0.1	\$ 60.00
11/14/2023	K. Tucker	Review S. Moore email re: next steps	\$ 600.00	0.2	\$ 120.00
11/14/2023	K. Tucker	Email C. Huther and C. Evans re: claims administrator	\$ 600.00	0.3	\$ 180.00
11/14/2023	K. Tucker	Review C. Huther email re: notice deadlines	\$ 600.00	0.1	\$ 60.00

11/14/2023	S. Moore	Email correspondence with opposing counsel RE: case management deadlines	\$ 425.00	0.6	\$ 255.00
11/20/2023	K. Tucker	Review C. Evans email re: long-form notice	\$ 600.00	0.1	\$ 60.00
11/21/2023	K. Tucker	Review S. Moore email re: long form notice	\$ 600.00	0.1	\$ 60.00
11/21/2023	S. Moore	Email correspondence with opposing counsel RE: case management deadlines	\$ 425.00	0.3	\$ 127.50
11/30/2023	K. Tucker	Call with C. Huther	\$ 600.00	0.5	\$ 300.00
12/3/2023	K. Tucker	Review email from C. Huther re: settlement website	\$ 600.00	0.1	\$ 60.00
12/4/2023	K. Tucker	Review email from C. Huther re: settlement website	\$ 600.00	0.1	\$ 60.00
12/4/2023	K. Tucker	Email to C. Huther re: notice to advocacy orgs	\$ 600.00	0.1	\$ 60.00
12/4/2023	K. Tucker	Review S. Moore's draft notice to advocacy orgs	\$ 600.00	0.3	\$ 180.00
12/4/2023	S. Moore	Drafted notice email and sent to 11 advocacy organizations as required by the court's preliminary approval order; also sent notice to 31 additional organizations	\$ 425.00	1.5	\$ 637.50
12/5/2023	K. Tucker	Email to S. Moore re: notice to advocacy orgs	\$ 600.00	0.1	\$ 60.00
12/5/2023	K. Tucker	Review S. Moore email response to advocacy notice	\$ 600.00	0.1	\$ 60.00
12/6/2023	K. Tucker	Review email from E. Hill, general counsel for National Federation of the Blind	\$ 600.00	0.2	\$ 120.00
12/6/2023	K. Tucker	Review class action settlement agreement	\$ 600.00	0.5	\$ 300.00
12/6/2023	K. Tucker	Draft revisions to class action settlement agreement based on feedback from E. Hill and National Federation of the Blind	\$ 600.00	1.5	\$ 900.00
12/6/2023	K. Tucker	Email to C. Huther and C. Evans re: Draft revisions to class action settlement agreement based on feedback from E. Hill and National Federation of the Blind	\$ 600.00	0.7	\$ 420.00
12/6/2023	K. Tucker	Review inquiry and observations from a class member re: class settlement agreement	\$ 600.00	0.5	\$ 300.00
12/6/2023	K. Tucker	Draft revisions to class action settlement agreement based on feedback from class member	\$ 600.00	1.2	\$ 720.00
12/6/2023	K. Tucker	Email to C. Huther and C. Evans re: Draft revisions to class action settlement agreement based on feedback from class member	\$ 600.00	0.4	\$ 240.00
12/7/2023	K. Tucker	Review email from C. Evans re: responses to class notice	\$ 600.00	0.1	\$ 60.00
12/8/2023	K. Tucker	Email to C. Evans re: responses to class notice	\$ 600.00	0.1	\$ 60.00
12/19/2023	K. Tucker	Email to C. Huther and C. Evans re: proposed revisions to settlement agreement to account for responses to class notice	\$ 600.00	0.2	\$ 120.00
12/21/2023	K. Tucker	Call with C. Huther re: responses to classwide notice	\$ 600.00	0.6	\$ 360.00
12/21/2023	K. Tucker	Call with C. Huther and C. Evans re: responses to class notice	\$ 600.00	1	\$ 600.00
1/7/2024	K. Tucker	Review email from C. Huther re: revisions to settlement agreement	\$ 625.00	0.1	\$ 62.50
1/8/2024	K. Tucker	Review and revise class settlement agreement to account for responses to class notice	\$ 625.00	2.5	\$ 1,562.50
1/8/2024	K. Tucker	Draft joint motion to amend preliminary approval order, and proposed order	\$ 625.00	1.8	\$ 1,125.00
1/8/2024	K. Tucker	Circulate proposed final amended class action settlement agreement, joint motion to amend, and proposed order	\$ 625.00	0.4	\$ 250.00
1/11/2024	K. Tucker	Review C. Huther email re: proposed final amended class action settlement agreement, joint motion to amend, and proposed order	\$ 625.00	0.1	\$ 62.50

