

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**BLAKE J. ROBBINS**, a Minor, by his Parents : CIVIL ACTION  
and Natural Guardians, **MICHAEL E. ROBBINS** :  
and **HOLLY S. ROBBINS**, Individually, and on :  
Behalf of all Similarly Situated Persons :  
:

v. : NO. 10-0665  
:

**LOWER MERION SCHOOL DISTRICT** :  
and **THE BOARD OF DIRECTORS OF THE** :  
**LOWER MERION SCHOOL DISTRICT** : JURY TRIAL DEMANDED  
and **CHRISTOPHER W. McGINLEY**, :  
Superintendent of Lower Merion School District :

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2010, upon consideration  
of Plaintiffs' Motion for Interim Fees in Accordance with August 30, 2010 Court Order,  
and any responses thereto,

IT IS HEREBY ORDERED that said Motion is GRANTED. Defendants shall,  
within ten (10) days of the date of this Order, pay Plaintiffs' counsel Interim Fees and  
Costs of \$330,961.00.

BY THE COURT:

\_\_\_\_\_  
JAN E. DUBOIS, U.S.D.J.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

<b>BLAKE J. ROBBINS</b> , a Minor, by his Parents and Natural Guardians, <b>MICHAEL E. ROBBINS</b> and <b>HOLLY S. ROBBINS</b> , Individually, and on Behalf of all Similarly Situated Persons	:	CIVIL ACTION
v.	:	NO. 10-0665
<b>LOWER MERION SCHOOL DISTRICT</b> and <b>THE BOARD OF DIRECTORS OF THE</b> <b>LOWER MERION SCHOOL DISTRICT</b> and <b>CHRISTOPHER W. McGINLEY</b> , Superintendent of Lower Merion School District	:	JURY TRIAL DEMANDED

**PLAINTIFFS' MOTION FOR INTERIM FEES IN  
ACCORDANCE WITH AUGUST 30, 2010 COURT ORDER**

Plaintiffs, Blake J. Robbins, a Minor, by his Parents and Natural Guardians, Michael E. Robbins and Holly S. Robbins, individually, and on behalf of all similarly situated persons, by and through their undersigned counsel, Lamm Rubenstone LLC, hereby file this Motion for Interim Attorney Fees in accordance with the Court Memorandum and Order dated August 30, 2010 (the "Memorandum and Order").

**I. INTRODUCTION**

By Memorandum and Order dated August 30, 2010, this Honorable Court granted, in part, Plaintiffs' Motion for Interim Attorneys' Fees. The Court's Memorandum and Order instructed Plaintiffs to set forth, in accordance with the directives set forth in this Court's Memorandum and Order, the calculation for the amount of Interim Attorneys' Fees and Costs currently recoverable.

The Memorandum and Order found that Plaintiffs, as the "prevailing party," were entitled to recover all legal fees through May 14, 2010, with one exception. That

exception was that the legal fees related to the drafting of the Motion for Class Certification incurred prior to May 14, 2010, were to be excluded from the Interim Fee Application.<sup>1</sup> In addition to awarding attorneys' fees up to May 14, 2010, the Court also stated that legal fees incurred after May 14, 2010, which were related to the May 14, 2010 Preliminary Injunction, were also recoverable at this time. Lastly, the Court ruled that \$22,000 of legal fees incurred to prepare the original Motion for Interim Attorneys' Fees and Costs and the subsequent Reply Brief were also recoverable at this time.

In addition to ruling that attorneys' fees up through May 14, 2010, were recoverable, the Court ruled that the costs set forth in the Interim Fee Petition were also recoverable with the exception of the consultant fees of John Steinbach which were for services after May 14, 2010, and deposition transcripts and videotape costs that occurred after May 14, 2010.

**A. Calculation Of Attorneys' Fees In Accordance With Court Order**

Pursuant to this Court's Memorandum and Order, Plaintiffs are entitled to all of the legal fees set forth in its original Fee Petition up through May 14, 2010, with the above-noted reduction for legal fees in connection with work on the Motion for Class Certification. Plaintiffs' attorneys' fees, through and including May 14, 2010, are \$238,630.00 (see Certification of Mark S. Haltzman attached hereto as Exhibit A).

