

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

Dalit Cohen, Anastasia Kurtz, Tina Scott, Paige
Vasseur, *on behalf of themselves and all others*
similarly situated,

Plaintiffs,

vs.

eSupplements, LLC d/b/a Nutricost,

Defendant.

Civil Action No.: 23-cv-06387(NJC)(AYS)

**MOTION FOR AN AWARD OF ATTORNEYS' FEES, EXPENSES, AND INCENTIVE
AWARDS TO THE NAMED PLAINTIFFS**

PLEASE TAKE NOTICE that Dalit Cohen, Anastasia Kurtz and Tina Scott (“Plaintiffs”), by and through undersigned counsel, hereby move for an award of \$611,666.66 in attorneys’ fees and expenses and incentive awards of \$10,000 each to the Settlement Class Representatives. In support, Plaintiffs submits the accompanying proposed order, a memorandum of law in support and the declarations of counsel.

Dated: July 8, 2026

Respectfully submitted,

By: /s/ Stephen Taylor

Sergei Lemberg

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Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that, on July 8, 2026, the foregoing was filed through the Court's CM/ECF system which sent notice of such filing to all counsel of record.

/s/ Stephen Taylor
Stephen Taylor

**UNITED STATES DISTRICT COURT
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Defendant.

Civil Action No.: 23-cv-06387(NJC)(AYS)

[PROPOSED] ORDER

Upon consideration of the motion by Plaintiffs Dalit Cohen, Anastasia Kurtz and Tina Scott for an award of \$611,666.66 in attorneys' fees and expenses to Class Counsel and incentive awards of \$10,000 each to the Settlement Class Representatives, the motion is granted.

IT IS SO ORDERED.

Dated: _____, 2026

By: _____
United States District Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Dalit Cohen, Anastasia Kurtz, Tina Scott, Paige
Vasseur, *on behalf of themselves and all others*
similarly situated,

Plaintiffs,

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eSupplements, LLC d/b/a Nutricost,

Defendant.

Civil Action No.: 23-cv-06387(NJC)(AYS)

**MEMORANDUM IN SUPPORT OF MOTION FOR AN AWARD OF ATTORNEYS’
FEES, EXPENSES, AND INCENTIVE AWARDS TO THE NAMED PLAINTIFFS**

TABLE OF CONTENTS

INTRODUCTION	1
BACKGROUND	2
ARGUMENT.....	4
I. STANDARD	1
II. THE COURT SHOULD EMPLOY THE PERCENTAGE OF THE FUND METHOD AND ONE-THIRD OF THE SETTLEMENT FUND IN FEES AND EXPENSES IS REASONABLE	5
III. CONSIDERATION OF <i>GOLDBERGER</i> FACTORS SUPPORTS THE REQUEST	7
A. The time and labor expended by counsel	7
B. The magnitude, complexities, and risks of the litigation.....	7
C. The quality of representation	9
D. The requested fee is reasonable in relation to the settlement.....	10
E. Public policy considerations	10
IV. A LODESTAR CROSS-CHECK CONFIRMS THE REQUEST IS REASONABLE.....	11
V. THE COURT SHOULD APPROVE THE EXPENSES	13
VI. THE COURT SHOULD APPROVE INCENTIVE AWARDS OF \$10,000 TO THE THREE CLASS REPRESENTATIVES	13
CONCLUSION.....	14

Plaintiffs Dalit Cohen (“Cohen”), Anastasia Kurtz (“Kurtz”), and Tina Scott (“Scott,” with Cohen and Kurtz, the “Plaintiffs”) respectfully submit this memorandum in support of Plaintiffs’ motion for an award of \$611,666.66 (33.33% of the Settlement Fund) in attorneys’ fees and expenses and incentive awards of \$10,000 each to the Settlement Class Representatives.

INTRODUCTION

Plaintiffs and Class Counsel have vigorously litigated this case for years over allegedly deceptively marketed Magnesium Glycinate supplements (the “Supplements”). Class Counsel engaged in extensive discovery, expert discovery, defeated a motion to dismiss, moved for class certification and negotiated a resolution for the Settlement Class.

The result is an excellent settlement, a non-reversionary fund of \$1,835,000 to resolve the claims of approximately 160,000 people. Members who submit claims will get a share of the fund weighted by the number of Supplements they purchased up to the purchase price of \$19.95 per Supplement. To date, claims have been submitted by approximately 13.5% of the Settlement Class, and claimants would recover \$19.95 in cash per product purchased.¹ This exceeds the result in comparable mislabeling cases. *See, e.g., Copley v. Bactolac Pharm., Inc.*, 2023 WL 2470683, at *5, *15 (E.D.N.Y. Mar. 13, 2023); *Lerma v. Schiff Nutrition Int’l, Inc.*, 2015 WL 11216701, at *5 (S.D. Cal. Nov. 3, 2015); *Casey v. Doctor’s Best, Inc.*, 2022 WL 1726080, at *2 (C.D. Cal. Feb. 28, 2022).

None of this would be possible without the efforts of Class Counsel and the Class Representatives. For the reasons stated herein, Class Counsel and Plaintiffs respectfully request

¹ These figures will change as the deadline to submit claims is August 7, 2026. In addition, and as set forth in the Settlement Agreement, the Parties have approved a reminder campaign to prompt members who have not done so to submit claims before the deadline. (*Settlement Agreement* (“SA”) (Doc. 58-3) Art. III(2)(f)). Updated figures will be provided with the final approval papers.

that the Court approve the attorneys' fees award, reimbursement of expenses and the incentive awards.

BACKGROUND

Cohen initiated this action on August 25, 2023, alleging for herself and a putative nationwide class and a putative New York subclass, claims against Nutricost arising from the allegedly unlawful sale and marketing of the Supplements. (Doc. 1). On February 1, 2024, Nutricost moved to dismiss the Complaint, and Plaintiff opposed. (Doc. 22, 23). On August 20, 2024, the Court denied the motion to dismiss as to Cohen's express warranty and New York General Business Law §§ 349 & 350 claims and granted the motion as to the claims for fraudulent concealment on behalf of the proposed nationwide class. (Doc. 32).

On October 14, 2024, pursuant to Fed. R. Civ. P. 15(a)(2), Cohen filed a first amended complaint that, among other things, added Kurtz, Scott and Paige Vasseur to the Action as named Plaintiffs. (Doc. 38). On October 28, 2024, also pursuant to 15(a)(2), Cohen, Kurtz, Scott and Vasseur filed a Second Amended Complaint. (Doc. 43 ("SAC")).²

The gravamen of Plaintiffs' complaint is that eSupplements, LLC d/b/a Nutricost ("Defendant" or "Nutricost") sold certain magnesium glycinate supplements with the representation that they contained 420 mg of magnesium "as Magnesium Glycinate" per serving when, in fact, they did not. (SAC ¶¶ 15, 16). Plaintiffs alleged the label was false as it was not possible for the Supplements to contain 420 mg of magnesium as magnesium glycinate per serving. (SAC ¶¶ 21-28). Plaintiffs alleged that the advertisements were deceptive, knowingly so, and sought relief. Defendant denies that the products were deceptively labeled and denies that a

² Vasseur dismissed her claims without prejudice. (Doc. 47).

product cannot be described as magnesium glycinate merely because it could be buffered with other forms of magnesium. (Doc. 46 (“Answer”) ¶¶ 22, 24).

On October 29, 2024, the scheduling order entered. (Doc. Entry 10/29/2024). Discovery was extensive and involved written discovery whereby Plaintiffs’ counsel obtained and reviewed thousands of pages of documents including emails, formulations, communications with third parties, customer contacts and batch records. (Taylor Decl. ¶ 8). Plaintiffs also responded to Nutricost’s written discovery demands. *Id.* Plaintiffs subpoenaed Nutricost’s supplier of precursor ingredients for documents and testimony and subpoenaed online retailers through which the Supplements were sold. *Id.* Each of the named Plaintiffs was deposed, two in Colorado, as were six Nutricost employees and a representative from Nutricost’s supplier of the precursor ingredient. *Id.* Plaintiffs retained an expert, served an expert report regarding the contents of the Supplements and their value and, on August 29, 2025, moved for class certification. *Id.*; Doc. 52.

In the early stages of the case, the Parties engaged Judge Papas to serve as a mediator. (Taylor Decl. ¶ 10). Discussions through Judge Papas in the summer of 2025 were ultimately successful and, on October 13, 2025, the Parties reached a settlement in principle. *Id.* The Parties then drafted and agreed to the Settlement Agreement and on December 29, 2025, Plaintiffs moved for preliminary approval. (Doc. 58).

On January 30, 2026, the Court held a hearing on the motion, the Parties subsequently modified the Settlement Agreement to address the Court’s concerns regarding its “Press Releases” clause (Doc. 60), and on May 7, 2026, the Court preliminarily approved the Parties’ Settlement as amended. (Doc. 62).

Thereafter, the Parties provided the Settlement Administrator, JND Legal Administration, the pertinent sales information to effectuate mail notice and coordinated with the administrator

and Amazon.com to effectuate the email notice. The Parties also worked with the Administrator to prepare the Settlement Website (www.cohenmag.com). This involved reviewing and approving every page of the website, all the decision trees in the claim portal, and providing substantial edits to the same. (Taylor Decl. ¶ 12).

On June 8, 2026, the mail and email notice were issued, and the Administrator provides a weekly status update. *Id.* ¶ 13. As of July 6, 2026, there have been 21,840 claims submitted, representing approximately 13.5% of the Settlement Class, with a claim deadline of August 7, 2026. *Id.*

ARGUMENT

I. STANDARD

The Federal Rules of Civil Procedure provide that “the court may award reasonable attorney’s fees and nontaxable costs that are authorized by law or by the parties’ agreement.” Fed. R. Civ. P. 23(h). “It is well-established under the common fund doctrine that ‘attorneys who create a fund for the benefit of a class of plaintiffs are entitled to reasonable compensation from that fund.’” *Fikes Wholesale, Inc. v. HSBC Bank USA, N.A.*, 62 F.4th 704, 723 (2d Cir. 2023) (quoting *Victor v. Argent Classic Convertible Arbitrage Fund L.P.*, 623 F.3d 82, 84 (2d Cir. 2010)); see also *Goldberger v. Integrated Resources, Inc.*, 209 F.3d 43, 47 (2d Cir. 2000).

District courts may award fees based on a percentage of the fund or the lodestar method with the “trend in this Circuit” towards the percentage method. *Fikes Wholesale, Inc.*, 62 F.4th at 723; *Carbone v. Ltd. Run Games, Inc.*, 2026 WL 686144, at *10 (E.D.N.Y. Mar. 11, 2026). “In calculating a reasonable common fund fee, district courts are to be guided by the following factors: ‘(1) the time and labor expended by counsel; (2) the magnitude and complexities of the litigation; (3) the risk of the litigation ... ; (4) the quality of representation; (5) the requested fee in relation to

the settlement; and (6) public policy considerations.” *Fikes Wholesale, Inc.*, 62 F.4th at 723 (quoting *Goldberger*, 209 F.3d at 50 (the so-called *Goldberger* factors)).

In addition, when determining the fee under the percentage method, district courts perform a lodestar cross-check on the reasonableness of the requested percentage. *Id.*

The primary benchmark to determine the fee, what the various factors and methods examine, is “what is ‘reasonable’ under the circumstances.” *Goldberger*, 209 F.3d at 47 (quoting *Brown v. Phillips Petroleum Co.*, 838 F.2d 451, 455 (10th Cir. 1988)).

II. THE COURT SHOULD EMPLOY THE PERCENTAGE OF THE FUND METHOD AND ONE-THIRD OF THE SETTLEMENT FUND IN FEES AND EXPENSES IS REASONABLE

Plaintiffs’ counsel seeks a percentage of one-third of the Settlement Fund in fees and expenses, which is reasonable on its face.³

“Courts in this Circuit routinely find that requests for attorney’s fees totaling one-third of the settlement fund are well within the range of reasonableness.” *Carbone v. Ltd. Run Games, Inc.*, 2025 WL 3254618, at *14 (E.D.N.Y. Nov. 21, 2025) (quoting *Rosenfeld v. Lenich*, 2021 WL 508339 at *6 (E.D.N.Y. Feb. 11, 2021)). And “it is very common to see 33% contingency fees in cases with funds of less than \$10 million.” *In re Payment Card Interchange Fee & Merch. Disc. Antitrust Litig.*, 991 F. Supp. 2d 437, 445 (E.D.N.Y. 2014); see also *Cohan v. Columbia Sussex Mgmt., LLC*, 2018 WL 4861391, at *2 (E.D.N.Y. 2018); *Azogue v. 16 for 8 Hosp. LLC*, 2016 WL 4411422, at *6 (S.D.N.Y. 2016) (“Class Counsel’s request for one-third of the Fund is reasonable

³ As set forth below, the expenses are \$46,977.47. Therefore, the fee portion of the requested award is \$564,689.19 or approximately 30.7% of the Settlement Fund of \$1.835 million. For ease of reference, Plaintiffs refer to counsel’s requested award as a “third,” which is accurate as it includes the expenses, but the fee portion of that award, which is what the case law is largely concerned with, is the lower figure of 30.7%.

and ‘consistent with the norms of class litigation in this circuit.’ ”) (*quoting Yuzary v. HSBC Bank USA, N.A.*, 2013 WL 5492998, at *26 (S.D.N.Y. 2013)).

The Settlement Fund here is \$1.835 million and was agreed only after extensive discovery and motion practice. The Fund is non-reversionary so, by far, the substantial majority of its value goes to Settlement Class Members, not counsel, and not back to the Defendant through a reversionary kicker. The Fund is also cash and not coupons or other types of complex relief that could obscure the actual value to the Settlement Class. *See, e.g., Copley*, 2023 WL 2470683, at *5, *15 (E.D.N.Y. Mar. 13, 2023) (finding as fair a blended coupon/cash recovery where 5% of a nationwide class filed claims, approximately 3% of the class would receive \$15.85 in cash, and 2% would receive only a \$10 coupon for claims arising from alleged mislabeling).

Thus, the requested third does not raise difficult questions in balancing the fee award against hypothetical or predicated relief to the class. *See, e.g., Kurtz v. Kimberly-Clark Corp.*, 142 F.4th 112, 119 (2d Cir. 2025) (in considering the terms of any attorney fee award under Fed. R. Civ. P. 23(e)(2)(C)(iii) the district court must consider the proportion of the total recovery that goes to fees as opposed to class members with an eye towards how the settlement structure (e.g. reverters, purely claims made settlements) delivers, or does not deliver, actual value to the class)⁴.

⁴ *Kurtz* was a pure claims made settlement arising from allegedly falsely labeled bathroom wipes. The defendant agreed to pay “up to” \$20 million to class members who submitted claims and, separately, \$4.1 million in fees and expenses. 42 F.4th 112 at 115. Class members made claims for \$1 million, and the defendant kept the \$19 million balance. *Id.* at 116. Without opining or deciding whether this was fair under Rule 23(e) itself as there are multiple factors to consider, the Second Circuit vacated and remanded for a “proportionality analysis” or consideration of the fairness of the settlement taking into account the proportion of fees to the value obtained by the class. On remand, the district court found the value to the class was the amount claimed by members (approximately \$1 million) and the proportionality analysis showed a 3:1 ratio of counsel fees (\$3.1 million) to class recovery which did not, however, make the settlement or fee unreasonable in consideration of all the relevant factors. *Kurtz v. Kimberly-Clark Corp.*, 2026 WL 717909, at *9 (E.D.N.Y. Mar. 12, 2026).

