

**IN THE COURT OF COMMON PLEAS
OF ALLEGHENY COUNTY, PENNSYLVANIA**

LINDA HORSELY, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

SHAKESPEARE STREET ASSOCIATES;
SHAKESPEARE STREET ASSOCIATES
GP, LLC; HOWARD'S TOWING AND
RECOVERY, LLC; and HOWARD
SZUMINSKY,

Defendants.

CIVIL DIVISION – CLASS ACTION
The Honorable Philip A. Ignelzi

No. GD-18-012027

**PLAINTIFF'S APPLICATION FOR
ATTORNEYS' FEES, COSTS, AND
SERVICE AWARD TO
REPRESENTATIVE PLAINTIFF**

Filed on behalf of Plaintiff

Counsel of Record for this Party:

Kelly K. Iverson
(Pa. ID No. 307175)
Elizabeth Pollock-Avery
(Pa. ID No. 314841)
LYNCH CARPENTER LLP
1133 Penn Ave., 5th Floor
Pittsburgh PA, 15222
P: 412.322.9243
Kelly@lc LLP.com
Elizabeth@lc LLP.com

Joshua P. Ward
(Pa. ID No. 320347)
J.P. WARD & ASSOCIATES, LLC
201 S. Highland Ave, #201
Pittsburgh, PA 15206
P: 412.545.3016
jward@jpward.com

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Defendants.

**PLAINTIFF’S APPLICATION FOR ATTORNEYS’ FEES, COSTS, AND SERVICE
AWARD TO REPRESENTATIVE PLAINTIFF**

Plaintiff Linda Horsley respectfully submits this application for (1) approval of an award of attorneys’ fees and costs to Plaintiff’s counsel in the combined amount of \$136,250; and (2) approval of a service award of \$2,000 to the Class Representative. In support of her motion, Plaintiff states as follows:

1. Plaintiff initiated this case against Defendants by way of class action complaint on September 17, 2018, alleging violations of the Pennsylvania Unfair Trade Practices and Consumer Protection Law (“UTPCPL”), 73 Pa. Stat. §§ 202-1, *et seq.*, the Pennsylvania Fair Credit Extension Uniformity Act (“PaFCEUA”), 73 Pa. Stat. §§ 2270.1, *et seq.*, and various common law causes of action. (Doc. 1).

2. Defendants thereafter filed preliminary objections which were subsequently fully briefed and argued by the Parties, and later overruled by the Court. (Doc. 12, 14, & 15).

3. The operative Second Amended Complaint was filed on November 10, 2020. (Doc. 38).

4. Defendants answered the Second Amended Complaint on November 30, 2020, denying Plaintiff's asserted claims. (Doc. 39).

5. On May 12, 2020, Plaintiff filed her Motion for Class Certification and on June 16, 2020, the Court entered an Order permitting the Parties to conduct discovery in advance of the class certification hearing. (Doc. 27 & 30).

6. Following discovery, Plaintiff later filed her Renewed Motion for Class Certification on December 21, 2020. (Doc. 42).

7. After Plaintiff's Motion for Class Certification was briefed and argued by the Parties, the Court granted Plaintiff's Motion for Class Certification on June 29, 2021, directing the matter to as a class action. (Doc. 50). The Court defined the Class as:

All individuals who were charged and paid a fee in excess of the limits then set by 5 Pittsburgh Code §§ 525.05 for release or return of any passenger cars, light trucks, motorcycles, and scooters that were nonconsensually towed from the Parking Lot by Howard's Towing within the applicable statutes of limitation.

8. By the same Order, the Court deemed Plaintiff as a proper representative of the Class and appointed Kelly K. Iverson of Lynch Carpenter, LLP and Joshua Ward of J.P. Ward and Associates, LLC as Class Counsel. (*Id.*)

9. The Parties participated in a mediation session on February 8, 2022, before the Honorable Philip A. Ignelzi. The session resulted in a settlement in principle, with the Parties reaching an agreement on the core terms of their proposed settlement, which if approved by the Court, will resolve all claims in the litigation.