A review of the detailed billing statement which was attached to the Interim Fee Petition reveals that there are 18 entries prior to May 14, 2010, which include reference to the Motion for Class Certification. Of those 18 entries, the entire time on eight of

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<sup>1</sup> Pursuant to the Memorandum and Order, legal fees relating to the Motion for Class Certification are recoverable once the Motion for Class Certification is decided or once final injunctive relief is obtained.

those entries would be attributable to work on the Motion for Class Certification. Those date entries and the time spent are as follows:

April 14, 2010	FS	7.60 hours
April 19, 2010	FS	5.30 hours
April 20, 2010	FS	4.70 hours
April 21, 2010	SL	.60 hours
April 27, 2010	FS	5.20 hours
April 27, 2010	SL	2.20 hours
April 29, 2010	SL	1.30 hours
April 30, 2010	FS	.70 hours

The total time entries above for Frank Schwartz (FS) were 23.50 hours at a billing rate of \$275.00 per hour, for a total reduction of \$6,462.50. The total time entries for Steve Levin (SL) were 4.10 hours at a billing rate of \$350.00 per hour, for a total reduction of \$1,435.00.

In addition to the above eight entries, the additional ten entries were only partially related to Class Certification and are as follows:

<u>Date</u>	<u>Description Of Services</u>	<u>Atty</u>	<u>Hours</u>	<u>Amount</u>
04-15-10	Legal research re: application of 5 <sup>th</sup> Amendment privilege to personal computers in relation to Motion for Sanctions against Cafiero; conference with M. Haltzman re: research findings and Motion for Sanctions; draft Memorandum of Law in Support of Motion for Class Certification	FS	8.30	\$2,282.50
04-16-10	Research re: jury verdict awards in invasion of privacy cases; draft Memorandum of Law in Support of Class Certification	FS	6.40	\$1,760.00
04-16-10	Meeting with Intervenor (Boni and Silver); travel to/from Bala Cynwyd; conferences (2) with Silver re: various issues; conference with Judge DuBois; review case law re: damages; review Motion to Certify Class	MSH	7.20	\$3,060.00

04-21-10	Review Cafiero Response to Motion for Sanctions and Brief in Support; legal research re: cases cited in Cafiero Brief; legal research re: 5 <sup>th</sup> Amendment adverse inference in civil cases; legal research re: whether unauthorized use of computer negates expectation of privacy; revise Motion for Class Certification and Brief in Support	FS	6.90	\$1,897.50
04-23-10	Review prior pleading and prepare for hearing; Hearing (telephone) with Mandracchia, Hockeimer and Court re: Cafiero; draft form of Stipulated Order; review Motion for Class Certification and Memorandum of Law; review letter from Boni re: press coverage; review federal government findings; telephone conference with Mandracchia's office; conference with client re: same	MSH	3.60	\$1,530.00
04-26-10	Conference with M. Haltzman re: Motion to Certify Settlement Class; conference call with Judge DuBois and defense counsel re: protective order, injunction, response to US Motion to Modify Order and Boni Letter; legal research re: standards for certification of settlement class, approval of proposed settlement and notice required in 23(b)(2) actions	FS	6.70	\$1,842.50
04-26-10	Review revised Cafiero Order; meeting with John Steinbach re: Cafiero Agreement; conference with Judge DuBois; review of final Order re: Cafiero; conference with Judge DuBois re: sealed documents; conference with client re: status; review rules re: letter to Judge DuBois; review rules re: class notice of settlement	MSH	4.40	\$1,870.00
04-28-10	Complete draft Memorandum of Law in Support of Certification of Settlement Class and Approval of Class Settlement; revise Motion for Provisional Certification of Settlement Class, proposed Order and Memorandum of Law in Support;	MSH	3.10	\$1,317.50