1/12/2024	K. Tucker	Review S. Moore's draft notice declaration Email to C. Huther and C. Evans re: proposed final amended class action settlement agreement, joint motion	\$ 625.00	0.3	\$ 187.50
1/12/2024	K. Tucker	to amend, and proposed order	\$ 625.00	0.1	\$ 62.50
1/12/2024	K. Tucker	Review C. Evans email re: long form notice	\$ 625.00	0.1	\$ 62.50
1/12/2024	K. Tucker	Review S. Moore email re: long form notice	\$ 625.00	0.1	\$ 62.50
1/12/2024	K. Tucker	Review C. Evans email re: Chief Product Officer	\$ 625.00	0.1	\$ 62.50
1/12/2024	K. Tucker	Review C. Evans email re: TOC	\$ 625.00	0.2	\$ 125.00
1/12/2024	S. Moore	Drafted notice declaration as required by the Court's preliminary approval order	\$ 450.00	1.1	\$ 495.00
1/12/2024	S. Moore	Filed notice declaration	\$ 450.00	0.4	\$ 180.00
1/16/2024	K. Tucker	Email to C. Evans and C. Huther re: amended agreement and fee motion	\$ 625.00	0.1	\$ 62.50
1/16/2024	S. Moore	Drafted Motion for Fees	\$ 450.00	0.5	\$ 225.00
1/16/2024	S. Moore	Drafted brief in support of Motion for Fees	\$ 450.00	4.3	\$ 1,935.00
1/16/2024	S. Moore	Drafted K. Tucker's declaration in support of the Motion for Fees and sent to him for review	\$ 450.00	0.9	\$ 405.00
1/16/2024	S. Moore	Drafted the proposed order for the Motion for Fees	\$ 450.00	0.6	\$ 270.00
1/17/2024	K. Tucker	Revise Plaintiff's Unopposed Motion to Amend	\$ 625.00	2	\$ 1,250.00
1/17/2024	K. Tucker	Review and revise Plaintiff's Motion for Fees, Declaration, Supporting Brief, and Proposed Order	\$ 625.00	2.5	\$ 1,562.50
1/17/2024	S. Moore	Made final revisions to the Brief in Support of Motion for Fees	\$ 450.00	1.1	\$ 495.00
1/17/2024	K. Abramowicz	Reviewed and revised Motion to Amend settlement agreement; discuss revisions to K. Tucker and S. Moore	\$ 625.00	0.5	\$ 312.50
			Total:	150.1	\$ 76,515.00

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

BLAIR DOUGLASS, on behalf of himself and
all similarly situated individuals,

Plaintiff,

v.

iFIT INC.,

Defendant.

Civil Action No. 2:23-cv-00917-MJH

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

Pending before the Court is Plaintiff’s Motion for Attorneys’ Fees and Incentive Award (“Motion”). The Court held a hearing on April 11, 2024, at which time Plaintiff’s Counsel offered argument in support of the Motion. Having considered the Motion and all accompanying papers, the relevant legal authority, and the Amended Class Settlement Agreement, (Doc. 18-1), as well as Plaintiff’s Counsel’s argument in support of the Motion, the Court **GRANTS** Plaintiff’s Motion as set forth below.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The hourly rates of \$575 for work performed in 2020 and 2021, \$600 for work performed in 2022 and 2023, and \$625 for work performed in 2024 by attorneys Kevin Tucker and Kevin Abramowicz are approved as fair and reasonable.

2. The hourly rates of \$350 for work performed in 2021, \$400 for work performed in 2022, \$425 for work performed in 2023, and \$450 for work performed in 2024 by attorneys Stephanie Moore and Chandler Steiger are 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 \$53,500.00, payable pursuant to the terms of the Amended Agreement.¹

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 \$1,500.00 to Plaintiff, payable pursuant to the terms of the Agreement.

SO ORDERED this ____ day of _____, 2024.

BY THE COURT:

HON. MARILYN J. HORAN
UNITED STATES DISTRICT JUDGE

¹ All capitalized terms shall have the meaning set forth in the Amended Agreement. (Doc. 18-1.)