

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

MAUREEN TOFFOLONI,)
as Administratrix and Personal)
Representative of the)
ESTATE OF NANCY E. BENOIT,)
)
Plaintiff,)

v.)

CIVIL ACTION
FILE NO. 1:08-CV-0421-TWT

LFP PUBLISHING GROUP, LLC,)
d/b/a Hustler Magazine,)
MARK SAMANSKY, an Individual,)
and other distributors and sellers of,)
Hustler Magazine, as)
Defendants X, Y, and Z,)
)
Defendants.)

PLAINTIFF'S SUPPLEMENT TO INITIAL DISCLOSURES

COMES NOW, Plaintiff, Maureen Toffoloni, as Administratrix and Personal Representative of the Estate of Nancy E. Benoit, through counsel and supplements her Initial Disclosures previously filed with this Court on October 12, 2009, as follows:

(4) Provide the name of any person who may be used at trial to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence. For all

experts described in Fed.R.Civ.P.26(a)(2)(B), provide a separate written report satisfying the provisions of that rule. (Attach expert witness list and written reports to Responses to Initial Disclosures as Attachment B.)

PLAINTIFF'S RESPONSE

(a) Plaintiff intends to call as an expert witness on attorneys' fees, F. Edwin Hallman, Jr., a member in good standing of the State Bar of Georgia. Mr. Hallman's expert report is attached hereto as Exhibit A.

Counsel for Plaintiff has a contingency fee agreement with Plaintiff, calling for the payment of 40% of any recovery as an attorney fee for the handling of all aspects of this case, including appeals. Expenses of litigation are advanced by Plaintiff. A copy of the Agreement is attached hereto as Exhibit B.

Notwithstanding the contingent fee agreement, counsel for Plaintiff intends to request the jury to award attorneys' fees to Plaintiff, under Georgia law, as additional damages, calculated on an hourly basis, at the rate of \$350 per hour. Counsel for Plaintiff has maintained hourly billing records for this purpose, redacted copies of which are attached to this response as Exhibit C. Counsel for Plaintiff work in this case is continuing, and hours continue to accumulate. Plaintiff will further supplement this response prior to trial.

(b) Plaintiff intends to call as expert witnesses on economic damages, Usha Nair-Reichert, Ph.D. and Richard J. Cebula, Ph.D. Dr. Nair-Reichert's and Dr. Cebula's expert report is attached hereto as Exhibit D.

Respectfully submitted May 28, 2010.

/s/ Richard P. Decker
RICHARD P. DECKER
State Bar of Georgia #215600

For HALLMAN & WINGATE, LLC
Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

This is to certify that on May 28, 2010, I have electronically filed the foregoing Plaintiff's Supplement to Initial Disclosures with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorney(s) of record:

James Clifton Rawls, Esq.
S. Derek Bauer, Esq.
Barry J. Armstrong, Esq.

Darrell Jay Solomon, Esq.
Jeffrey F. Reina, Esq.
Paul J. Cambria, Esq.

and by placing a copy of same in the United States Mail in a properly addressed envelope with adequate postage thereon to:

William M. Feigenbaum, Esq.
Lipsitz, Green, Scime, Cambria, LLP
42 Delaware Avenue, Suite 120
Buffalo, NY 14202

/s/ Richard P. Decker

RICHARD P. DECKER
State Bar of Georgia #215600

For HALLMAN & WINGATE, LLC
Attorneys for Plaintiff

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