	conference with M. Haltzman re: Motion for Certification of Settlement Class; conference call with M. Haltzman, M. Boni and H. Hockeimer re: intervenors' request for limitations on speech and press			
04-30-10	Finalize letter to DuBois re: Boni; review emails re: Cafiero and DiMedio; email Hank Hockeimer re: meeting; conference with client re: meeting and other issues; review revised Motion for Class Certification	MSH	3.90	\$1,657.50
05-14-10	Revise Court Order re: notification of students; conference with Paul Lantieri re: same; conference with Judge Rueter re: process; review procedures for equitable class certifications; conference with Hank Hockeimer re: Kline talking to students; conference with client re: Order entered; conference with John Steinbach re: conversation with L-3	MSH	4.60	\$1,955.00

As set forth in the attached Certification of Frank Schwartz (Exhibit B), his best estimate of the time spent on each of those individual entries which were related to the Motion for Class Certification is 13.40 hours calculated as follows:

<u>Date</u>	<u>Description Of Services</u>	<u>Atty</u>	<u>Hours</u>	<u>Amount</u>
04-15-10	Draft Memorandum of Law in Support of Motion for Class Certification	FS	5.00	\$1,375.00
04-16-10	Draft Memorandum of Law in Support of Class Certification	FS	2.40	\$ 660.00
04-21-10	Revise Motion for Class Certification and Brief in Support	FS	2.00	\$ 550.00
04-26-10	Conference with M. Haltzman re: Motion to Certify Settlement Class; legal research re: standards for certification of settlement class, approval of proposed settlement and notice required in 23(b)(2) actions	FS	4.00	\$1,100.00

Based on the above, the Interim Fee Petition would be reduced by an additional \$3,685.00.

As set forth in the attached Certification by Mark S. Haltzman, his best estimate of the time spent on each of those individual entries which were related to the Motion for Class Certification is 3.50 hours calculated as follows:

<u>Date</u>	<u>Description Of Services</u>	<u>Atty</u>	<u>Hours</u>	<u>Amount</u>
04-16-10	Review Motion to Certify Class	MSH	1.00	\$475.00
04-23-10	Review Motion for Class Certification and Memorandum of Law	MSH	1.00	\$475.00
04-26-10	Review rules re: class notice of settlement	MSH	.40	\$190.00
04-28-10	Review Order granting Certification of Class	MSH	.20	\$ 95.00
04-30-10	Review revised Motion for Class Certification	MSH	.50	\$237.50
05-14-10	Review procedures for equitable class certifications	MSH	.40	\$190.00

Based on the above, the Interim Fee Petition would be reduced by \$1,487.50. Therefore, taking into consideration the above deductions for work on the Motion for Class Certification, the \$238,630.00 of total attorneys' fees would be reduced by \$13,070.00 (\$6,462.80 plus \$1,435.00 plus \$3,685.00 plus \$1,487.50), leaving attorneys' fees which are recoverable at this time pursuant to the Memorandum and Order for work done through May 14, 2010, of \$225,560.00.

In addition to pre-May 14, 2010 attorneys' fees, the Memorandum and Order stated that work related to the implementation of the prior Court Orders was also recoverable as part of the Interim Fee Petition. Reviewing the post-May 14, 2010 time

entries, the time spent by Plaintiffs' counsel to meet and confer with Magistrate Judge Rueter to address the issue related to families that have not responded to the letters sent giving them the opportunity to view the images surreptitiously taken would be related to implementation of the May 14, 2010 Order.<sup>2</sup>

The time entries for June 7, 2010, are as follows:

