



Accountability Services

LEGAL COST CONTROL SPECIALISTS

Audit of the Reasonableness of the Hours Expended and Expenses Incurred by Jon Norinsberg, Esq., Gerald Cohen, Esq., Joshua Fitch, Esq., John Meehan, Esq., Nicole Burzstyn, Nathaniel Smith, Esq., John Lenoir, Esq., Howard Suckle, Esq., James McCutcheon, Esq., Magdalena Bauza, Lysia Smejila, Jeannette Lenoir, Jeremy Smith, Harvey Levine, Esq., Peter Gleason, Esq., Richard Gilbert, Esq. in connection with the action entitled *Adrian Schoolcraft v The City of New York, Jamaica Hospital Medical Center, Dr. Isak Isakov and Dr. Lillian Aldana-Bernier*

April 8, 2016

Summary Judgment Motions

Six (6) Motions for Summary Judgment were filed, one (1) by the City, one (1) by Mauriello, one (1) by the Plaintiff and three (3) by the Medical Defendants. In connection with these various summary judgment motions, the Smith Group and the Norinsberg Group billed over 863 hours. Almost 37% of the time (320 hours) was too vague to determine which summary judgment motion the time related to. Not only do the vague time records obscure potential duplication in effort, but they obviate the ability to properly allocate all of the time spent on the Medical Defendants' summary judgment motions.

Nonetheless, when the time journals were specific enough to ascertain which motion the Smith Group and the Norinsberg Group were working on, it became evident that there was a great deal of duplication in effort between the two (2) groups and within each group.

Depositions

Excluding deposition digesting discussed above, the Smith Group billed an aggregate of 1,182.51⁶ hours and the Norinsberg Group billed an aggregate of 240.50⁷ hours in connection with 41 deposition sessions (34 deponents).⁸ Thirty-eight of the 41 deposition sessions were attended by multiple attorneys, with three (3) being attended by three (3) timekeepers. ASI notes that not only did multiple attorneys attend and prepare for these depositions, but multiple (and often different) attorneys reviewed the deposition transcripts. By way of comparison, the City had multiple attorneys at only two (2) sessions of the Schoolcraft deposition and the Lauterborn deposition.

Trial Preparations

The Smith Group billed 470.72 hours and the Norinsberg Group billed 1,440.87 hours in connection with trial preparations. The Norinsberg Group seems to have taken the lead of the Litigation during the trial phase, being responsible for almost all of the examination outlines, leaving primary responsibility for only the Eterno direct examination, the jury instructions and the JPTO with the Smith Group. Nonetheless, in ASI's opinion, there was a great deal of duplication in effort between the two groups and within each group.

⁶ Included in this time is 260.50 hours of time relating to depositions that was vague or related to general deposition issues.

⁷ Included in this time is 56.20 hours of time relating to depositions that was vague or related to general deposition issues.

⁸ ASI has excluded depositions that related entirely to the Medical Defendants i.e., Dhar, Maffia, Halpren-Ruder and Lubit, but notes that all of the issues that ASI has identified as unreasonable (e.g. duplication in effort and excessive amount of time) was equally present in these depositions.

d) Depositions

Excluding deposition digesting discussed above, the Smith Group billed an aggregate of 1,182.51⁴⁵ hours and the Norinsberg Group billed an aggregate of 240.50⁴⁶ hours in connection with the following 34 deponents.⁴⁷

Deponent	Date	Length of Deposition	Attending Deposition for Plaintiff	Attending Deposition for City	Aggregate Hours Billed by Plaintiff's Attorneys
Schoolcraft, Adrian	10/11/2012	8.60	Norinsberg, Cohen,	Mettham Smith	137.75 ⁴⁸
Schoolcraft, Adrian	9/26/2013	9.00	Smith, Lenoir	Mettham, Shaffer	
Schoolcraft, Adrian	9/27/2013	8.30	Smith, Lenoir	Mettham	
Marino, Michael	10/8/2013	8.70	Smith, Lenoir	Mettham	59.67
Marino, Michael	10/18/2013	8.50	Smith Lenoir	Mettham	
Lauterborn, Theodore	11/7/2013	9.00	Smith, Lenoir,	Mettham, Shaffer	62.75
Caughey, Timothy	12/9/2013	8.40	Smith, Lenoir,	Shaffer	32.58
Schoolcraft, Larry	12/11/2013	8.50	Lenoir, Bauza	Shaffer	39.70
Mauriello, Steven	12/20/2013	9.30	Smith, Lenoir,	Mettham	131.67
Mauriello, Steven	7/1/2014	8.70	Smith, Lenoir,	Mettham	
Boston, Curtis	1/6/2014	2.60	Smith, Lenoir,	Mettham	29.07
Huffman, Rasheena	1/6/2014	3.60	Smith, Lenoir,	Mettham	30.60
Hanlon, Elise (Lt.)	1/13/2014	7.50	Smith, Lenoir,	Shaffer	31.08
Lamstein-Reiss,	1/30/2014	9.50	Smith,	Mettham	49.85

⁴⁵ Included in this time is 260.50 hours of time relating to depositions that was vague or related to general deposition issues.