Instead, Class Counsel seeks a reasonable amount of the concrete value they obtained for the Settlement Class, and the request is reasonable on its face.

III. CONSIDERATION OF GOLDBERGER FACTORS SUPPORTS THE REQUEST

A. The time and labor expended by counsel

Class Counsel has invested significant time and effort in this action totaling approximately 588 hours to date. (Lemberg Declaration ¶¶ 9-13, Ex. A). There were eleven party and non-party depositions, expert discovery, substantial motion practice on the motion to dismiss, motions to compel and the undecided motion for class certification. (Taylor Decl. ¶¶ 8-10). That is in addition to party document discovery and third-party document discovery of thousands of documents, meet and conferrals, disputes and Class Counsel's own investigation.

In addition, Class Counsel will devote further significant time and effort to obtain final approval, responding to inquiries from Class Members going forward, addressing any disputes relating to submitted claims, and monitoring claims processing and the distribution of settlement payments by the Settlement Administrator which Class Counsel estimates at 50-100 hours. *Id.* ¶ 15. The time and effort were substantial, necessary and appropriate for a case of this duration and complexity.

B. The magnitude, complexities, and risks of the litigation

This litigation was filed in 2023 and involves complex legal and factual issues, with an added layer of complexity given that this case is a class action as opposed to ordinary litigation. While the core of the case was grounded in a supplement label, the label raised multiple complex

Relevant to the Rule 23(h) fee discussion here, the Settlement Agreement and fee request do not raise difficult balancing questions in the proportionality analysis. There are not structural elements that create hypothetical value to the class as in *Kurtz*; there is one non-reversionary cash fund of which counsel seeks a reasonable third.

questions.⁵ Addressing those questions and others required extensive discovery and investigation including expert work. The legal implications of the facts added another layer of complexity, as did preparing the legal claims for class adjudication. *See, e.g., Whyble v. Nature's Bounty Co.*, 2025 WL 968784, at *3 (S.D.N.Y. Mar. 31, 2025) (dismissing claims for breach of express warranty, unjust enrichment, negligent misrepresentation, fraud, and violations of state consumer protection acts arising from allegedly deceptively labeled supplements). While Plaintiffs believe the evidence would lead to a favorable decision for Plaintiffs and class members, obtaining that evidence and preparing the case in the face of very able defense counsel was a complex task.

“Goldberger also instructs that courts must consider ‘contingency risk’ in setting a reasonable fee.” *Mangahas v. Eight Oranges Inc.*, 2025 WL 3033658, at *11 (S.D.N.Y. Oct. 30, 2025) (*quoting Goldberger*, 209 F.3d at 53). Class Counsel took the case on a pure contingency basis and has paid for all costs, expenses, and time out of pocket. Defendant could have won its motion to dismiss in total. It could have defeated Plaintiffs’ motion for class certification or won subsequent motions for summary judgment. There were several points along the way or in the potential future where this case could have gone differently. Had it done so, Plaintiffs’ counsel would have received nothing for the years of effort they had put in. The risk was high, which merits the award.

Further, for any plaintiffs’ firm to bring a class action on a contingent basis requires commitment of time and resources in the face of significant risks of loss and/or delay. *See, e.g., In*

⁵ The complex questions include, *e.g.*: What was the advertised amount of magnesium glycinate in the Supplements? What was the actual amount of magnesium glycinate in the Supplements? If there was a discrepancy between the two, was it material? What is magnesium glycinate and why would it be important? Is it important to the reasonable consumer? Would the reasonable consumer be misled or were the Plaintiffs misled? Where, when, how much and under what circumstances was the Supplement sold? What did the Defendant know, when did it know it and why would its knowledge be important?

re Schering-Plough Corp. Enhance ERISA Litig., 2012 WL 1964451, at *7 (D.N.J. May 31, 2012) (“Courts routinely recognize that the risk created by undertaking an action on a contingency fee basis militates in favor of approval.”) (considering risk of nonpayment under analogous Third Circuit standard). In this case, Class Counsel is comprised of one small law firm. Firms of small size face even greater risks in litigating large class actions with no guarantee of payment. *Boyd v. Bank of Am. Corp.*, 2014 WL 6473804, at *10 (C.D. Cal. Nov. 18, 2014) (finding heightened risk of small firm representation should be rewarded with larger percentage fee for good result) (same consideration under Ninth Circuit factors); *see also Pennsylvania v. Delaware Valley Citizens’ Council for Clean Air*, 483 U.S. 711, 750 (1987) (Delaware Valley II) (plurality opinion) (“[C]ontingent litigation may pose greater risks to a small firm or a solo practitioner because the risk of nonpayment may not be offset so easily by the presence of paying work. . . .”).

Accordingly, these considerations weigh in favor of the requested award.

C. The quality of representation

The experience, reputation and ability of the attorneys involved also weighs in favor of the requested fees and expenses. Class Counsel are experienced and skilled consumer protection and class action litigators. (Taylor Decl. ¶¶ 3-5; Lemberg Decl. ¶¶ 2-5; Markovits Decl. ¶¶ 4-6). They have successfully represented classes in both contested and settled proceedings. *Id.* Class Counsel brought their experience and skill to bear to efficiently investigate, litigate, conduct discovery, negotiate the settlement, and oversee administration. Their skill was critical in efficiently identifying key issues, conducting discovery, and negotiating the settlement for the class, and those efforts demonstrate the reasonableness of the fee.

D. The requested fee is reasonable in relation to the settlement

This factor is largely addressed at part II, *supra*. The fee request alone (not including the expenses) is under a third of the total actual value of the settlement and well within what is reasonable for a settlement fund of this size. *Carbone*, 2025 WL 3254618, at*14; *see also Kurtz*, 2026 WL 717909, at*9 (finding \$1 million recovery to the class and \$3 million in fees reasonable).

E. Public policy considerations

“[W]hen determining whether a fee award is reasonable, courts consider the social and economic value of the class action, and the need to encourage experienced and able counsel to undertake such litigation.” *Lizondro-Garcia v. Kefi LLC*, No. 12-CV-1906 (HBP), 2015 WL 4006896, at *12 (S.D.N.Y. July 1, 2015). Here, the Defendant was allegedly selling mislabeled dietary supplements. But for the efforts of Class Counsel, taken at expenditure of time, resources and with no promise of remuneration, Settlement Class Members would receive no resolution for this alleged wrong. Thus, the public interest in addressing these types of claims is furthered by rewarding counsel who bring them.

In addition, the structure of the Settlement Fund and the fee request bear on the public policy consideration. There are various types of structures that parties could agree to that raise issues about the value obtained for the class or raise concerns that the incentives of class counsel are misaligned with the class interest (whether or not they are). *See, e.g., Copley*, 2023 WL 2470683, at*5, *15 (E.D.N.Y. Mar. 13, 2023) (blended coupon/cash settlement); *Kurtz*, 142 F.4th at 119 (2d Cir. 2025) (an “up to” \$20 million settlement where final amount is a function of the claim rate). This settlement is not so structured and a non-reversionary cash fund from which counsel seeks a reasonable percentage aligns the incentives of class counsel with the interests of the class towards obtaining the largest concrete relief reasonably obtainable. And while a common

fund cash structure is straightforward, that does not mean it is lesser or easier to obtain; more complex structures may obscure the amounts settling defendants pay or at the least raise such concerns. Thus, the public has an interest in incentivizing structures that align counsel's interests with class members' interests, and that interest is furthered by approval here.

For the foregoing reasons, consideration of the *Goldberger* factors supports the request.

IV. A LODESTAR CROSS-CHECK CONFIRMS THE REQUEST IS REASONABLE

As set forth in the contemporaneous time sheet, Class Counsel's lodestar is \$366,610 as of July 2, 2026, representing 588.8 hours of work. (Lemberg Decl. ¶ 11, Exhibit A thereto). Their rates are fully supported by the skill and experience of Plaintiffs' counsel. (Lemberg Decl. ¶¶ 2-8, 15; Taylor Decl. ¶¶ 3-5; Markovits Decl. ¶¶ 4-6). The lodestar does not include additional work associated with final approval and Class Counsel's oversight of the claim process which counsel estimates at an additional 50-100 hours of work. (Lemberg Decl. ¶ 13; Taylor Decl. ¶ 15).

Counsel's rates (\$750 and \$650 for partners, \$400 for associates and \$150 for paralegal work) are conservative considering their experience and skill and well within prevailing rates awarded in the New York metro area and this district. For instance, in *Copley*, a litigation concerning allegedly misbranded dietary supplements, the Court found reasonable rates of \$695 for a partner with 12 years experience, \$600 for associate work at 9 years experience and \$350 for associate work with 4 years experience. *See Copley*, 2023 WL 2470683, at*12 ("Both the hours spent litigating this case and class counsel's proposed hourly rate are reasonable.") and Copley v. Bactolac Pharm., Inc., 2:18-CV-00575-FB-PK, Doc. No. 252 (class counsel declaration in support of fees) ¶¶ 18-19 (detailing rates of \$350-\$695); *see also C.K. through P.K. v. McDonald*, 816 F. Supp. 3d 284, 327 (E.D.N.Y. 2026) (hourly rates of "\$840 to \$950 for attorneys with 30 years or more of experience, \$550 to \$790 for attorneys with more than 10 but less than 30 years of experience, and \$400 for attorneys with less than 10 years of experience, fall comfortably around

the mean for each category of attorney tracked in the Wolters Kluwer report.”); *Sierra v. City of New York*, 2023 WL 7016348 (S.D.N.Y. Oct. 25, 2023) (approving settlement with attorney rates of \$800 to \$525 for partners).⁶

The submitted attorney rates here for partners Sergei Lemberg (\$750 with 25 years of experience), Stephen Taylor (\$650 with 19 years of experience) and associate Josh Markovits (\$400 with 11 years of experience) are very reasonable, if not low, in comparison and are fully justified by their efficient litigation in this case.

The lodestar of \$366,610 shows a multiplier of approximately 1.54 to arrive at the fee portion of the award (\$564,689.19), which is well within the range of multipliers in this Circuit. *Fikes Wholesale, Inc.*, 62 F.4th at 724 (affirming fees where district court found multiplier of 2.5 well within range deemed acceptable in complex actions); *Carbone*, 2026 WL 686144, at*9 (“multiplier of 4 is within the acceptable range of attorneys’ fees awarded in class action settlements”) (collecting cases); *In re Canon U.S.A. Data Breach Litig.*, 2024 WL 3650611, at *8 (E.D.N.Y. Aug. 5, 2024) (noting courts generally use a lodestar multiplier between two and six in complex class actions).

As the Second Circuit noted in *Fikes*, district courts keep “the lodestar in sight” as a cross-check on the reasonableness of the requested percentage. *Fikes Wholesale, Inc.*, 62 F.4th at 723. Here, the lodestar with a modest multiplier demonstrates the fee request is reasonable and merits approval.

⁶ See also *Carbone*, 2026 WL 686144 at *9 (while not opining the rates were reasonable, in the context of a lodestar crosscheck for a percentage method analysis, the Court accepted rates of \$1,000 for partners and \$475-650 for associates as part of the lodestar calculation) and *Carbone v. Ltd. Run Games, Inc.*, No. 24-CV-08861, Doc. No. 23-3, p. 6 (summary of lodestar with rates).

V. THE COURT SHOULD APPROVE THE EXPENSES

The Court should approve Plaintiffs' request for reimbursement of \$46,977.47 in out-of-pocket litigation expenses from the Settlement Fund. (Lemberg Decl. ¶¶ 14-17, Ex. B thereto). "Attorneys may be compensated for reasonable out-of-pocket expenses incurred and customarily charged to their clients." *Dupler v. Costco Wholesale Corp.*, 705 F. Supp. 2d 231, 245 (E.D.N.Y. 2010). "When the lion's share of expenses reflects the typical costs of complex litigation such as experts and consultants, trial consultants, litigation and trial support services, document imaging and copying, deposition costs, online legal research, and travel expenses, courts should not depart from the common practice in this Circuit of granting expense requests." *Hasemann v. Gerber Prods. Co.*, 2025 WL 2773748, at *11 (E.D.N.Y. Sept. 29, 2025) (quoting *Pennsylvania Pub. Sch. Employees' Ret. Sys. v. Bank of Am. Corp.*, 318 F.R.D. 19, 27 (S.D.N.Y. 2016)). The expenses here include filing fees, expert fees, mediator fees, deposition transcript fees, travel costs, and document review costs. (Lemberg Decl. Ex. B). These expenses were reasonably necessary to prosecute this case, were borne by counsel, and are appropriately reimbursed from the fund.

VI. THE COURT SHOULD APPROVE INCENTIVE AWARDS OF \$10,000 TO THE THREE CLASS REPRESENTATIVES

Incentive awards to the Settlement Class Representatives for bringing and litigating this case on behalf of the class are permissible and promotes a public policy of encouraging individuals to undertake the responsibility of representative lawsuits. *Manual for Complex Litigation*, § 21.62 n.971 (4th ed. 2004); see also *Alaska Elec. Pension Fund v. Bank of Am. Corp.*, 2018 WL 6250657, at *4 (S.D.N.Y. Nov. 29, 2018) (approving \$50,000 and \$100,000 awards to named plaintiffs); *Chapman v. Tristar Prods., Inc.*, 2018 WL 3752228, at *10-11 (N.D. Ohio Aug. 3, 2018) (approving service awards of \$7,500 and \$6,000 to representatives of consumer class action in a coupon settlement); *Massiah v. MetroPlus Health Plan, Inc.*, 2012 WL 5874655, at *8

(E.D.N.Y. Nov. 20, 2012) (collecting cases in the Second Circuit approving service awards ranging from \$5,000 to \$30,000).

Plaintiffs Dalit Cohen, Anastasia Kurtz, and Tina Scott have each been exemplary representatives. They have worked with their counsel and participated in this case, including providing documentation, responding to written discovery demands and appearing for in-person and videotaped depositions regarding their private health matters. Taylor Decl. ¶ 16. Absent their efforts, the class would not have the benefit of this settlement. Thus, a \$10,000 incentive award is reasonable and should be approved.

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court grant this motion, award \$611,666.66 in attorneys' fees and expenses to Class Counsel, and award incentive awards of \$10,000 each to the Settlement Class Representatives as set forth herein.

Dated: July 8, 2026

Respectfully submitted,

By: /s/ Stephen Taylor
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Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that, on July 8, 2026, the foregoing was filed through the Court's
CM/ECF system which sent notice of such filing to all counsel of record.

/s/ Stephen Taylor
Stephen Taylor

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

Dalit Cohen, Anastasia Kurtz, Tina Scott, Paige :
Vasseur, *on behalf of themselves and all others* :
similarly situated, :

Plaintiffs, :

vs. :

eSupplements, LLC d/b/a Nutricost, :

Defendant. :

Civil Action No.: 23-cv-06387(NJC)(AYS)

**DECLARATION OF SERGEI LEMBERG IN SUPPORT OF
MOTION FOR AN AWARD OF ATTORNEYS' FEES, EXPENSES, AND INCENTIVE
AWARDS TO THE NAMED PLAINTIFFS**

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

1. I am the principal of Lemberg Law, LLC. I am a consumer rights attorney experienced in prosecuting actions under various federal and state consumer protection statutes. 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 1997 graduate of Brandeis University with a degree in Economics and a Minor in Accounting, a 2001 graduate of the University of Pennsylvania School of Law and now the principal of Lemberg Law, LLC.