<u>Date</u>	<u>Description Of Services</u>	<u>Atty</u>	<u>Hours</u>	<u>Amount</u>
06-07-10	Review and edit Memorandum of Law in Support of Motion for Class Certification; travel to/from Court for conference with Magistrate Judge Rueter; attend conference with Magistrate Judge Rueter; revise form of proposed Order in Support of Motion for Class Certification; organize and collate pleadings, discovery and correspondence in file	JBM	7.10	\$1,775.00
06-07-10	Conference with Judge Rueter at Courthouse re: follow-up on persons who did not respond to letters about images; travel to/from Courthouse; prepare for deposition of Cafiero; conference with Mandracchia re: deposition; review Class Certification Motion; review deposition transcript of Perbix to prepare for Cafiero; draft deposition questions for Cafiero	MSH	7.20	\$3,060.00

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<sup>2</sup> As part of the May 14, 2010 Order, the School District was required to notify those families where webcam pictures and screenshots were recovered as part of the investigation of Defendants' use of TheftTrack. As noted in our Reply Brief, those discussions resulted in a subsequent meeting with Magistrate Judge Rueter and the drafting of an additional letter in which Plaintiffs' counsel participated. See Defendants' letter to Judge DuBois dated July 29, 2010, setting forth the status of the efforts to notify students and families attached hereto as Exhibit C. On page two of that letter, it states that, "after consultation with Judge Rueter and counsel for Plaintiffs, between June 8, 2010, and June 10, 2010, we sent follow-up letters, via Federal Express, to 26 students and parents/guardians." The meeting referred to in that paragraph occurred on June 7, 2010, and was attended by two attorneys from this firm and three attorneys from Ballard Spahr.



Julie Masters is no longer with the firm and therefore we are unable to get an affidavit from her regarding her time. However, her time for traveling to and from the meeting held in Judge Rueter's Chambers, as well as the time spent at that meeting, would be identical to Mark S. Haltzman, who was the other attorney attending. As such, as set forth in the attached Certification of Mark S. Haltzman, the time spent in relation to the meeting with Judge Rueter would be 3.00 hours for Julie Masters and 3.00 hours for Mark S. Haltzman. Pursuant to the Court Memorandum and Order, these additional legal fees, \$750.00 for Julie Masters' time and \$1,275.00 for Mark S. Haltzman's time, for a total of \$2,025.00, are properly includable as part of the Interim Fee Petition.

Lastly, this Court held that \$10,000.00 of the time spent on the Initial Fee Petition and \$12,000.00 of the time spent on the Reply Petition was includable as part of the Interim Fee Petition.

In summary, Plaintiffs' counsel is entitled to Interim Attorneys' Fees of \$249,585.00 calculated as follows:

\$238,630.00	
<u>(\$ 13,070.00)</u>	Class Certification Deduction
\$225,560.00	
<u>\$ 2,025.00</u>	Post 5/14 Injunction-Related Work
\$227,585.00	
<u>\$ 22,000.00</u>	Fees for Fee Petition and Reply
<b><u>\$249,585.00</u></b>	

**B. Costs Incurred Pursuant To Court Order**

In addition to attorneys' fees, this Court ruled that all of the pre-May 14, 2010 costs set forth in the Interim Fee Petition were recoverable. The costs which occurred

after May 14, 2010, was a portion of time spent by John Steinbach, and the costs for the videotape and physical deposition transcript of Carol Cafiero.<sup>3</sup>

Regarding John Steinbach's consulting fees, John Steinbach originally billed for 351.70 hours at \$250.00 per hour for a total of \$87,925.00. Of this time, 76.20 hours was billed after May 14, 2010. Reducing John Steinbach's invoice by deducting \$19,070.00 (76.20 hours times \$250.00 per hour) from the original billed amount of \$87,925.00 leaves an amount of \$68,855.00 properly included in the Interim Fee Petition.

After May 14, 2010, only one deposition has taken place and that was of Carol Cafiero. As this Court will recall, Ms. Cafiero refused to initially attend her deposition and, after ordered to do so, appeared, but took the Fifth Amendment to every question asked. Subsequently, Ms. Cafiero's deposition was held where she fully answered each and every question presented to her. However, this deposition did not occur until after May 14, 2010. The invoices for the cost of the deposition transcript and the videotape of Carol Cafiero's last deposition totaled \$2,047.00.