⁴⁶ Included in this time is 56.20 hours of time relating to depositions that was vague or related to general deposition issues.

⁴⁷ ASI has excluded depositions that related entirely to the Medical Defendants i.e, Dhar, Maffia, Halpren-Ruder and Lubit., but notes that all of the issues that ASI has identified as unreasonable (e.g. duplication in effort and excessive amount of time) was equally present in these depositions.

⁴⁸ An additional 112.25 hours were spent preparing Adrian Schoolcraft for depositions at various client meetings.

Deponent	Date	Length of Deposition	Attending Deposition for Plaintiff	Attending Deposition for City	Aggregate Hours Billed by Plaintiff's Attorneys
Catherine (MD)			Lenoir Bauza,		
Aldana-Bernier, Lilian (Dr.)	2/11/2014	8.00	Smith, Lenoir, Suckle,	Shaffer	90.15
Isakov, Isak	2/12/2014	5.50	Smith, Lenoir, Suckle	Shaffer	37.36
Trainor, Timothy (Lt.)	4/10/2014	7.30	Smith, Lenoir,	Mettham	19.45
Gough, William	4/11/2014	6.10	Smith, Lenoir,	Mettham	28.85
Sawyer, Frederick	4/25/2014	4.40	Smith, Lenoir,	Mettham	21.70
Duncan, Kurt	4/28/2014	7.10	Smith, Lenoir,	Shaffer	46.75
Duncan, Kurt	6/23/2014	1.70	Smith, Lenoir,	Shaffer	
James, Shantel (PO)	5/12/2014	4.00	Smith, Lenoir,	Mettham	21.10
Marquez, Jessica (EMT)	5/14/2014	6.60	Smith, Lenoir,	Mettham	16.40
Sangeniti, Salvatore (EMT)	5/15/2014	4.00	Smith, Lenoir,	Mettham	10.25
Weiss, Steven (Sgt)	5/29/2014	5.30	Smith,	Shaffer	21.55
Ferrara, Joseph	6/5/2014	6.70	Smith, Lenoir,	Mettham	33.10
Broschart, Christopher	6/18/2014	6.10	Smith, Lenoir,	Mettham	22.00
Lwin, Khin Mar (MD)	7/3/2014	1.20	Smith, Lenoir,	Mettham	10.20
Whalen, Bernard	7/15/2014	.80	Smith, Lenoir,	Mettham	3.75
Whittman, David	7/15/2014	1.40	Smith, Lenoir,	Mettham	Too vague to calculate
Purpi, Michael (Sgt)	7/16/2014	1.80	Smith, Lenoir,	Shaffer	15.35
Purpi, Michael (Sgt)	9/19/2014	1.10	Smith, Lenoir,	Shaffer	
Valenti, Dominik (Lt)	7/16/2014	1.00	Smith, Lenoir,	Shaffer	12.10
Finnegan, Kevin	7/17/2014	2.10	Smith, Lenoir,	Shaffer	2.40
Milone, William (Sgt.)	7/17/2014	1.50	Smith, Lenoir,	Shaffer	Too Vague to calculate
Cooper, Alan	7/24/2014	4.70	Smith,	Mettham	7.50
Patel, Indira (MD)	7/25/2014	1.30	Smith	Mettham	12.10

Deponent	Date	Length of Deposition	Attending Deposition for Plaintiff	Attending Deposition for City	Aggregate Hours Billed by Plaintiff's Attorneys
Patel, Indira (MD)	10/31/2014	1.20	Smith,	Seligman	
Carrasco, Edward	9/19/2014	.70	Smith, Lenoir,	Shaffer	6.88
Eterno, John A.	10/17/2014	8.40	Smith, Lenoir,	Mettham	34.70
Silverman, Eli B (PhD)	10/24/2014	9.30	Smith, Lenoir,	Mettham	27.95

As the chart above indicates 38 of the 41 deposition sessions were attended by multiple attorneys, with three (3) being attended by three (3) timekeepers. ASI notes that not only did multiple attorneys attend and prepare for these depositions, but multiple (and often different) attorneys reviewed the deposition transcripts. By way of comparison, the City had multiple attorneys at only two (2) sessions of the Schoolcraft deposition and the Lauterborn deposition.

Set forth below are details regarding a few of the depositions. ASI notes that the pattern of duplication in effort and other inefficiencies were present in all of the depositions, with the exception of the Cooper deposition, where 7.5 hours were devoted by Mr. Smith.

i) Duncan Deposition

The Norinsberg Group and the Smith Group billed over 46 hours in connection with the Duncan depositions, which were held on April 28, 2014 and June 23, 2014 and lasted an aggregate of 8.80 hours.

The time was allocated as follows:

	Hours
Norinsberg Group	
Norinsberg	.20
Cohen	.20
Fitch	8.50
	8.90
Smith Group	
N. Smith	22.35
J. Lenoir	15.50
	37.85
	46.75

As the following time journals reveal, both Mr. Lenoir and Mr. Smith prepared for and attended the Duncan deposition, and then Mr. Fitch and Mr. Cohen reviewed and/or discussed the transcript: