

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 10-12054-RWZ

PHILADELPHIA INDEMNITY INSURANCE COMPANY

v.

BRUCE C. LEVINE

ORDER

October 3, 2017

ZOBEL, S.D.J.

Defendant Bruce C. Levine and interpleader defendants Katz, Nannis & Solomon, P.C., Allen G. Katz, Lawrence Nannis, and Jeffrey D. Solomon (collectively “KNS Parties”) submitted their respective proposals concerning the pro rata distribution of settlement proceeds. Docket # 172. They dispute only whether fees and expenses of \$31,100.12 incurred by Levine to Collora LLP should be included as an allocable cost. KNS Parties argue that “Collora did nothing to advance Levine’s case against PIIC and did nothing to create the settlement funds to be allocated.” Id. at 2. Levine contends that “those fees and expenses were necessary in order for Mr. Levine to obtain any recovery from PIIC in this matter.” Id. Because it is unclear to what extent, if any, Collora assisted with the resulting settlement between PIIC and Levine, the court splits the difference and allocates half the Collora fees and expenses to Levine. Accordingly, the proceeds shall be allocated pro-rata as follows:

Levine's expenses:

<u>Item</u>	<u>Amount</u>
Sallop Settlement	\$1,000,000.00
Castleman Law LLC	\$58,737.11
Murtha Cullina LLP	\$565,000.00
Paul Amoruso	\$14,221.98
FTI Consulting	\$97,470.00
McMahon Associates	\$2,700.00
Castleman Law, LLC	\$12,667.00
Collora LLP	\$15,550.06
TOTAL:	\$1,766,346.15

KNS Parties' expenses:

<u>Item</u>	<u>Amount</u>
Holland & Knight	\$40,000.00
Murtha Cullina LLP	\$92,504.02
Jams, Inc.	\$2,366.66
Castleman Law, LLC	\$331,844.33
Reporters, Inc.	\$5,039.25
FTI	\$176,933.64
LeClairRyan	\$40,100.00
Sallop Settlement	\$150,000.00
TOTAL:	\$838,847.90

Total Expenses: \$2,605,194.05

Levine's share: $(\$1,766,346.15 / \$2,605,194.05 = 67.801\%) \times \$1,200,000 = \mathbf{\$813,612}$

KNS Parties' share: $(\$838,847.90 / \$2,605,194.05 = 32.199\%) \times \$1,200,000 =$

\$386,388.

Accordingly, it is ordered that the settlement proceeds (Docket # 162) be distributed to Levine in the amount of \$813,612 and to KNS Parties in the amount of \$386,388.

October 3, 2017

DATE

/s/Rya W. Zobel

RYA W. ZOBEL
SENIOR UNITED STATES DISTRICT JUDGE