

EXHIBIT “K”

AMERICAN ARBITRATION ASSOCIATION

PIOTR NOWAK,
Claimant/Counterclaim Respondent :

vs. :

Case No. 14 166 01589 12

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

Arbitrator: Margaret R. Brogan

vs. :

PINO SPORTS LLC,
Counterclaim Respondent :

**CLAIMANT, PIOTR NOWAK'S STATEMENT IN RESPONSE TO THE
ARBITRATOR'S OCTOBER 7, 2015 ORDER**

Claimant, Piotr Nowak ("Claimant" or "Mr. Nowak"), by and through his undersigned counsel, submits this Statement in Response to Arbitrator Brogan's October 7, 2015 Order:

1. Piotr Nowak does not object to the continued enforcement of the confidentiality agreement, nor does he object to the confidentiality of the Award.

2. For reasons set forth in Nowak's October 6, 2015 opposition brief, Nowak does not consent to an *in camera* inspection of Respondent's bill in support of its fee petition.

3. 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).

4. 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)).

5. It is standard procedure in motion practice that a party opposing a fee petition has the opportunity to challenge the reasonableness of the prevailing party’s bill.

6. Nowak cannot opine on the reasonableness of a bill that he has never seen.

7. Therefore, his position on this matter remains unchanged.

Respectfully Submitted,

HAINES & ASSOCIATES



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Date: October 26, 2015