3. Prior to starting my own law firm, I held positions in the New York offices of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. and practiced corporate bankruptcy and reorganization law at Andrews Kurth LLP and Day Pitney LLP.

4. I am a member in good standing of the bars of Pennsylvania, Connecticut, Florida, Georgia, Massachusetts, New Jersey and New York. I am also admitted to practice before the First,

Second, Third, Fifth, Seventh, and Ninth Circuit Courts of Appeal. I am admitted to practice before the following federal courts: the District of Massachusetts, Eastern and Western Districts of Arkansas; the District of Connecticut; the Northern and Middle Districts of Georgia; the Northern, Central and Southern Districts of Illinois; the District of Maryland; the Eastern and Western Districts of Michigan; the Eastern District of Missouri; the District of Nebraska; the Northern, Southern, Eastern and Western Districts of New York; the Northern District of Ohio; the Northern, Eastern and Western Districts of Oklahoma; the Western District of Texas; the Eastern, Middle and Western Districts of Pennsylvania; the Northern, Middle and Southern Districts of Florida; and the District of New Jersey.

My firm's representative decisions in consumer rights matters include but are not limited to: *Manuel v. NRA Grp. LLC*, 722 F. App'x 141, 142 (3d Cir. 2018); *Pollard v. Law Office of Mandy L. Spaulding*, 766 F.3d 98 (1st Cir. 2014); *Scott v. Westlake Servs. LLC*, 2014 WL 250251 (7th Cir. Jan. 23, 2014); *Evon v. Law Offices of Sidney Mickell*, 688 F.3d 1015 (9th Cir. 2012); *LaVigne v. First Cmty. Bancshares, Inc.*, No. 1:15-CV-00934-WJ-LF, 2016 WL 6305992 (D.N.M. Oct. 19, 2016); *Butto v. Collecto, Inc*, 290 F.R.D. 372, 395-396 (E.D.N.Y. 2013); *Cerrato v. Solomon & Solomon*, 909 F.Supp.2d 139 (D. Conn. 2012); *Zimmerman v. Portfolio Recovery Assoc., LLC*, 276 F.R.D. 174 (S.D.N.Y. 2011); *Davis v. Diversified Consultants, Inc.*, 2014 WL 2944864 (D. Mass. June 27, 2014); *Hudak v. The Berkley Grp., Inc.*, 2014 WL 354666 (D. Conn. Jan. 23, 2014); *Zimmerman v. Portfolio Recovery Assocs., LLC*, 2013 WL 6508813 (S.D.N.Y. Dec. 12, 2013); *Seekamp v. It's Huge, Inc.*, 2012 WL 860364 (N.D.N.Y. Mar. 13, 2012).

5. I and my firm have been certified as class counsel, in both contested proceedings and in settlement. *See, e.g., Sanchez v. Kia Motors Am., Inc.*, 2024 WL 4730654 (C.D. Cal. Nov. 7, 2024) (contested class certification; certifying 10 state classes of automobile purchasers and lessees bringing consumer protection and breach of warranty claims); *Guthrie v. Mazda Motor of America, Inc.*, No. 8:22-cv-01055-DOC-DFM (C.D. Cal. Oct. 8, 2024) (ECF No. 167) (final approval of nationwide

class action settlement arising from alleged automotive defect); *Sager et al. v. Volkswagen Group of America, Inc., and Audi of America, Inc.*, 18-cv-13556 (D.N.J.) (settlement class counsel representing nationwide class of approximately 340,000 members alleging breach of various warranties and state consumer law owing to allegedly defective after-run electric coolant pumps); *Riley v. Gen. Motors LLC*, 2024 WL 1256056 (S.D. Ohio Mar. 25, 2024) (in which the court certified a class of Ohio vehicle owners for breach of warranty claims flowing from General Motors' failure to comply with its warranty obligations to repair defective shifters); *Carlson v. Target Enter., Inc.*, 2020 WL 1332839 (D. Mass. Mar. 23, 2020) (final approval of class action settlement for alleged violations of Chapter 93A and 940 C.M.R. § 7.04(1)(f)); *Johnson v. Comodo Grp., Inc.*, 2020 WL 525898, at *1 (D.N.J. Jan. 31, 2020) (contested class certification decision in TCPA action); *Acklin v. Homesite Group Inc.*; No. 1:18-cv-12183-MBB (D. Mass. Sept. 15, 2019) (final approval of FLSA collective action settlement); *Lavigne v. First Community Bancshares, Inc., et al.*, 2018 WL 2694457, at *5 (D.N.M. June 5, 2018) (certification in Telephone Consumer Protection Act ("TCPA") action); *Munday v. Navy Federal Credit Union*, ECF No. 60, 15-cv-01629 (C.D. Cal., July 14, 2017) (final approval of class settlement of \$2.75MM in TCPA action); *Brown v. Rita's Water Ice Franchise Co. LLC*, No. CV 15-3509, 2017 WL 1021025, at *1 (E.D. Pa. Mar. 16, 2017) (final approval of class settlement of \$3MM common fund in TCPA action); *Duchene v. Westlake Servs., LLC*, No. 2:13-CV-01577-MRH, 2016 WL 6916734 (W.D. Pa. July 14, 2016) (final approval of class settlement of \$10MM common fund in TCPA action); *In re Convergent Telephone Consumer Protection Act Litigation*, ECF No. 268, 3:13-md-02478 (D. Conn., November 10, 2016) (final approval of class settlement consisting of \$5.5MM common fund in TCPA action); *Oberther v. Midland Credit Management*, Doc. No. 90, 14-cv-30014 (D. Mass. July 13, 2016) (Fair Debt Collection Practices Act ("FDCPA") class action); *Zimmerman v. Portfolio Recovery Assoc., LLC*, 276 F.R.D. 174 (S.D.N.Y. 2011) (certifying FDCPA class action); *Seekamp v. It's Huge, Inc.*, 2012 WL 860364 (N.D.N.Y. Mar. 13, 2012) (certifying auto

fraud class action); *Evon v. Law Offices of Sidney Mickell*, 688 F.3d 1015 (9th Cir. 2012) (FDCPA class action); *Butto v. Collecto, Inc.*, 290 F.R.D. 372 (E.D.N.Y. 2013) (certifying FDCPA class action); *Douma v. Law Offices of Mitchell N. Kay P.C.*, 09-cv-9957 (S.D.N.Y.) (FDCPA class action); *Walters v. Collection Tech., Inc.*, 10-cv-02514 (S.D.N.Y.) (FDCPA class action).

6. I have been interviewed and asked to contribute on multiple occasions by the media regarding various matters that I worked on, such as the Boston Herald, NorthJersey.com, Newsweek, The Leader Herald, PatriotLedger.com, Law360, Texas Lawyer, ABC News, Channel 7 in Boston, McClatchy, AOL Autos, Connecticut Law Tribune, Philly.com, the Los Angeles Times, Consumer Reports.org, Syracuse.com, Daily News, HarfordAdvocate.com and the Boston Herald.

7. I have co-authored the definitive compilation of form complaints in Connecticut, Connecticut Civil Complaints for Business Litigation, contributing form complaints for the Lemon Law and Auto Fraud sections.

8. I am also the former Chair of the Consumer Law Section of the Connecticut Bar Association. I held that position from 2014 to 2015. I have been a guest speaker at the Professional Association for Customer Engagement conference in 2014 and the National Debt Collection Forum in 2016. In both instances I spoke about best practices that should be or are adopted in the debt collection profession from the perspective of a consumer advocate.

9. We have litigated this case on behalf of Plaintiffs and the putative class beginning in the spring of 2023. When each Plaintiff contacted us, they and we agreed to pursue their claims on a class action basis.

10. This work has been substantial and efficient and included investigating the Nutricost magnesium glycinate product, preparing and filing the complaints and demand materials, opposing Defendant's motion to dismiss, participating in mediation, conducting substantial written discovery, reviewing Defendant's extensive productions and batch records, preparing discovery responses,

defending and taking eleven depositions, engaging in discovery motion practice, pursuing third-party discovery from suppliers, laboratories, and major retailers, working with an expert, and preparing the motion for class certification among other matters. The case required sustained factual development, motion practice, discovery management, expert coordination, and settlement efforts over multiple phases of the litigation.

11. My firm's contemporaneous time records are attached as Exhibit A and reflect a lodestar of \$366,610 based on 588.80 hours expended by attorneys and paralegal staff. The following attorneys contributed significant time to this case and seek compensation at the following rates.

Name	Rate
Sergei Lemberg, Esq.	\$750.00
Stephen Taylor, Esq.	\$650.00
Joshua Markovits, Esq.	\$400.00

12. My billing rate in this matter is \$750, which is a reasonable rate given my 25 years of experience and expertise in consumer rights class action litigation and the market rate for this litigation. *See Memorandum in Support of Motion for an Award of Attorneys' Fees, Expenses and Incentive Awards to the Named Plaintiffs* pp. 11-12. The rates of Mr. Taylor and Mr. Markovits are also fully supported by their experience and skill in class action litigation.

13. Additionally, I anticipate a significant amount of work and hours will be expended after the filing of this fee application related to final approval and oversight of the administrator and claims process. This includes responding to any objections, moving for final approval of the

settlement and, if necessary, handling any appeals. We will also assist class members with individual inquiries and aid with their claims.

14. Lemberg Law has incurred substantial costs, including court costs, expert fees, travel expenses, mediation fees, and deposition expenses in connection with this action for which we seek reimbursement from the Settlement Fund.

15. As reflected in the expense reports attached hereto as Exhibit B, the total costs incurred to date are \$46,977.47.

16. All of these costs and expenses are reflected in the books and records of the firm, and are supported by invoices, receipts, expense vouchers, check records, or other documentation.

17. In my professional opinion, and based on my experience prosecuting the action and overseeing the conduct of the litigation, all of these expenses were reasonable and necessary in connection with the action.

I declare under penalty of perjury that the above is true and correct.

Dated: July 8, 2026

/s/ Sergei Lemberg
Sergei Lemberg

Exhibit A

Lemberg Law, LLC
 43 Danbury Rd
 Wilton, CT 06897
 Phone No.: (203) 653-2250
 Fax: (203) 653-3424
 Statement as of: 07/02/2026

Cohen et al v. eSupplements, LLC d/b/a Nutricost; Case No: 23-cv-06387

Summary

Timekeeper	Name	Hours	Rate	Amount
ST	Stephen Taylor, Esq.	478.30	\$650.00	\$310,895.00
SL	Sergei Lemberg, Esq.	47.40	\$750.00	\$35,550.00
JAM	Joshua Markovits, Esq.	42.80	\$400.00	\$17,120.00
VT	Valentina Tsiganchuk	7.00	\$150.00	\$1,050.00
SHE	Shannon Heuston	6.70	\$150.00	\$1,005.00
OV	Olga Voytovych	6.10	\$150.00	\$915.00
JS	Juliet Stead	0.30	\$150.00	\$45.00
AW	Ava Williams	0.20	\$150.00	\$30.00
	Totals:	588.80		\$366,610

Professional Fees

			Hours	Rate	Amount
06/26/2023	SL	Client conversation regarding new case.	0.50	\$750.00	\$375.00
06/28/2023	ST	Research Nutricost and its mag glycinate supplements.	2.70	\$650.00	\$1,755.00
06/30/2023	OV	Sent client LSA.	0.10	\$150.00	\$15.00
07/17/2023	JAM	Drafted complaint; to S.Taylor.	3.60	\$400.00	\$1,440.00
07/20/2023	ST	Reviewed complaint and demand letter, discuss with S.Lemberg, approved for filing.	2.30	\$650.00	\$1,495.00
07/24/2023	JAM	S.Taylor approved complaint; SHE to mail out demand letter first.	0.10	\$400.00	\$40.00
07/24/2023	SHE	Mailed demand letter CERT # 7022 3330 0001 6181 5178.	0.40	\$150.00	\$60.00
08/25/2023	SHE	Filed initiatory pleadings in EDNY. Drafted CCS and Summons.	0.70	\$150.00	\$105.00
08/28/2023	VT	Download Complaint, Summons, Opening file and Magistrate consent form.	0.10	\$150.00	\$15.00
09/07/2023	SHE	Sent initiatory pleadings out for service. Drafted cover letter to process server.	0.50	\$150.00	\$75.00

09/20/2023	SHE	Filed certificate of service.	0.20	\$150.00	\$30.00
09/20/2023	VT	Downloaded documents from pacer.	0.10	\$150.00	\$15.00
09/23/2023	VT	Calendared order setting conference.	0.10	\$150.00	\$15.00
09/25/2023	SL	Introductory email with opposing counsel.	0.10	\$750.00	\$75.00
09/28/2023	OV	Per S.Lemberg, E- filed notice of appearance and motion to extend with court via ECF.	0.30	\$150.00	\$45.00
09/28/2023	SL	Draft letter of extension for Defendant. OV to file.	1.00	\$750.00	\$750.00
09/29/2023	VT	Saved 7 NOTICE of Appearance.pdf.	0.10	\$150.00	\$15.00
09/29/2023	VT	Saved 8 MOTION for Extension of Time to File Answer.pdf.	0.10	\$150.00	\$15.00
10/02/2023	VT	Saved ORDER granting [8] Motion for Extension of Time to Answer.	0.10	\$150.00	\$15.00
10/06/2023	VT	Saved 9 MOTION to Appear Pro Hac Vice.pdf and 10 MOTION to Appear Pro Hac Vice.pdf.	0.10	\$150.00	\$15.00
10/13/2023	VT	Saved Case Reassignment Order and ORDER granting [9] Motion for Leave to Appear Pro Hac Vice.	0.10	\$150.00	\$15.00
10/14/2023	SL	Review, execute agreement re confidentiality from opposing counsel.	0.80	\$750.00	\$600.00
10/16/2023	SL	Review case reassignment order.	0.40	\$750.00	\$300.00
10/19/2023	ST	Confer with S.Lemberg re discussion with opposing counsel.	0.70	\$650.00	\$455.00
10/20/2023	SL	Call w opposing counsel. (.2), Research on mediators and send options to opposing counsel. (.5).	0.60	\$750.00	\$450.00
10/25/2023	VT	Saved 11 NOTICE of Appearance.pdf and 12 NOTICE of Appearance.pdf.	0.10	\$150.00	\$15.00
10/27/2023	SL	Review motion for premotion conference. emails to S.Taylor, J.Markovits re same.	0.30	\$750.00	\$225.00
10/30/2023	JAM	Initial review of MTD letter; prelim research; spoke w. S.Taylor re same.	0.50	\$400.00	\$200.00
10/30/2023	ST	Review premotion letter. Research. Discussion with J.Markovits and direction on draft of response.	0.90	\$650.00	\$585.00
10/30/2023	VT	Saved 13 MOTION for Pre Motion Conference.pdf.	0.10	\$150.00	\$15.00
11/01/2023	JAM	Incorporated S.Taylor edits to premotion letter response; made further revisions, proofed and filed.	1.10	\$400.00	\$440.00

11/01/2023	ST	Revised letter response, to J.Markovits to finalize, confer with S.Lemberg re response.	2.00	\$650.00	\$1,300.00
11/02/2023	VT	Saved 14 LETTER RESPONSE to Pre- Motion Conference Request.pdf.	0.10	\$150.00	\$15.00
11/09/2023	ST	Review correspondence from opposing counsel re resolution. email to S.Lemberg re same.	0.10	\$650.00	\$65.00
11/10/2023	SL	Email to opposing counsel re mediation on feb 8.	0.10	\$750.00	\$75.00
11/13/2023	ST	Review order on premotion conference.	0.10	\$650.00	\$65.00
11/14/2023	VT	Saved 15 ORDER re Schedule on MTD.pdf.	0.10	\$150.00	\$15.00
11/28/2023	OV	Drafted joint letter and discovery plan, sent to S.Taylor.	0.50	\$150.00	\$75.00
12/11/2023	JAM	Reviewed individual rules/order re conference emailed OV and S.Taylor re same.	0.20	\$400.00	\$80.00
12/11/2023	ST	Revised discovery plan and joint discovery letter to the court, email to opposing counsel.	0.90	\$650.00	\$585.00
12/12/2023	OV	E-filed joint letter and discovery plan with court via ecf.	0.20	\$150.00	\$30.00
12/12/2023	ST	Reviewed/approved edits to joint letter and discovery plan. Edit joint motion to adjourn conference and send to opposing counsel.	0.50	\$650.00	\$325.00
12/13/2023	ST	Approve opposing counsel edits to motion to adjourn conference.	0.10	\$650.00	\$65.00
12/14/2023	VT	Saved 16 JOINT REPORT.pdf.	0.10	\$150.00	\$15.00
12/14/2023	VT	Saved 17 MOTION to Adjourn Conference.pdf.	0.10	\$150.00	\$15.00
12/14/2023	VT	Saved ORDER granting [17] Motion to Adjourn Conference.	0.10	\$150.00	\$15.00
12/15/2023	SL	Review motion to dismiss.	1.30	\$750.00	\$975.00
12/18/2023	JAM	Reviewed Def. MTD; supporting caselaw.	0.80	\$400.00	\$320.00
12/18/2023	ST	Review motion to dismiss and discuss with J.Markovits.	1.50	\$650.00	\$975.00
12/18/2023	VT	Saved 18 LETTER Re Motion to Dismiss.pdf.	0.10	\$150.00	\$15.00
12/22/2023	JAM	Began draft opp to MTD.	1.60	\$400.00	\$640.00
12/26/2023	JAM	Worked on Opp to MTD Complaint.	5.00	\$400.00	\$2,000.00
12/26/2023	JAM	Worked on Opp to MTD.	1.00	\$400.00	\$400.00
12/27/2023	JAM	Finisheed opp to MTD; proofread; sent to ST.	4.20	\$400.00	\$1,680.00

12/28/2023	ST	Email to opposing counsel re extension on mtd opposition.	0.10	\$650.00	\$65.00
01/03/2024	JAM	Filled motion for extension of time.	0.10	\$400.00	\$40.00
01/05/2024	VT	Saved P's Consent MOTION for Extension of Time.pdf.	0.10	\$150.00	\$15.00
01/09/2024	VT	Saved ORDER from Court granting extension of time.	0.10	\$150.00	\$15.00
01/16/2024	ST	Revised opp to mtd. to J.Markovits.	4.50	\$650.00	\$2,925.00
01/18/2024	JAM	Edits to opp to mtd; to ST.	1.00	\$400.00	\$400.00
01/19/2024	OV	Drafted and filed JM notice of appearance.	0.20	\$150.00	\$30.00
01/22/2024	VT	Saved 20 NOTICE of Appearance.pdf.	0.10	\$150.00	\$15.00
01/25/2024	ST	Work on Plaintiff's mediation statement to Judge Papas.	4.30	\$650.00	\$2,795.00
01/26/2024	ST	Work on mediation statement.	3.20	\$650.00	\$2,080.00
01/30/2024	ST	Client communication ahead of mediation.	0.50	\$650.00	\$325.00
01/31/2024	ST	Finalize draft of mediation statement.	1.00	\$650.00	\$650.00
02/01/2024	JAM	Edited mediation statement.	0.30	\$400.00	\$120.00
02/01/2024	ST	Email to opposing counsel re mediation.	0.20	\$650.00	\$130.00
02/02/2024	ST	Email with opposing counsel re mediation.	0.20	\$650.00	\$130.00
02/02/2024	VT	Saved 21 - 24, Defendants letter and motion to dismiss.	0.10	\$150.00	\$15.00
02/05/2024	SL	Confer with S.Taylor on case strategy.	1.00	\$750.00	\$750.00
02/05/2024	ST	Confer with S.Lemberg regarding documents provided by opposing counsel.	1.00	\$650.00	\$650.00
02/05/2024	ST	Emails with opposing counsel regarding spreadsheet produced.	0.20	\$650.00	\$130.00
02/07/2024	VT	Saved SCHEDULING ORDER adjourning conference.	0.10	\$150.00	\$15.00
02/08/2024	SL	Prepare for and attend mediation.	10.00	\$750.00	\$7,500.00
02/08/2024	ST	Prep and attend mediation before Judge Papas by zoom.	10.00	\$650.00	\$6,500.00
02/09/2024	OV	Filed S.Taylor notice of appearance with court via ecf.	0.20	\$150.00	\$30.00

02/09/2024	ST	Drafted initial disclosures, discovery requests, confidentially stipulation and order and served on opposing counsel.	7.40	\$650.00	\$4,810.00
02/12/2024	VT	Saved 25 NOTICE of Appearance.pdf.	0.10	\$150.00	\$15.00
02/14/2024	ST	Reviewed def initial disclosures.	0.20	\$650.00	\$130.00
02/15/2024	OV	Saved Defendant's Initial Disclosures.pdf.	0.10	\$150.00	\$15.00
02/15/2024	OV	Filed Motion for Entry of Protective Order with court via ecf.	0.20	\$150.00	\$30.00
02/15/2024	ST	Reviewed/executed eservices agreement from opposing counsel.	0.50	\$650.00	\$325.00
02/15/2024	ST	Reviewed rules, drafted motion for entry of stip protective order, to ov to file.	1.00	\$650.00	\$650.00
02/16/2024	VT	Saved 26 Consent MOTION for Protective Order.pdf.	0.10	\$150.00	\$15.00
02/19/2024	VT	Saved ORDER granting [26] Motion for Protective Order.	0.10	\$150.00	\$15.00
02/20/2024	SL	Investigation on Nutricost supplement. email to S.Taylor.	1.30	\$750.00	\$975.00
02/21/2024	OV	Saved RFPs to Dalit Cohen.pdf.	0.10	\$150.00	\$15.00
02/29/2024	ST	Confer with client (1). email to opposing counsel re deposition dates. (.1).	1.10	\$650.00	\$715.00
03/08/2024	ST	Email with opposing counsel re deposition dates.	0.10	\$650.00	\$65.00
03/12/2024	ST	Review def response to discovery demands.	1.00	\$650.00	\$650.00
03/17/2024	ST	Work on response to discovery demands to plaintiff.	3.20	\$650.00	\$2,080.00
03/18/2024	ST	Finalize Pl. response to discovery requests.	1.50	\$650.00	\$975.00
03/21/2024	ST	Email to opposing counsel re D. document production.	0.10	\$650.00	\$65.00
04/01/2024	SL	Review document production from S.Taylor and discuss same.	1.20	\$750.00	\$900.00
04/01/2024	ST	Review Defendant's document production.	3.70	\$650.00	\$2,405.00
04/02/2024	ST	Review document production.	1.30	\$650.00	\$845.00
04/03/2024	ST	Client meeting.	1.70	\$650.00	\$1,105.00
04/05/2024	ST	Client meeting with D.Cohen.	1.50	\$650.00	\$975.00
04/09/2024	ST	Defended deposition of D.Cohen. Travel to and from Brooklyn and client meeting.	7.50	\$650.00	\$4,875.00

04/11/2024	ST	Draft discovery meet and confer letter re defendant's discovery responses.	5.70	\$650.00	\$3,705.00
04/12/2024	ST	Finalize meet and confer letter and 30b1 notices. send same to opposing counsel.	2.30	\$650.00	\$1,495.00
04/17/2024	ST	Review supplement production from def.	2.70	\$650.00	\$1,755.00
04/23/2024	SL	Emails with J.Papas re mediation/resolution status.	0.30	\$750.00	\$225.00
04/23/2024	ST	Meet and confer with R.Hyde re def production and preparation re same.	2.60	\$650.00	\$1,690.00
04/24/2024	OV	Download and save client deposition transcript.	0.10	\$150.00	\$15.00
04/24/2024	ST	Review client deposition transcript.	2.00	\$650.00	\$1,300.00
04/25/2024	VT	Saved 27 & 28 NOTICE of Change of Firm Name.	0.10	\$150.00	\$15.00
04/26/2024	VT	Saved 29 MOTION to Appear Pro Hac Vice.pdf.	0.10	\$150.00	\$15.00
04/29/2024	ST	Review letter from opposing counsel re discovery dispute and def 2nd set of requests to plaintiff.	1.80	\$650.00	\$1,170.00
04/29/2024	VT	Saved ORDER granting [29] Motion for Leave to Appear Pro Hac Vice.	0.10	\$150.00	\$15.00
04/30/2024	VT	Saved 30 NOTICE of Appearance.pdf.	0.10	\$150.00	\$15.00
05/22/2024	ST	Confer with client.	0.50	\$650.00	\$325.00
05/24/2024	ST	Email to opposing counsel with additional document disclosure.	0.20	\$650.00	\$130.00
05/29/2024	OV	Saved Pl. Response to RPD.pdf.	0.10	\$150.00	\$15.00
05/29/2024	ST	Review def supplemental document production.	2.10	\$650.00	\$1,365.00
05/29/2024	ST	Finalized response to 2nd set of rpd to Pl. email to opposing counsel.	1.00	\$650.00	\$650.00
05/30/2024	ST	Review def supplemental document production and spreadsheet.	3.30	\$650.00	\$2,145.00
05/31/2024	SL	Discussion with S.Taylor re case.	1.00	\$750.00	\$750.00
05/31/2024	ST	Discussion with S.Lemberg re production.	1.00	\$650.00	\$650.00
07/15/2024	ST	Review discovery letter from r.hyde.	1.50	\$650.00	\$975.00
07/16/2024	ST	Call with r.hyde re def discovery dispute letter.	0.30	\$650.00	\$195.00
07/16/2024	ST	Review medical authorization form from opposing counsel related to subpoena.	0.20	\$650.00	\$130.00
08/03/2024	VT	Saved Order to Show Cause.	0.10	\$150.00	\$15.00
08/05/2024	JAM	Call w. client; looked up caselaw re OSC.	1.40	\$400.00	\$560.00

08/06/2024	OV	Sent declaration to client via rightsignature per J.Markovits.	0.10	\$150.00	\$15.00
08/07/2024	JAM	Drafted response to OSC.	1.40	\$400.00	\$560.00
08/07/2024	OV	Saved client executed declaration.	0.10	\$150.00	\$15.00
08/09/2024	VT	Saved 31 RESPONSE to Order to Show Cause.pdf.	0.10	\$150.00	\$15.00
08/13/2024	VT	Saved August 12, 2024, order on order to show cause.	0.10	\$150.00	\$15.00
08/14/2024	ST	Email to opposing counsel re medical authorization and discovery dispute.	0.10	\$650.00	\$65.00
08/15/2024	ST	Review email production and novotech record. email to S.Lemberg re same.	1.20	\$650.00	\$780.00
08/16/2024	ST	Email with opposing counsel re conference call with court.	0.10	\$650.00	\$65.00
08/17/2024	ST	Call with client.	0.30	\$650.00	\$195.00
08/19/2024	ST	Email with opposing counsel re medical authorization.	0.10	\$650.00	\$65.00
08/20/2024	SL	MTD decision review, email to S.Taylor.	1.00	\$750.00	\$750.00
08/20/2024	ST	Review order on mtd.	2.50	\$650.00	\$1,625.00
08/21/2024	VT	Saved 32 ORDER on Motion to Dismiss.pdf.	0.10	\$150.00	\$15.00
08/23/2024	SL	Emails with opposing counsel re consolidation.	0.30	\$750.00	\$225.00
08/23/2024	ST	Research re consolidation of additional cases, claims and jurisdiction.	2.40	\$650.00	\$1,560.00
09/03/2024	ST	Review answer.	0.70	\$650.00	\$455.00
09/04/2024	VT	Saved 33 Answer.pdf.	0.10	\$150.00	\$15.00
09/17/2024	ST	Review subpoena issued by Def. to Francis Hospital.	0.50	\$650.00	\$325.00
09/19/2024	ST	Email correspondence with def regarding its discovery dispute and follow up on ours.	0.30	\$650.00	\$195.00
09/24/2024	ST	Discovery conferral emails with opposing counsel.	0.50	\$650.00	\$325.00
09/26/2024	ST	Conferral call with R.Hyde and summation email re same.	1.00	\$650.00	\$650.00
09/30/2024	ST	Drafted FAC adding Kurtz, Scott Vasseur.	4.70	\$650.00	\$3,055.00
09/30/2024	VT	Saved 34 ORDER Setting In Person Conference.pdf.	0.10	\$150.00	\$15.00
10/01/2024	ST	Communication with D.Cohen.	0.10	\$650.00	\$65.00
10/02/2024	JAM	Review motion to compel, discuss with S.Taylor.	1.00	\$400.00	\$400.00
10/02/2024	ST	Review def motion to compel as to RPD.	0.80	\$650.00	\$520.00

10/03/2024	JAM	Proofread FAC.	1.00	\$400.00	\$400.00
10/03/2024	ST	Email to opposing counsel re FAC and jurisdictional/venue agreement.	0.40	\$650.00	\$260.00
10/03/2024	VT	Saved 35 D's MOTION to Compel.pdf.	0.10	\$150.00	\$15.00
10/04/2024	OV	Filed motion to extend with court via ecf.	0.20	\$150.00	\$30.00
10/04/2024	ST	Responded to discovery email from R.Hyde re search terms and D document production.	0.30	\$650.00	\$195.00
10/04/2024	ST	Reviewed/edited motion for extension of time to respond to MTC, approve for filing.	0.20	\$650.00	\$130.00
10/07/2024	ST	Drafted stipulation of dismissal as to Kurtz and stipulation to amend as to cohen et al subject to agreement on jurisdiction and venue. email to w.cole.	1.40	\$650.00	\$910.00
10/07/2024	VT	Saved 36 Consent MOTION for Extension of Time to File Response.pdf.	0.10	\$150.00	\$15.00
10/08/2024	SL	Research re additional expert witnesses. Email S.Taylor re same.	1.20	\$750.00	\$900.00
10/09/2024	VT	Saved ORDER granting [36] Motion for Extension of Time to File Response/Reply.	0.10	\$150.00	\$15.00
10/14/2024	OV	Filed stip to amend and exh A with court via ecf. Separately, filed first amended complaint with court via ecf.	0.30	\$150.00	\$45.00
10/14/2024	ST	Emails correspondence with w.cole re scheduling.	0.20	\$650.00	\$130.00
10/14/2024	ST	Draft joint letter to court and joint discovery plan, email to w.cole.	1.60	\$650.00	\$1,040.00
10/15/2024	ST	Email correspondence with opposing counsel re discovery.	0.20	\$650.00	\$130.00
10/15/2024	ST	Email to potential expert to discuss retention.	0.50	\$650.00	\$325.00
10/15/2024	ST	Draft letter response to def MTC.	4.30	\$650.00	\$2,795.00
10/16/2024	OV	Filed joint report with court via ecf.	0.20	\$150.00	\$30.00
10/16/2024	OV	Filed opposition to MTC with court via ecf.	0.10	\$150.00	\$15.00
10/16/2024	ST	Finalize letter response to MTC, compile exhibit, to JAM to review.	1.70	\$650.00	\$1,105.00
10/16/2024	ST	Emails with w.cole re joint letter to court and discovery schedule.	0.10	\$650.00	\$65.00
10/17/2024	ST	Email with potential expert re case and confidentiality.	0.10	\$650.00	\$65.00

10/18/2024	VT	Saved 39 JOINT REPORT.pdf and 40 RESPONSE in Opposition to Motion to Compel.pdf.	0.10	\$150.00	\$15.00
10/21/2024	JAM	Call w. S.Taylor re conference before J.Shields on def motion to compel.	0.50	\$400.00	\$200.00
10/21/2024	JAM	Reviewed docs ahead of conference.	0.50	\$400.00	\$200.00
10/22/2024	JAM	Traveled to/from and attended conference before J.Shields re d's MTC.	4.00	\$400.00	\$1,600.00
10/23/2024	JAM	Research on d's anticipated MTD.	0.60	\$400.00	\$240.00
10/23/2024	ST	Review J.Markovits notes on MTD (.5) research (1), confer with S.Lemberg (.2), email to w.cole (.3).	2.00	\$650.00	\$1,300.00
10/24/2024	VT	Saved ORDER granting in part and denying in part [35] Motion to Compel and 41 MINUTE ENTRY.pdf.	0.10	\$150.00	\$15.00
10/25/2024	ST	Draft second amended complaint and stipulation to amend, email both to opposing counsel.	2.40	\$650.00	\$1,560.00
10/28/2024	OV	Paid Veritext invoice #7815576 for unlocked deposition transcript.	0.20	\$150.00	\$30.00
10/28/2024	OV	Filed stip to amend with ex A and second amended complaint with court via ecf.	0.30	\$150.00	\$45.00
10/28/2024	ST	Review joint discovery plan, edited, email to opposing counsel with same and re dep dates.	0.40	\$650.00	\$260.00
10/29/2024	OV	Filed joint report with court via ecf.	0.20	\$150.00	\$30.00
10/29/2024	VT	Saved 42 STIPULATION to Amend First Amended Complaint.pdf and 43 AMENDED COMPLAINT Second.pdf.	0.10	\$150.00	\$15.00
10/29/2024	VT	Saved ORDER re [42] Stipulation filed by Tina Scott, Dalit Cohen, Paige Vasseur, Anastasia Kurtz agreeing to a second amendment of the complaint.	0.10	\$150.00	\$15.00
10/29/2024	VT	Saved Discovery Scheduling Order.	0.10	\$150.00	\$15.00
10/31/2024	VT	Saved 45 ORDER Setting Briefing Schedule re Motion for Class Certification.pdf.	0.10	\$150.00	\$15.00
11/07/2024	SL	Review subpoena from opposing counsel directed at Lemberg Law, email to counsel re accepting service.	1.20	\$750.00	\$900.00
11/07/2024	ST	Review subpoena from def to leMBERg law.	0.20	\$650.00	\$130.00
11/11/2024	SL	Research response to subpoena to firm, draft response, to S.Taylor.	3.00	\$750.00	\$2,250.00

11/13/2024	OV	Saved Notice of Subpoena to Lemberg Law LLC.	0.10	\$150.00	\$15.00
11/13/2024	VT	Saved 46 ANSWER to [43] Amended Complaint.pdf.	0.10	\$150.00	\$15.00
11/18/2024	JAM	Drafted subpoena response per S.Taylor.	0.60	\$400.00	\$240.00
11/19/2024	ST	Finalize response and objections to subpoena to leMBERG law.	2.40	\$650.00	\$1,560.00
11/20/2024	JAM	Per S.Taylor, review objections to subpoena directed at Lemberg Law and email to w.cole.	0.10	\$400.00	\$40.00
11/20/2024	ST	Finalize response to subpoena to firm.	1.40	\$650.00	\$910.00
12/03/2024	ST	Review Defendant batch records ESU 001085-1126.	3.80	\$650.00	\$2,470.00
12/04/2024	ST	Draft RPD responses for Scott, Vasseur and Kurtz.	5.00	\$650.00	\$3,250.00
12/05/2024	ST	Client call with T.Scott.	1.50	\$650.00	\$975.00
12/05/2024	ST	Call with A.Kurtz.	1.00	\$650.00	\$650.00
12/05/2024	ST	Email with P.Vasseur.	0.10	\$650.00	\$65.00
12/05/2024	ST	Draft second set of requests for production of documents.	2.00	\$650.00	\$1,300.00
12/06/2024	ST	Review supplemental initial disclosures from D and additional production.	1.40	\$650.00	\$910.00
12/06/2024	ST	Finalize Scott, Kurtz, Vasseur production responses, draft initial disclosures and serve the same with requests.	3.50	\$650.00	\$2,275.00
12/09/2024	OV	Saved Supplemental Initial Disclosures.pdf.	0.10	\$150.00	\$15.00
12/17/2024	ST	Review discovery production from d (3). Research Dyad Labs, Actylis/Biotron and Novotech for subpoenas (1.7).	4.70	\$650.00	\$3,055.00
12/18/2024	ST	Draft subpoenas and exhibits to dyad, actylis, biotron and novotech labs/suppliers, O.Voytovych to serve.	4.50	\$650.00	\$2,925.00
12/18/2024	ST	Edited retention agreement for S.Cantor expert, emailed him same.	1.00	\$650.00	\$650.00
12/20/2024	SHE	Emailed subpoenas for Actylis, Dyad and Biotron to process server.	0.20	\$150.00	\$30.00
12/23/2024	ST	Emails with client P.Vasseur.	0.20	\$650.00	\$130.00
12/26/2024	ST	Review email response from Dyad re subpoena and schedule call to discuss same.	0.20	\$650.00	\$130.00
12/26/2024	ST	Email with D.Landman re subpoenas to Biotron and Actylis.	0.10	\$650.00	\$65.00

12/27/2024	SHE	Emails with S.Taylor re subpoena to novotech.	0.30	\$150.00	\$45.00
12/27/2024	SHE	Reviewed affidavits of service for Utah subpoenas, forwarded to S.Taylor, printed invoice for MH to put in line for payment.	0.20	\$150.00	\$30.00
12/27/2024	SHE	Revised Novotech subpoena as per S.Taylor's instructions. Uploaded new subpoena to ABC legal for service.	0.30	\$150.00	\$45.00
12/27/2024	ST	Call with D.Landman re biotron subpoenas, emailed him protective order.	0.30	\$650.00	\$195.00
12/27/2024	ST	Investigate Novotech and revise subpoena re entity to be served.	0.10	\$650.00	\$65.00
12/30/2024	ST	Call with J.Leusch re dyad subpoena, email her copy of protective order.	0.50	\$650.00	\$325.00
12/31/2024	SHE	Discussed subpoena with S.Taylor, scanned new subpoena to PL, emailed him new subpoena.	0.40	\$150.00	\$60.00
12/31/2024	ST	Email from opposing counsel re deposition of vasseur, scott, kurtz.	0.20	\$650.00	\$130.00
12/31/2024	ST	Email with P.Vasseur.	0.30	\$650.00	\$195.00
12/31/2024	ST	Call with client P.Vasseur.	0.50	\$650.00	\$325.00
01/07/2025	OV	Saved Defendant's Responses to Plaintiffs' Request for Production, Set Two and documents bates labeled ESU 001085-1089.	0.10	\$150.00	\$15.00
01/07/2025	SHE	Re-sent out subpoena to ABC legal since they stated person who accepts subpoena is out until January 7th.	0.20	\$150.00	\$30.00
01/07/2025	ST	Review def response to request for production two and spreadsheets.	3.50	\$650.00	\$2,275.00
01/07/2025	ST	Email to S.Cantor re expert work and provided case documents.	2.00	\$650.00	\$1,300.00
01/08/2025	ST	Email correspondence with client P.Vasseur.	0.20	\$650.00	\$130.00
01/13/2025	ST	Email to opposing counsel re deposition scheduling.	0.10	\$650.00	\$65.00
01/14/2025	SHE	Email with S.Taylor re subpoena to Novotech.	0.20	\$150.00	\$30.00
01/17/2025	ST	Email to opposing counsel re deposition scheduling, confirmed dates for scott and discussed location.	0.10	\$650.00	\$65.00
01/21/2025	ST	Email w.cole re confirm deposition of Scott.	0.20	\$650.00	\$130.00
01/21/2025	ST	Review production from dyad labs in response to subpoena.	3.00	\$650.00	\$1,950.00

01/21/2025	ST	Email to J.Leusch re dyad lab subpoena response and missing COA's.	0.20	\$650.00	\$130.00
01/24/2025	SL	Conference with S.Taylor re subpoena production.	1.00	\$750.00	\$750.00
01/24/2025	ST	Review supplemental COA of Dyad labs from J.Leusch. email to J.Leusch re same.	0.50	\$650.00	\$325.00
01/24/2025	ST	Discussion with S.Lemberg re dyad lab production.	1.00	\$650.00	\$650.00
01/27/2025	ST	Deposition prep for T.Scott.	1.00	\$650.00	\$650.00
01/30/2025	ST	Deposition prep with T.Scott.	2.00	\$650.00	\$1,300.00
01/31/2025	ST	Email to w.cole with supplemental production for T.Scott.	0.20	\$650.00	\$130.00
02/02/2025	ST	Travel to boulder, co from home for Scott deposition.	10.00	\$650.00	\$6,500.00
02/03/2025	ST	Deposition of T.Scott and deposition prep.	4.20	\$650.00	\$2,730.00
02/03/2025	ST	Flight/drive home from boulder.	10.00	\$650.00	\$6,500.00
02/04/2025	ST	Email communication with client D.Cohen.	0.20	\$650.00	\$130.00
02/04/2025	ST	Email to w.cole with supplement production following deposition.	0.20	\$650.00	\$130.00
02/05/2025	ST	Review email from w.cole with vasser deposition notice.	0.10	\$650.00	\$65.00
02/12/2025	ST	Review subpoena from def to firm. email to w.cole re the same, accepting service and advising on deposition dates.	1.00	\$650.00	\$650.00
02/14/2025	ST	Email to J.Leusch re authentication declaration.	0.10	\$650.00	\$65.00
02/18/2025	OV	Saved Amended Ntc of Depo of P. Vasseur.pdf.	0.10	\$150.00	\$15.00
02/20/2025	OV	Saved transcript of Tina Michelle Scott - 02-03-2025_Condensed.P DF.	0.10	\$150.00	\$15.00
02/20/2025	ST	Draft response to Def discovery defic. letter of 1.17. (3) draft objections to subpoena to LL (1).	4.00	\$650.00	\$2,600.00
02/21/2025	OV	Saved Declaration of Custodian of Records.pdf.	0.10	\$150.00	\$15.00
02/21/2025	ST	Finalize response to discovery letter of 1 -17 and objections to subpoena to LL, email same to opposing counsel with Dyad custodian of records declaration and follow up re deposition dates.	3.50	\$650.00	\$2,275.00
02/26/2025	JAM	Call w. paige vasseru re depo.	1.80	\$400.00	\$720.00
02/27/2025	JAM	Email to client P.Vasseur re deposition.	0.30	\$400.00	\$120.00
02/28/2025	JAM	Prep for P.Vasseur deposition; call; prepare docs.	0.70	\$400.00	\$280.00

03/04/2025	JAM	Email to defense counsel with supplement P.Vasseur production.	0.20	\$400.00	\$80.00
03/05/2025	ST	Discovery email to opposing counsel re subpoena response and doxey deposition.	0.50	\$650.00	\$325.00
03/25/2025	ST	Email to opposing counsel re deposition scheduling and vasseur dismissal.	0.20	\$650.00	\$130.00
03/27/2025	OV	Drafted Notice of Deposition of Anthon Gillespie and Matt Doxey.	0.20	\$150.00	\$30.00
03/31/2025	ST	Prep for deposition of M.Doxey.	3.00	\$650.00	\$1,950.00
04/01/2025	OV	Filed stipulation of dismissal with court via ecf.	0.20	\$150.00	\$30.00
04/01/2025	ST	Preparation and Doxey deposition by zoom.	6.50	\$650.00	\$4,225.00
04/02/2025	VT	Saved 47 STIPULATION of Dismissal.pdf.	0.10	\$150.00	\$15.00
04/03/2025	ST	Emails with defense counsel re rescheduling Gillespie deposition.	0.20	\$650.00	\$130.00
04/03/2025	VT	Saved ORDER DISMISSING PARTY.	0.10	\$150.00	\$15.00
04/15/2025	JS	Downloaded deposition transcript from 4/1 deposition; sent to S.Taylor and saved in discovery folder.	0.10	\$150.00	\$15.00
04/16/2025	JS	Paid invoice to Veritext per ST.	0.20	\$150.00	\$30.00
04/16/2025	SHE	Email to Rich Moffett court reporting re scheduling deposition for next tuesday.	0.20	\$150.00	\$30.00
04/16/2025	SHE	Sent copy of amended complaint to Moffett with case heading.	0.20	\$150.00	\$30.00
04/21/2025	OV	Paid Veritext deposition invoice.	0.20	\$150.00	\$30.00
04/21/2025	ST	Preparation for Gillespie dep.	1.50	\$650.00	\$975.00
04/22/2025	ST	Took deposition of Gillespie.	6.20	\$650.00	\$4,030.00
04/23/2025	ST	Research and draft subpoena to C.Napoli at Actylis. email same to counsel for Biotron to accept service.	1.00	\$650.00	\$650.00
04/23/2025	ST	Draft 30b1 notices to Davis, Jackson Hang, email same to w.cole with copy of Napoli subpoena and to advise re call to Plethra Hang.	1.00	\$650.00	\$650.00
04/24/2025	ST	Email with D.Landman re deposition of C.Napoli.	0.10	\$650.00	\$65.00
04/28/2025	VT	Saved NOTICE of Depo of A. Kurtz.pdf.	0.10	\$150.00	\$15.00
04/29/2025	SHE	Emails with Moffet court reporter with invoice and transcript type request and with exhibits.	0.20	\$150.00	\$30.00
04/29/2025	ST	Review deposition transcript of A.Gillespie.	2.00	\$650.00	\$1,300.00

05/01/2025	OV	Saved Defendant's Document Production marked as ESU 001202 CONFIDENTIAL (2025.04.30).	0.10	\$150.00	\$15.00
05/01/2025	ST	Review def supplemental production, spreadsheet ESU1202.	1.00	\$650.00	\$650.00
05/02/2025	SL	Email to J.Papas re case status.	0.30	\$750.00	\$225.00
05/02/2025	ST	Email to S.Lemberg re discovery progress.	1.50	\$650.00	\$975.00
05/04/2025	SL	Emails with J.Papas re mediation.	0.20	\$750.00	\$150.00
05/05/2025	OV	Saved Defendant's Document Production marked as ESU 001203- 1206 CONFIDENTIAL (2025.05.02).	0.10	\$150.00	\$15.00
05/06/2025	ST	Email with opposing counsel re depositions of jackson, davis hand and Napoli.	0.10	\$650.00	\$65.00
05/06/2025	ST	Emails with D.Landman re Napoli deposition.	0.10	\$650.00	\$65.00
05/07/2025	ST	Emails to D.Landman re Napoli production of communications.	0.20	\$650.00	\$130.00
05/07/2025	ST	Prep for depositions of hang, Napoli, davis, jackson.	6.00	\$650.00	\$3,900.00
05/08/2025	ST	Review exhibits for deposition and prep, deposition of C.Napoli appx. 1.5 hr.	3.10	\$650.00	\$2,015.00
05/08/2025	ST	Took deposition of P.Hang.	2.00	\$650.00	\$1,300.00
05/09/2025	SHE	Call with Moffett reporting re invoice payment portal.	0.30	\$150.00	\$45.00
05/09/2025	ST	Prepare for deposition and depose M.Jackson.	5.70	\$650.00	\$3,705.00
05/09/2025	ST	Took deposition of R.Davis.	1.50	\$650.00	\$975.00
05/12/2025	ST	Email with w.cole re deposition of Kurtz.	0.10	\$650.00	\$65.00
05/19/2025	SHE	Paid Hang deposition Invoice #4456.	0.20	\$150.00	\$30.00
05/22/2025	OV	Saved Defendant's Amended Notice of Deposition of A. Kurtz.	0.10	\$150.00	\$15.00
05/22/2025	SHE	Email with Moffett reporting re deposition invoice payments.	0.20	\$150.00	\$30.00
05/23/2025	SHE	Exchanged emails with Rich Moffet about duplicate payment.	0.30	\$150.00	\$45.00
05/23/2025	VT	Saved NOTICE of Deposition of A. Kurtz.pdf.	0.10	\$150.00	\$15.00
05/25/2025	SL	Emails with J.Papas re settlement.	0.30	\$750.00	\$225.00
06/16/2025	OV	Saved Defendant's Third Set of Requests for Production of Documents.	0.10	\$150.00	\$15.00
06/16/2025	ST	Review def. third RPD to cohen.	0.50	\$650.00	\$325.00

06/23/2025	ST	Deposition prep with A.Kurtz.	1.70	\$650.00	\$1,105.00
06/23/2025	ST	Call with client Cohen regarding Defendant's third RPD requests.	0.40	\$650.00	\$260.00
06/24/2025	OV	Saved Amended Deposition Notice of A. Kurtz.	0.10	\$150.00	\$15.00
06/24/2025	ST	Deposition prep for A. Kurtz.	1.50	\$650.00	\$975.00
06/25/2025	ST	Travel to Boulder, CO for Kurtz dep.	10.00	\$650.00	\$6,500.00
06/26/2025	ST	Client meeting and defend dep of A.Kurtz.	3.70	\$650.00	\$2,405.00
06/26/2025	ST	Travel home from client deposition in CO.	9.00	\$650.00	\$5,850.00
06/27/2025	ST	Email conferral with expert S.Cantor.	0.20	\$650.00	\$130.00
06/30/2025	ST	Call with expert S.Cantor regarding needed documents for his report and scope of opinions.	0.50	\$650.00	\$325.00
07/07/2025	ST	Conferral with S.Cantor re deposition transcripts and his report.	0.50	\$650.00	\$325.00
07/09/2025	SHE	Reorganized deposition locations from firm folder per S.Taylor's instructions.	0.30	\$150.00	\$45.00
07/11/2025	ST	Email w.cole re def discovery request to inspect physical Cohen bottle.	0.10	\$650.00	\$65.00
07/11/2025	ST	Reviewed expert report of S.Cantor, reviewed exhibits and citations. .	2.00	\$650.00	\$1,300.00
07/15/2025	SHE	Downloaded deposition transcripts and exhibits, combined exhibits into one PDF, emailed to S.Taylor as per his instructions and saved.	0.20	\$150.00	\$30.00
07/15/2025	ST	Call with D.Cohen re defendant's 3rd RPD.	0.50	\$650.00	\$325.00
07/15/2025	ST	Research re motion for class certification.	2.50	\$650.00	\$1,625.00
07/16/2025	SHE	Paid Veritext deposition invoice.	0.30	\$150.00	\$45.00
07/16/2025	ST	Draft response to defendant's third RPD, emailed response to w.cole with cohen 006 & 007.	1.00	\$650.00	\$650.00
07/16/2025	ST	Review def deposition transcripts re motion for cert.	3.80	\$650.00	\$2,470.00
07/17/2025	ST	Work on draft of motion for cert.	6.00	\$650.00	\$3,900.00
07/18/2025	ST	Work on motion for cert.	5.00	\$650.00	\$3,250.00
07/22/2025	ST	Email correspondence with w.cole re modifying briefing schedule on certification.	0.10	\$650.00	\$65.00
07/22/2025	ST	Draft & file letter request to modify briefing schedule on certification.	0.80	\$650.00	\$520.00

07/22/2025	VT	Saved 48 MOTION for Extension of Time to File Motion for Class certification.pdf.	0.10	\$150.00	\$15.00
07/23/2025	ST	Review order denying request for extension of cert deadline.	0.10	\$650.00	\$65.00
07/24/2025	OV	Saved exhibits for the Jackson deposition from court reporter Rich Moffett.	0.10	\$150.00	\$15.00
07/24/2025	ST	Draft renewed request to modify briefing schedule, filed same.	1.50	\$650.00	\$975.00
07/24/2025	ST	Review def opposition to request to modify schedule.	0.10	\$650.00	\$65.00
07/24/2025	ST	Review Plaintiff's dep transcripts, work on motion for certification.	5.80	\$650.00	\$3,770.00
07/24/2025	VT	Saved ORDER on Plaintiff's letter motion seeking an extension of time to file a motion for class certification, 49 D's LETTER Opposition to Request to Modify Schedule.pdf.	0.10	\$150.00	\$15.00
07/25/2025	ST	Conference with S.Lemberg re class certification briefing.	0.20	\$650.00	\$130.00
07/25/2025	ST	Work on motion for certification.	5.30	\$650.00	\$3,445.00
07/25/2025	VT	Saved 51 D's Letter OPPOSITION to Renewed Request for Modification of Class Certification Motion.pdf.	0.10	\$150.00	\$15.00
07/28/2025	VT	Saved ORDER on Plaintiff's renewed letter motion seeking an extension of time to file a motion for class certification.	0.10	\$150.00	\$15.00
08/01/2025	SL	Review settlement proposal from J.Papas and discuss with S.Taylor.	1.00	\$750.00	\$750.00
08/01/2025	ST	Confer with S.Lemberg re settlement proposal from J.Papas.	0.50	\$650.00	\$325.00
08/06/2025	ST	Email to J.Papas re settlement proposal.	0.10	\$650.00	\$65.00
08/09/2025	ST	Review email from J.Papas re settlement.	0.10	\$650.00	\$65.00
08/09/2025	ST	Email correspondence with Judge Papas regarding settlement proposal.	0.10	\$650.00	\$65.00
08/09/2025	ST	Draft 30b1 notice of deposition to Min Kim, email to w.cole.	0.30	\$650.00	\$195.00
08/11/2025	SHE	Sent out three subpoenas (amazon, eBay and Walmart) for service as per S.Taylor's instructions to ABC Legal. Email with S.Taylor re status of service.	0.70	\$150.00	\$105.00

08/11/2025	ST	Drafted subpoenas to amazon, Walmart and eBay. to S.Hesuton to serve.	2.50	\$650.00	\$1,625.00
08/11/2025	ST	Email to w.cole with copies of third party subpoenas.	0.10	\$650.00	\$65.00
08/18/2025	OV	Saved Defendant's Objections to the Notice of Deposition of Min Kim.	0.10	\$150.00	\$15.00
08/18/2025	ST	Email to w.cole confirming 8/21 for Kim deposition.	0.10	\$650.00	\$65.00
08/18/2025	ST	Review objections to notice of deposition of M.Kim.	0.10	\$650.00	\$65.00
08/19/2025	ST	Reviewed eBay document production in response to subpoena and its objections/response s.	1.50	\$650.00	\$975.00
08/20/2025	OV	Saved Subpoena Response and General Objections.pdf.	0.10	\$150.00	\$15.00
08/20/2025	OV	Saved amended notice of deposition of Kim.	0.10	\$150.00	\$15.00
08/20/2025	ST	Email to w.cole with eBay subpoena responses.	0.10	\$650.00	\$65.00
08/20/2025	ST	Prep for deposition of M.Kim.	2.50	\$650.00	\$1,625.00
08/21/2025	ST	Prepare for and depose Y.Kim Def. CEO.	4.50	\$650.00	\$2,925.00
08/21/2025	ST	Email with M.Murphy counsel for amazon re subpoena response and schedule call for Monday.	0.10	\$650.00	\$65.00
08/22/2025	ST	Review report of S.Cantor, email Cantor re his report and scheduling call.	2.10	\$650.00	\$1,365.00
08/25/2025	ST	Call with s.cantor regarding his report.	1.30	\$650.00	\$845.00
08/25/2025	ST	Review letter from K.Albrecht from Walmart objecting to subpoena (.4). Email J.Pruitt Walmart discovery manager to schedule call (.1).	0.50	\$650.00	\$325.00
08/25/2025	ST	Review transcript of Kim deposition re and work on motion for certification.	3.00	\$650.00	\$1,950.00
08/26/2025	SL	Review draft of motion for certification, discuss same with S.Taylor.	2.00	\$750.00	\$1,500.00
08/26/2025	ST	Call with J.Pruitt and team at Walmart regarding subpoena response, search for records and GTIN numbers (.4); follow up email memorializing call (.2).	0.60	\$650.00	\$390.00
08/26/2025	ST	Work on motion for certification.	2.80	\$650.00	\$1,820.00
08/27/2025	ST	Call with expert cantor regarding report.	1.00	\$650.00	\$650.00
08/27/2025	ST	Review of S.Cantor report, provided comments regarding data presentation.	1.20	\$650.00	\$780.00

08/27/2025	ST	Email from J.Pruitt re Walmart production and invoice for same.	0.10	\$650.00	\$65.00
08/27/2025	ST	Review email from M.Murphy for Amazon and attached declaration of Amazon regarding response to subpoena and document search.	0.10	\$650.00	\$65.00
08/27/2025	ST	Work on motion for certification.	4.50	\$650.00	\$2,925.00
08/28/2025	ST	Call with s.cantor regarding report.	0.80	\$650.00	\$520.00
08/28/2025	ST	Email correspondence with s.cantor regarding report.	0.20	\$650.00	\$130.00
08/28/2025	ST	Analyzed expert report and materials, forwarded comments to s.cantor towards finalizing the report.	1.00	\$650.00	\$650.00
08/28/2025	ST	Draft declarations, confer with S.Lemberg and J.Markovits re same, compile exhibits, draft form of motion for cert.	5.20	\$650.00	\$3,380.00
08/29/2025	JAM	Proofread, edited class cert motion per S.Taylor.	3.40	\$400.00	\$1,360.00
08/29/2025	ST	Finalize motion for cert, memo, declarations and exhibits and draft bundling letter. served motion and filed letter.	5.70	\$650.00	\$3,705.00
08/29/2025	ST	Served copy of expert report of stuart cantor on w.cole.	0.10	\$650.00	\$65.00
09/01/2025	VT	Saved 52 P's LETTER re Service of Motion for Class Certification.pdf.	0.10	\$150.00	\$15.00
09/03/2025	ST	Discovery dispute email from opposing counsel re spoliation, return email re scheduling a call.	0.20	\$650.00	\$130.00
09/03/2025	ST	Email from J.Pruitt at Walmart regarding customer data, reviewed and respond.	0.10	\$650.00	\$65.00
09/03/2025	ST	Production of documents from Walmart, certificate of records and sales report. Reviewed and OV to send same to opposing counsel.	0.40	\$650.00	\$260.00
09/03/2025	ST	Respond to opposing counsel email requesting deposition availability for s.cantor following email correspondence with s.cantor regarding dates available.	0.30	\$650.00	\$195.00
09/04/2025	SL	Meet with S.Taylor re def discovery motion.	1.00	\$750.00	\$750.00
09/04/2025	ST	Emailed s.cantor re confirming deposition date and location.	0.20	\$650.00	\$130.00
09/04/2025	ST	Confer with S.Lemberg re def anticipated discovery motion.	1.00	\$650.00	\$650.00

09/05/2025	ST	Meet and confer call with w.cole re def motion for discovery sanctions.	0.20	\$650.00	\$130.00
09/10/2025	SL	Analyze defendant's motion for spoliation sanctions.	0.20	\$750.00	\$150.00
09/10/2025	ST	Review def motion for sanctions., research case law cited.	2.50	\$650.00	\$1,625.00
09/10/2025	VT	Saved 53 MOTION for Sanctions.pdf.	0.10	\$150.00	\$15.00
09/15/2025	ST	Email conferral with opposing counsel re extension to respond to discovery sanction letter; draft extension request and file.	0.30	\$650.00	\$195.00
09/16/2025	ST	Call with d.cohen re defendant's discovery motion (.3), draft client declaration. (1.5).	1.80	\$650.00	\$1,170.00
09/16/2025	VT	Saved 54 P's MOTION for Extension of Time to File Response.pdf.	0.10	\$150.00	\$15.00
09/17/2025	ST	Research and draft opposition to discovery sanction motion.	5.40	\$650.00	\$3,510.00
09/17/2025	VT	Saved ORDER granting [54] Motion for Extension of Time to File Response/Reply.	0.10	\$150.00	\$15.00
09/18/2025	JAM	Proofread, e-filed opp to motion for sanctions.	0.50	\$400.00	\$200.00
09/18/2025	ST	Finalize opposition to motion for sanctions and additional research. to J.Markovits to proof/file.	4.50	\$650.00	\$2,925.00
09/19/2025	VT	Saved 55 P's RESPONSE in Opposition re [53] MOTION for Sanctions.pdf.	0.10	\$150.00	\$15.00
09/23/2025	ST	Email from w.cole re discussing status of case. emails with S.Lemberg re same.	0.20	\$650.00	\$130.00
09/25/2025	OV	Saved correspondence from William Cole re confidentiality designations.	0.10	\$150.00	\$15.00
09/26/2025	OV	Saved correspondence from William Cole re confidentiality designations.	0.10	\$150.00	\$15.00
09/26/2025	SL	Talk with S.Taylor re settlement, case status.	1.50	\$750.00	\$1,125.00
09/26/2025	ST	Call with opposing counsel regarding settlement positions.	0.20	\$650.00	\$130.00
09/26/2025	ST	Discussion with S.Lemberg re settlement position.	1.50	\$650.00	\$975.00
09/30/2025	SL	Email from William Cole re settlement, respond.	0.20	\$750.00	\$150.00
09/30/2025	ST	Email to opposing counsel re settlement.	0.10	\$650.00	\$65.00
10/07/2025	ST	Emails to s.cantor re deposition and scheduling same.	0.20	\$650.00	\$130.00

10/07/2025	ST	Emails to opposing counsel re moving cantor deposition to 10/21.	0.10	\$650.00	\$65.00
10/09/2025	SL	Emails with William Cole re settlement.	0.20	\$750.00	\$150.00
10/10/2025	SL	Call with William Cole regarding settlement.	0.20	\$750.00	\$150.00
10/13/2025	SL	Review settlement terms from Cole. Discuss with S.Taylor. Respond agreed.	0.30	\$750.00	\$225.00
10/14/2025	ST	Review notice of settlement letter drafted by w.cole. emailed approval of letter. .	0.10	\$650.00	\$65.00
10/15/2025	ST	Calls with clients regarding next steps.	1.50	\$650.00	\$975.00
10/15/2025	VT	Saved 56 LETTER by eSupplements, LLC.pdf.	0.10	\$150.00	\$15.00
10/17/2025	VT	Saved ORDER, all pending motions and deadlines are adjourned without a date.	0.10	\$150.00	\$15.00
10/27/2025	ST	Work on SA.	4.00	\$650.00	\$2,600.00
10/28/2025	ST	Work on draft SA.	5.50	\$650.00	\$3,575.00
10/29/2025	SL	Reviewed Class Settlement Agreement draft.	3.70	\$750.00	\$2,775.00
10/29/2025	ST	Email to L.Jarjoura at JND legal re administrative bid and information re familiarity with dietary supplement class admin.	0.20	\$650.00	\$130.00
10/29/2025	ST	Follow up email to L.Jarjoura re admin services and scheduled call.	0.10	\$650.00	\$65.00
11/10/2025	ST	Call with JND re admin.	0.50	\$650.00	\$325.00
11/10/2025	ST	Worked on settlement agreement.	2.90	\$650.00	\$1,885.00
11/11/2025	ST	Finalized draft agreement and sent to opposing counsel with explanation of notice process.	0.50	\$650.00	\$325.00
11/21/2025	ST	Review estimate from JND and sent same to opposing counsel.	0.20	\$650.00	\$130.00
12/02/2025	ST	Email to opposing counsel following up on SA.	0.10	\$650.00	\$65.00
12/05/2025	ST	Reviewed defendants edits to agreement, made additional edits and sent same to opposing counsel.	1.50	\$650.00	\$975.00
12/08/2025	ST	Email from opposing counsel re additional edits to agreement and scheduling call; advised availability for call.	0.10	\$650.00	\$65.00
12/08/2025	ST	Research Rule 23 approval of settlements in EDNY.	3.50	\$650.00	\$2,275.00
12/09/2025	ST	Call with opposing counsel re edits to SA, made revisions and sent back.	0.20	\$650.00	\$130.00

12/12/2025	ST	Review def latest revisions to SA, draft letter to extend time to move for approval and sent to opposing counsel.	1.00	\$650.00	\$650.00
12/12/2025	ST	Drafted exhibits to agreement, claim form, notices, preliminary and final approval order. send to opposing counsel to review with latest agreement.	3.50	\$650.00	\$2,275.00
12/14/2025	VT	Saved 57 MOTION for Extension of Time to File for Preliminary Approval.pdf.	0.10	\$150.00	\$15.00
12/17/2025	VT	Saved ORDER re Plaintiffs' motion for an extension of time, with Defendant's consent, to move for preliminary approval of their class action settlement.	0.10	\$150.00	\$15.00
12/18/2025	ST	Reviewed def latest edits to sa and exhibits from w.cole and respond to same with clean execution copies.	1.40	\$650.00	\$910.00
12/20/2025	ST	Email to w.cole with executed SA.	0.10	\$650.00	\$65.00
12/22/2025	ST	Work on draft of preliminary approval motion.	6.50	\$650.00	\$4,225.00
12/22/2025	ST	Email to M.Murphy re amazon response to subpoena, alerting that we will need data for notice and scheduling call.	0.10	\$650.00	\$65.00
12/22/2025	ST	Email to j.pruitt at Walmart re settlement, subpoena response and scheduling call to discuss process.	0.10	\$650.00	\$65.00
12/23/2025	ST	Work on preliminary approval motion.	7.00	\$650.00	\$4,550.00
12/23/2025	ST	Email to opposing counsel re signatures of def.	0.10	\$650.00	\$65.00
12/24/2025	ST	Work on motion for preliminary approval.	5.00	\$650.00	\$3,250.00
12/26/2025	ST	Email from opposing counsel with fully executed agreement.	0.10	\$650.00	\$65.00
12/26/2025	ST	Finalized memo in support of approval, compiled gilespie exhibit, drafted motion. sent to opposing counsel to review.	3.50	\$650.00	\$2,275.00
12/28/2025	SL	Review brief in support of preliminary approval and exhibits, provide comments to taylor.	4.70	\$750.00	\$3,525.00
12/29/2025	JAM	Proof read brief in support of preliminary approval per S.Taylor and format tables.	3.70	\$400.00	\$1,480.00
12/29/2025	ST	Finalized preliminary approval motion, declaration and motion and exhibits. incorporated D's edits. Filed.	5.40	\$650.00	\$3,510.00

12/30/2025	ST	Call with Mark Murphy at Amazon regarding sales data for notice. follow up email confirming ASIN numbers and date ranges.	0.20	\$650.00	\$130.00
12/30/2025	ST	Email to M.Camellia at eBay regarding supplementation to subpoena response.	0.10	\$650.00	\$65.00
12/30/2025	VT	Saved 58 P's MOTION to Certify Class and Approve Class Action Settlement.pdf.	0.10	\$150.00	\$15.00
01/02/2026	ST	Email to JND re cafa notice.	0.10	\$650.00	\$65.00
01/02/2026	ST	Email with J.Pruitt at Walmart re transfer of data to administrator.	0.10	\$650.00	\$65.00
01/02/2026	ST	Draft revised subpoena per instructions from eBay, emailed same to M.Camellia and to w.cole.	0.30	\$650.00	\$195.00
01/02/2026	ST	Reviewed CAFA letter from JND, provided edits to JND.	0.20	\$650.00	\$130.00
01/05/2026	ST	Review def edits to cafa notice, approved.	0.10	\$650.00	\$65.00
01/05/2026	ST	Corrected my declaration in support of preliminary approval, drafted notice re corrected declaration and filed.	1.20	\$650.00	\$780.00
01/06/2026	ST	Email from M.Murphy at amazon re progress of supplying customer data for notice. set up call to discuss.	0.10	\$650.00	\$65.00
01/07/2026	ST	Call with J.Prutit at Walmart re customer data production.	0.30	\$650.00	\$195.00
01/07/2026	ST	Call with M.Murphy and team re Amazon data and notice, process, lead time needed to send notice and prospective timeline.	0.50	\$650.00	\$325.00
01/08/2026	VT	Saved P's NOTICE re [58] MOTION to Certify Class.pdf.	0.10	\$150.00	\$15.00
01/12/2026	ST	Review formatting edits to notice docs from JND, advise L.Jarjoura at JND to sit on these awhile until approval.	0.30	\$650.00	\$195.00
01/13/2026	ST	Received supplemental customer data from eBay in response to subpoena, reviewed and forwarded to opposing counsel.	0.30	\$650.00	\$195.00
01/27/2026	ST	Email to M.Murphy at amazon to follow up on their process and confirm timeline.	0.10	\$650.00	\$65.00

01/28/2026	ST	Call with M.Murphy and expanded team regarding sales data collection and notice process.	0.40	\$650.00	\$260.00
01/29/2026	SL	Hearing prep with S.Taylor.	4.00	\$750.00	\$3,000.00
01/29/2026	ST	Email to M.Murphy and JND to introduce amazon to administrator team.	0.10	\$650.00	\$65.00
01/29/2026	ST	Prep for preliminary approval hearing with S.Lemberg.	4.00	\$650.00	\$2,600.00
01/30/2026	ST	Drive to/from hearing in central islip (4hr) confer with w.cole (.5), hearing on motion (1).	6.50	\$650.00	\$4,225.00
01/30/2026	ST	Discussion with S.Lemberg re hearing.	0.50	\$650.00	\$325.00
01/30/2026	ST	Draft supplemental statement re press release, send to opposing counsel to review.	4.70	\$650.00	\$3,055.00
02/03/2026	JAM	Edited, check cites of supplemental memo.	1.60	\$400.00	\$640.00
02/03/2026	ST	Modify proposed amendment from w.cole, email opposing counsel the same.	0.20	\$650.00	\$130.00
02/03/2026	VT	Saved MINUTE ENTRY re conference on the Plaintiffs' unopposed motion for preliminary approval of the class action settlement.	0.10	\$150.00	\$15.00
02/04/2026	ST	Circulate executed amendment to opposing counsel.	0.10	\$650.00	\$65.00
02/05/2026	ST	Finalize supplemental with exhibit. filed same.	0.50	\$650.00	\$325.00
02/09/2026	VT	Saved 60 MOTION to Amend [58] MOTION to Certify Class.pdf.	0.10	\$150.00	\$15.00
02/24/2026	AW	Mailed chk to Stuart cantor via Fedex ground.	0.20	\$150.00	\$30.00
02/24/2026	ST	Responded to email from R.Snodgrass at Amazon regarding timeline, notice docs and invoicing.	0.20	\$650.00	\$130.00
02/24/2026	ST	Email to w.cole re amazon's formatting for notice email.	0.10	\$650.00	\$65.00
02/27/2026	ST	Reviewed breakdown from JND of class data for notice from the various sources.	0.50	\$650.00	\$325.00
03/24/2026	ST	Responded to inquiry from JND re status of preliminary order.	0.10	\$650.00	\$65.00
04/17/2026	ST	Review invoice from JND.	0.10	\$650.00	\$65.00
04/23/2026	ST	Strategy discussion with S.Lemberg re conference with court.	0.50	\$650.00	\$325.00
04/27/2026	ST	Attend conference with Court by telephone concerning jurisdictional concerns.	0.20	\$650.00	\$130.00

04/27/2026	VT	Saved SCHEDULING ORDER.	0.10	\$150.00	\$15.00
04/28/2026	ST	Per request from chambers, email C.Hoang word copy of preliminary order.	0.10	\$650.00	\$65.00
04/28/2026	ST	Respond to email from wcole regarding joint letter.	0.10	\$650.00	\$65.00
04/29/2026	ST	Telephone call with w.cole regarding joint jurisdictional letter.	0.10	\$650.00	\$65.00
04/29/2026	VT	Saved MINUTE ENTRY AND ORDER telephone conference on April 27, 2026.	0.10	\$150.00	\$15.00
04/30/2026	ST	Research court's personal jurisdiction over out of state class members, draft joint letter re same and send to opposing counsel to review/comment.	4.80	\$650.00	\$3,120.00
05/01/2026	ST	Receive and review def edits to joint letter, approve and file.	0.10	\$650.00	\$65.00
05/04/2026	VT	Saved 61 JOINT LETTER.pdf.	0.10	\$150.00	\$15.00
05/07/2026	ST	Review preliminary approval order on settlement.	0.10	\$650.00	\$65.00
05/07/2026	ST	Email to Z.Matson at JND and opposing counsel re preliminary approval order, case/settlement documents, deadlines and directed JND on next steps.	0.20	\$650.00	\$130.00
05/08/2026	ST	Email to J.Pruitt at Walmart regarding preliminary approval order and disclosure of supplemental sales information for notice.	0.10	\$650.00	\$65.00
05/08/2026	ST	Email to JND with eBay sales/class data and explanation.	0.10	\$650.00	\$65.00
05/08/2026	ST	Review Nutricost sales information spreadsheets, email wcole re transferring complete biographic information to JND.	0.20	\$650.00	\$130.00
05/11/2026	VT	Saved 62 ORDER Preliminary Approving Settlement.pdf.	0.10	\$150.00	\$15.00
05/15/2026	ST	Review/respond to wcole email re transfer of direct sales data to JND.	0.10	\$650.00	\$65.00
05/15/2026	ST	Review JND mockups of email, claim form and long form notice and defendants modification to postcard, approve all to JND.	0.20	\$650.00	\$130.00
05/21/2026	ST	Review invoice from JND.	0.10	\$650.00	\$65.00
05/29/2026	ST	Email to JND and opposing counsel to go over elements of notice plan ahead of the 8th.	0.10	\$650.00	\$65.00

06/02/2026	ST	Review and test settlement website static and dynamic pages as provided by JND. Provide edits and comments to JND and opposing counsel.	2.50	\$650.00	\$1,625.00
06/02/2026	ST	Call with JND and opposing counsel regarding progress of notice plan. Check that JND is on top of different elements.	0.20	\$650.00	\$130.00
06/02/2026	VT	Saved ORDER finding motions moot.	0.10	\$150.00	\$15.00
06/04/2026	ST	Review alterations to website per instructions on desktop and mobile. Approve same to JND.	0.20	\$650.00	\$130.00
06/06/2026	ST	Test live settlement website.	0.10	\$650.00	\$65.00
06/09/2026	ST	Emails to JND to confirm notices went out and initial claim numbers after first day.	0.10	\$650.00	\$65.00
06/10/2026	ST	Review proposed alterations to FAQ section of the website per JND's recommendation, approved same.	0.10	\$650.00	\$65.00
06/16/2026	ST	Review status report from JND.	0.10	\$650.00	\$65.00
06/23/2026	ST	Review admin status update.	0.10	\$650.00	\$65.00
06/26/2026	ST	Client communication with D.Cohen regarding status update.	0.10	\$650.00	\$65.00
06/26/2026	ST	Research regarding motion for fees.	2.50	\$650.00	\$1,625.00
06/30/2026	ST	Email to JND re estimate for reminder notice campaign for members that have not submitted claims.	0.10	\$650.00	\$65.00
07/01/2026	ST	Review estimate, email opposing counsel re same and our approval.	0.10	\$650.00	\$65.00
07/01/2026	ST	Email to JND re parties approve reminder campaign and request templates with instructions on contents.	0.10	\$650.00	\$65.00
07/01/2026	ST	Work on draft of motion for fees.	5.00	\$650.00	\$3,250.00
07/02/2026	ST	Review template remainder email and postcard from JND; revised postcard; email same to JND and opposing counsel.	0.20	\$650.00	\$130.00
07/02/2026	ST	Research/review/draft motion for fees.	5.50	\$650.00	\$3,575.00
Total:			588.80		\$366,610

Exhibit B

Cohen et al v. eSupplements, LLC d/b/a Nutricost; No: 23-cv-06387
Lemgerg Law Costs & Expenses