10. After reaching a settlement in principle, the Parties began negotiating and drafting the written terms of their agreement, which resulted in the completion and execution of a Proposed Class Action Settlement Agreement and Release, which is attached to Plaintiff's Unopposed

Motion for Preliminary Approval of Class Action Settlement and for Authorization of Class Notice as Exhibit A. (Doc. 55).

11. On February 21, 2023, Plaintiff moved for preliminary approval of the Settlement and authorization of notice to Class Members. (Doc. 55).

12. The Court entered an order granting preliminary approval of the Settlement and authorizing notice to the Class on February 22, 2023. (Doc. 56).

13. Under the Settlement Agreement, Defendants have agreed, subject to court-approval, to pay \$136,250 for Class Counsel's attorneys' fees and costs (\$134,250 of which is to be paid by the Shakespeare Street Defendants and \$2,000 of which is to be paid by Howard's Towing) and to pay a service award up to \$2,000 to the Class Representative (which is to be paid by the Shakespeare Street Defendants). These amounts are separate from and in addition to Defendants' payments to establish a Settlement Fund for direct monetary relief to Class Members and for the actual costs of notice and settlement administration.

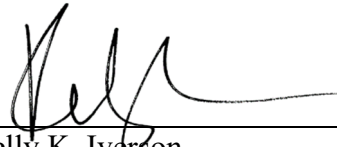
14. The relief requested herein should be considered by the Court at the scheduled fairness hearing on August 4, 2023, in conjunction with Plaintiff's forthcoming motion for final approval of the Settlement, which will be filed by July 5, 2023, and subject to the Court's review of any objections filed by Class Members.

15. In further support of her motion, Plaintiff refers the Court to her attached brief in support and the declaration of Class Counsel, Kelly K. Iverson.

WHEREFORE, Plaintiff respectfully requests that along with final approval of the Settlement, the Court (1) approve a combined award of \$136,250 to Class Counsel as attorneys' fees and reimbursement of litigation expenses; and (2) a service award of \$2,000 to the Class Representative.

Dated: May 22, 2023

Respectfully submitted,



Kelly K. Iverson

(Pa. ID No. 307175)

Elizabeth Pollock-Avery

(Pa. ID No. 314841)

LYNCH CARPENTER LLP

1133 Penn Ave., 5th Floor

Pittsburgh PA, 15222

P: 412.322.9243

Kelly@lcllp.com

Elizabeth@lcllp.com

Joshua P. Ward

(Pa. ID No. 320347)

J.P. WARD & ASSOCIATES, LLC

201 S. Highland Ave, #201

Pittsburgh, PA 15206

P: 412.545.3016

jward@jpward.com

Attorneys for Plaintiff and the Class

CERTIFICATE OF SERVICE

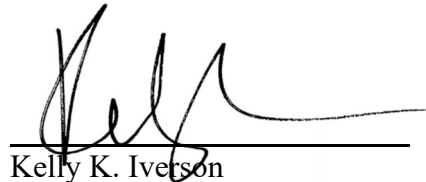
I hereby certify that on May 22, 2023, the foregoing was served by email on the following:

Joseph A. Hudock, Jr.
Jeffrey C. Catanzarite
Summers McDonnell Hudock Guthrie & Rauch, LLC
Gulf Tower
707 Grant Street, Suite 2400
Pittsburgh, PA 15219
jhudock@summersmcdonnell.com
jcatanzarite@summersmcdonnell.com

Counsel for Howard's Towing and Recovery, LLC and Howard Szuminsky

Bernard D. Marcus
Darlene M. Nowak
Elly Heller-Toig
Marcus & Shapira, LLP
One Oxford Centre, 35th Floor
Pittsburgh, PA 15219
marcus@marcus-shapira.com
nowak@marcus-shapira.com
ehtoig@marcus-shapira.com

Counsel for Shakespeare Street Associates and Shakespeare Street Associates, GP, LLC



Kelly K. Iverson