

EXHIBIT “I”

AMERICAN ARBITRATION ASSOCIATION

PIOTR NOWAK,
Claimant/Counterclaim Respondent

vs.

PENNSYLVANIA PROFESSIONAL
SOCCER LLC and KEYSTONE SPORTS
ENTERTAINMENT LLC,
Respondent/Counterclaim
Claimant

vs.

PINO SPORTS LLC,
Counterclaim Respondent

Case No. 14 166 01589 12

Arbitrator: Margaret R. Brogan

**CLAIMANT, PIOTR NOWAK'S MEMORANDUM IN OPPOSITION TO
RESPONDENTS' PETITION FOR ATTORNEYS' FEES AND COSTS**

Piotr Nowak ("Claimant" or "Mr. Nowak"), by and through his undersigned counsel, submits this memorandum of law in opposition to the petition for fees and costs submitted by Respondents, Pennsylvania Professional Soccer LLC and Keystone Sports and Entertainment LLC ("Respondents" or the "Team").

I. STATEMENT OF RELEVANT FACTS

On April 21, 2015, this Arbitrator entered an Interim Award denying Nowak's claims for breach of his employment contract and granting Respondents' counterclaims for Nowak's failure to repay a cash advance. In the Interim Award, this Arbitrator also granted Respondents, as the prevailing parties, the opportunity to submit a petition for their attorneys' fees and costs. On June 19, 2015, Respondents submitted their fee petition, which included more than 150 pages of invoices from the law firm of Buchanan Ingersol, which represented Respondents before AAA, and from Duane Morris, which represented Respondents while the matter was in federal court. See Respondents' fee petition, Exhibits A and B. Respondents' invoices list the attorneys who

performed work on the case, as well as each attorney's hourly rate. However, the invoices redact all of the details of the work performed in each time entry, leaving the Arbitrator (and Nowak) to guess the nature of the work performed.¹ Despite the lack of detail regarding the time expended by counsel, Respondents seek reimbursement from Nowak in the amount of \$454,258.89. Since Respondents have failed to meet their burden of proving their attorneys' fees to be reasonable, their petition for attorneys' fees must be denied.

II. ARGUMENT

A. Respondents Have Failed to Provide Evidence in Support of the Reasonableness of their Time Entries.

Reasonable attorney fees are determined first by calculating the "lodestar" or the number of hours reasonably expended multiplied by a reasonable hourly rate. *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983). "Excessive, redundant, or otherwise unnecessary" hours are not reasonable and must be excluded from the lodestar calculation. *Id.* at 434. **The party seeking attorney's fees has the burden to prove that its request for attorney's fees is reasonable.** *Rode v. Dellarciprete*, 892 F.2d 1177, 1183 (3d Cir. 1990) (emphasis added). A fee petition must therefore, "be specific enough to show that the hours spent were reasonable." *Id.*, at 1190. The petition "should include 'some fairly definite information as to the hours devoted to various general activities, e.g., pretrial discovery, settlement negotiations, and the hours spent by various classes of attorneys.'" *Id.* (quoting *Lindy Bros. Builders, Inc. of Phila. v. American Radiator & Standard Sanatory Corp.*, 487 F.2d 161, 167 (3d Cir. 1973)).

In Respondents' fee petition, each and every time entry is redacted. As a result of the redactions, Nowak is unable to assess whether counsel's time entries are duplicative, administrative, excessive or otherwise unnecessary. Since Nowak cannot ascertain the

¹ The invoices also reflect costs incurred by Respondents, to which Nowak does not object.

reasonableness of the time expended litigating this matter, he is not in a position to respond to the redacted bill. Since the party seeking the recovery of attorneys' fees has the burden of proving for reasonableness of the fees, Respondents have failed to meet this burden and their petition for attorneys' fees must be denied.

B. Nowak Does Not Object to the Costs Submitted by Respondents.

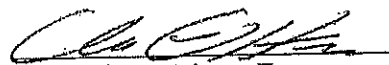
In their fee petition, Respondents also seek reimbursement for costs expended during the course of litigation. Counsel for Nowak has reviewed the bills of costs, and does not object to these entries.

III. CONCLUSION

The law is clear that the party seeking attorneys' fees has the burden of proving the reasonableness of the time expended. The fact that Respondents have redacted each and every time entry makes it impossible for Mr. Nowak and the Arbitrator to assess the reasonableness of Respondents' counsel's time. Accordingly, Respondents' petition for attorneys' fees should be denied.

Respectfully Submitted

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Date: October 6, 2015

CERTIFICATE OF SERVICE

I, Clifford E. Haines, of Haines & Associates, hereby certify that on October 6, 2015, a copy of Piotr Nowak's Memorandum in Opposition to Respondents' Petition for Attorneys' Fees and Costs was served to the following parties via email

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Respectfully submitted,

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