Date	Payee	Memo	Debit	Credit
10/27/2025	Cantor, Stuart	Expert fee	5,100.00	
10/07/2025	logikcull Reveal	Document production fee	395.00	
09/03/2025	FedEx	Postage and delivery fee	36.16	
08/25/2025	Rich Moffett Court Reporting, Inc.	Court reporting fee	1,097.25	
08/22/2025	Cantor, Stuart	Expert fee	15,315.00	
08/12/2025	ABC Legal Services, LLC	Process server fee	150.00	
08/12/2025	ABC Legal Services, LLC	Process server fee	150.00	
08/12/2025	ABC Legal Services, LLC	Process server fee	140.00	
08/12/2025	ABC Legal Services, LLC	Process server fee	140.00	
07/17/2025	Veritext	Court reporting fee	710.35	
06/24/2025	Travelocity.com	Travel expense	15.00	
06/24/2025	Travelocity.com	Travel expense	24.00	
06/24/2025	Travelocity.com	Travel expense	341.03	
06/23/2025	Travelocity.com	Travel expense	528.48	
06/23/2025	United Airlines	Travel expense	528.48	
06/06/2025	logikcull Reveal	Document production fee	395.00	
06/06/2025	logikcull Reveal	Document production fee	6.04	
05/20/2025	Rich Moffett Court Reporting, Inc.	Court reporting fee	543.63	
05/20/2025	Rich Moffett Court Reporting, Inc.	Court reporting fee	483.75	
05/16/2025	Rich Moffett Court Reporting, Inc.	Court reporting fee	1,322.56	
05/09/2025	Rich Moffett Court Reporting, Inc.	Court reporting fee	1.33	
05/09/2025	Rich Moffett Court Reporting, Inc.	Court reporting fee	1.33	
04/29/2025	Rich Moffett Court Reporting, Inc.	Court reporting fee	1,230.00	
04/18/2025	Veritext	Court reporting fee	1,163.35	
04/17/2025	Veritext	Court reporting fee	809.80	
03/21/2025	Markovits, Joshua - Reimbursements	Travel expense	1,823.09	
01/30/2025	United Airlines	Travel expense	371.97	
01/30/2025	Expedia	Travel expense	108.18	
01/30/2025	Expedia	Travel expense	1.59	
01/07/2025	ABC Legal Services, LLC	Process server fee	75.00	
01/03/2025	Cantor, Stuart	Expert fee	5,000.00	
12/27/2024	ABC Legal Services, LLC	Process server fee	75.00	
12/22/2024	Stoddard Investigations	Process server fee	195.00	
12/20/2024	ABC Legal Services, LLC	Process server fee	75.00	
12/20/2024	ABC Legal Services, LLC	Process server fee	75.00	
10/28/2024	Veritext	Court reporting fee	688.10	
02/02/2024	Expedia	travel insurance per ST	192.91	
02/02/2024	Expedia	travel insurance per ST		192.91
11/16/2023	Judicate West	Mediation fee	7,375.00	

09/14/2023	Certified Corporate & Process Services	Process server fee	85.00	
08/26/2023	USDC District of New York	Court filing fee	402.00	
			47,170.38	192.91
Total:				\$46,977.47

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

Dalit Cohen, Anastasia Kurtz, Tina Scott, Paige
Vasseur, *on behalf of themselves and all others*
similarly situated,

Plaintiffs,

vs.

eSupplements, LLC d/b/a Nutricost,

Defendant.

Civil Action No.: 23-cv-06387(NJC)(AYS)

**DECLARATION OF STEPHEN TAYLOR IN SUPPORT OF
MOTION FOR AN AWARD OF ATTORNEYS' FEES, EXPENSES, AND INCENTIVE
AWARDS TO THE NAMED PLAINTIFFS**

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

1. I am a partner at Lemberg Law, LLC, of Wilton, Connecticut, and counsel to Plaintiffs in this action. 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. In addition to being licensed to practice law in the states of Connecticut and New York, I am admitted to the following federal district Courts: the Southern, Eastern, Western, and Northern Districts of New York; the Southern, Eastern, and Northern Districts of Texas; the District of Colorado; the Central, and Northern Districts of Illinois; the Eastern District of Michigan and the District of Connecticut.

3. I am a 2007 graduate of Tulane University School of Law and a 2003 graduate of Boston College. I am a former judicial clerk and joined Lemberg Law in 2009.

4. I have extensive experience in consumer rights litigation including matters brought under a variety of state consumer protection laws, the Magnuson Moss Warranty Act, the Truth in Lending Act, the Telephone Consumer Protection Act (“TCPA”), and the Fair Debt Collection Practices Act (“FDCPA”).

5. I have extensive experience in class action litigation. Lemberg Law has served as class counsel in myriad cases throughout the country. *See, e.g., Sanchez v. Kia Motors Am., Inc.*, 2024 WL 4730654 (C.D. Cal. Nov. 7, 2024) (contested class certification; certifying 10 state classes of automobile purchasers and lessees bringing consumer protection and breach of warranty claims); *Guthrie et al. v. Mazda Motor of America, Inc.*, No. 8:22-cv-01055-DOC-DFM (C.D. Cal., Oct. 8, 2024) (ECF No. 167) (final approval of class action settlement for alleged consumer protection and breach of warranty claims arising out of sale of multiple vehicle models with alleged oil consumption defect); *Riley v. Gen. Motors LLC*, 2024 WL 1256056, at *1 (S.D. Ohio Mar. 25, 2024) (contested certification of class of Ohio vehicle purchasers and lessees asserting breach of warranty claims regarding alleged common defect with shifter assemblies); *Jefferson v. Gen. Motors, LLC*, 344 F.R.D. 175 (W.D. Tenn. 2023) (same); *Powers v. Receivables Performance Mgmt., LLC*, 2025 WL 2734706 (D. Mass. Sept. 25, 2025); *Sager et al. v. Volkswagen Group of America, Inc. et al.*, No. 18-cv-135560ES-MAH (D.N.J. June 22, 2021) (final approval of class action settlement for alleged breach of express and implied warranties, violation of the Magnuson-Moss Warranty Act and violation of the Texas Deceptive Trade Practices Act arising out of sale of vehicles with allegedly defective Electric (After-Run) Coolant Pumps); *Johnson v. Comodo Grp., Inc.*, 2020 WL 525898, at *1 (D.N.J. Jan. 31, 2020) (TCPA contested class action); *Carlson v. Target Enter., Inc.*, 2020 WL 1332839 (D. Mass. Mar. 23, 2020) (final approval of class action settlement for alleged violations of Chapter 93A and 940 C.M.R. § 7.04(1)(f)); *Nyby v. Convergent Outsourcing, Inc.*, 2017 WL 3315264, at *5 (D.N.J. Aug. 3, 2017) (final approval of class action settlement agreement in FDCPA matter); *Lavigne v.*

First Community Bancshares, Inc., et al., 2018 WL 2694457, at *5 (D.N.M. June 5, 2018) (certifying TCPA class action and appointing undersigned as class counsel); *Munday v. Navy Federal Credit Union*, ECF No. 60, 15-cv-01629 (C.D. Cal., July 14, 2017) (final approval of class settlement of \$2.75MM in TCPA action); *Brown v. Rita's Water Ice Franchise Co. LLC*, No. CV 15-3509, 2017 WL 1021025, at *1 (E.D. Pa. Mar. 16, 2017) (final approval of class settlement of \$3MM common fund in TCPA action); *Vinas v. Credit Bureau of Napa County Inc.*, Dkt. No. 112, 14-cv-3270 (D. Md. February 22, 2017) (order granting final approval of FDCPA class action settlement); *Duchene v. Westlake Servs., LLC*, No. 2:13-CV-01577-MRH, 2016 WL 6916734 (W.D. Pa. July 14, 2016) (final approval of class settlement of \$10MM in TCPA action); *Oberther v. Midland Credit Management*, Doc. No. 90, 14-cv-30014 (D. Mass. July 13, 2016) (order granting final approval of FDCPA class action settlement); *Butto v. Collecto, Inc.*, 290 F.R.D. 372 (E.D.N.Y. 2013) (certifying FDCPA class action); *Seekamp v. It's Huge, Inc.*, 2012 WL 860364 (N.D.N.Y. Mar. 13, 2012) (certifying auto fraud class action); *Zimmerman v. Portfolio Recovery Assoc., LLC*, 276 F.R.D. 174 (S.D.N.Y. 2011) (certifying FDCPA class action).

6. My billing rate in this matter is \$650, which is a reasonable rate given my 19 years of experience and expertise in consumer rights class action litigation and the market rate for this litigation. See *Memorandum in Support of Motion for an Award of Attorneys' Fees, Expenses and Incentive Awards to the Named Plaintiffs* pp. 11-12.

7. I performed the majority of the work in this matter and, as seen from the docket and the time sheets (Declaration of Sergei Lemberg Ex. A), this matter involved substantial litigation and discovery which was necessary to achieve a favorable result for the Settlement Class.

8. Our work included extensive discovery. Through written discovery, we obtained and reviewed internal documentation and communications concerning Nutricost's magnesium glycinate supplements (the "Supplements"). This included production of emails among Nutricost employees

and communications with suppliers or other third parties, sales records, production batch records, and Supplement formulation records. Through testimonial discovery, I deposed six Nutricost employees and a representative of the supplier for the Supplement precursor ingredient. Four Plaintiffs were deposed (this includes Ms. Vasseur who subsequently dismissed her claims). In addition to the foregoing, Plaintiffs retained an expert and produced an expert report regarding the Supplement contents and their value. There were also numerous meet and conferrals, discovery disputes and discovery motion practice throughout the litigation. We also subpoenaed online retailers of the Supplements (Walmart, Amazon, and eBay) for purchaser information.

9. Motion practice was extensive and included briefing on Defendant's motion to dismiss, the aforementioned discovery motions to compel and for discovery sanctions, our very substantial motion for class certification which was served but not adjudicated before the matter settled. We also worked on drafting and negotiating the settlement agreement and preliminary approval papers, the supplements thereto, as well as this fee petition and the forthcoming motion for final approval.

10. In addition, the Parties attended a mediation in early 2024 before the Honorable Leonidas Papas (Ret.), former magistrate judge for the Southern District of California and current mediator with Judicate West alternative dispute resolution services. That mediation session did not result in resolution. But subsequent discussions through Judge Papas in the summer of 2025 were ultimately successful and on October 13, 2025, the Parties reached a settlement in principle.

11. I have also overseen administration of the settlement and remain in regular contact with the settlement administrator, JND, and defense counsel regarding the progress of the administration and claims.

12. Since preliminary approval, this has involved coordinating with the various sales vendors that contact information for Settlement Class members and transferring that information to

the administrator for notice and administration. I also aided in preparing the Settlement Website (www.cohenmag.com) and reviewed and approved every page of the site, all the decision trees in the claim portal, and provided substantial edits regarding its content and flow.

13. JND reports that the mail and email class notice issued on June 8, 2026, in accordance with the notice plan. JND provides weekly reports on the response to the class notice and, as of July 6, 2026, reports there have been 21,840 claims submitted, representing 13.5% of the Settlement Class.

14. This response rate is strong and, as it is economical and beneficial to the Settlement Class to do so, I requested, with defense counsel's consent, that JND perform a reminder notice campaign to alert members who have not yet submitted claims that they may do so.

15. Following this motion, I expect my firm will expend significant additional time. This includes moving for final approval, attending the final approval hearing, addressing any concerns of the Court through further briefing, addressing any appeals should they arise, and overseeing the administration until the fund is closed. In my experience, the earliest the fund will close is likely in the latter half of 2027. Excluding any appeal work, I estimate somewhere between 50-100 hours in additional work before the fund is closed.

16. Plaintiffs Dalit Cohen, Anastasia Kurtz, and Tina Scott have each been an exemplary representative, working with their counsel and participating in this case, including providing documentation, responding to written discovery demands and sitting for in-person and videotaped depositions. We are requesting a \$10,000 incentive award for each of them in recognition of their efforts and service as class representatives, which is deserved and should be approved.

17. I declare under penalty of perjury that the above is true and correct.

Dated: July 8, 2026

/s/ Stephen Taylor
Stephen Taylor

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

Dalit Cohen, Anastasia Kurtz, Tina Scott, Paige
Vasseur, *on behalf of themselves and all others*
similarly situated,

Plaintiffs,

vs.

eSupplements, LLC d/b/a Nutricost,

Defendant.

Civil Action No.: 23-cv-06387(NJC)(AYS)

**DECLARATION OF JOSHUA MARKOVITS IN SUPPORT OF
MOTION FOR AN AWARD OF ATTORNEYS' FEES, EXPENSES, AND INCENTIVE
AWARDS TO THE NAMED PLAINTIFFS**

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

1. I am an associate attorney at Lemberg Law, LLC and counsel to Plaintiffs in this action. 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 2010 graduate of Brandeis University and a 2015 graduate of the Benjamin N. Cardozo School of Law.

3. I am a member in good standing of the bar of the state of New York and before the United States District Courts for the Southern, Eastern, and Western Districts of New York; the Northern District of Illinois; and the District of Colorado.

4. During law school, I served as a legal intern in the chambers of both a federal court and a New York Supreme Court judge. I also served as a legal intern in the U.S. Commodity Futures Trading Commission's Division of Enforcement.

5. My hourly rate in this matter is \$400 per hour, which is more than supported by my skill and experience. Since graduating from law school, I have worked on class action and individual consumer protection lawsuits asserting claims under laws such as the Magnuson-Moss Warranty Act, the Telephone Consumer Protection Act (“TCPA”), the Fair Labor Standards Act (“FLSA”), the Fair Debt Collection Practices Act (“FDCPA”), and a variety of state consumer protection statutes. My rate is reasonable and within the market rate for this litigation and my 11 years of experience. *See Memorandum in Support of Motion for an Award of Attorneys’ Fees, Expenses and Incentive Awards to the Named Plaintiffs* pp. 11-12.

6. I have been appointed as class counsel in automotive and other consumer protection class actions in state and federal court. *See, e.g., Jefferson v. Gen. Motors, LLC*, 344 F.R.D. 175 (W.D. Tenn. 2023), *modified on reconsideration*, 2023 WL 5662596 (W.D. Tenn. Aug. 31, 2023) (contested certification of class of vehicle purchasers and lessees asserting breach of warranty claims regarding alleged common defect with shifter assemblies); *Sanchez et al. v. Kia Motors Am., Inc.*, 2024 WL 4730654 (C.D. Cal. Nov. 7, 2024) (contested class certification; certifying 10 state classes of more than 100,000 automobile purchasers and lessees bringing consumer protection and breach of warranty claims arising out of alleged windshield defect); *Guthrie et al. v. Mazda Motor of America, Inc.*, No. 8:22-cv-01055-DOC-DFM (C.D. Cal. Oct. 8, 2024) (ECF No. 167) (settlement class counsel representing nationwide class of approximately 86,000 vehicle purchasers and lessees bringing breach of warranty and consumer protection claims arising from alleged oil consumption defect); *Colbert v. Hand in Hand Group Inc.*, No. 2:22-cv-03055-JP (E.D. Pa. Jan. 23, 2024) (ECF No. 52) (final approval of class and collective action settlement resolving claims under the FLSA and Pennsylvania labor law); *Pollard v. Windham Professionals, Inc.*, Case No: 1978CV00033 (Mass Super. Oct. 28, 2021) (final approval of class settlement for alleged violations of Chapter 93A and 940 C.M.R. §

7.04(1)(f)); *Virgne v. C.R. England, Inc.*, Case No. 1:19-cv-02011-SEB-MDJ (S.D. Ind. Jan. 13, 2021) (ECF No. 124) (final approval of class settlement in TCPA action).

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge.

Dated: July 8, 2026

By: /s/ Joshua Markovits
Joshua Markovits