Based upon the above, the original amount of costs set forth in the Interim Fee Petition of \$102,143.00 would be reduced by \$19,070.00 and \$2,047.00, leaving a net of \$81,026.00 in costs properly included in the Interim Fee Petition.

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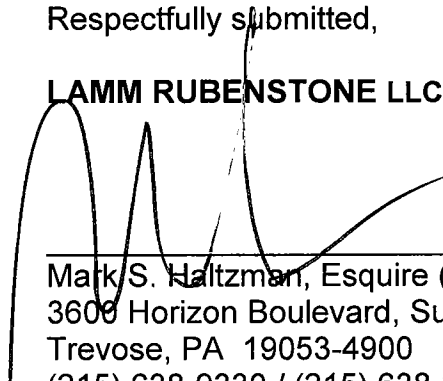
<sup>3</sup> While copy costs appear as a lump sum entry on July 22, 2010, this was a function of the accounting method used to accumulate copy costs during the case. These copy costs were all related to the reproduction of the thousands of pages of emails which were produced in electronic format and needed to be printed off and occurred prior to May 14, 2010. Further, from what can be determined from review of the WestLaw charges, it appears that none of the WestLaw research costs on the interim bill were related to the issues of damages.

II. **CONCLUSION**

Based upon the above, and in accordance with the Memorandum and Order entered by this Court, it is respectfully requested that this Court enter an Order awarding Interim Attorneys' Fees in the amount of \$249,585.00 and Costs in the amount of \$81,026.00 for a total award of \$330,961.00.

Respectfully submitted,

**LAMM RUBENSTONE LLC**



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Mark S. Haltzman, Esquire (#38957)  
3600 Horizon Boulevard, Suite 200  
Trevose, PA 19053-4900  
(215) 638-9330 / (215) 638-2867 Fax  
Attorneys for **Plaintiffs**

DATED: September 14, 2010

# **EXHIBIT A**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

<b>BLAKE J. ROBBINS</b> , a Minor, by his Parents	:	CIVIL ACTION
and Natural Guardians, <b>MICHAEL E. ROBBINS</b>	:	
and <b>HOLLY S. ROBBINS</b> , Individually, and on	:	
Behalf of all Similarly Situated Persons,	:	
Plaintiffs,	:	
	:	
v.	:	NO. 2:10-cv-00665-JD
	:	
<b>LOWER MERION SCHOOL DISTRICT</b> ,	:	
and <b>THE BOARD OF DIRECTORS OF THE</b>	:	
<b>LOWER MERION SCHOOL DISTRICT</b> ,	:	
and <b>CHRISTOPHER W. McGINLEY</b> ,	:	
Superintendent of Lower Merion School District,	:	
Defendants.	:	

**CERTIFICATION OF MARK S. HALTZMAN, ESQUIRE**

I, Mark S. Haltzman, Esquire, of full age and according to law, do hereby certify as follows:

1. I am an attorney at law, admitted to practice before this Court, and am counsel for Plaintiff in the above-captioned matter. As such, I am personally familiar with the facts contained herein.

2. That portion of the Interim Fee Petition which was originally filed with the Court and which represents legal time for all attorneys and paralegals up to and including May 14, 2010, is \$238,630.00.

3. This Certification is also made for the purpose of tracking time I spent on drafting and revising Plaintiffs' Motion for Class Certification which occurred prior to May 14, 2010.

4. Pursuant to my best estimate, of the total amount of 7.20 hours spent on April 16, 2010, with respect to this action, 1.00 hour was spent drafting the Memorandum of Law in Support of Plaintiffs' Motion for Class Certification.

5. Pursuant to my best estimate, of the total amount of 3.60 hours spent on April 23, 2010, with respect to this action, .40 hours was spent drafting the Memorandum of Law in Support of Plaintiffs' Motion for Class Certification.

6. Pursuant to my best estimate, of the total amount of 4.40 hours spent on April 26, 2010, with respect to this action, .40 hours was spent drafting the Memorandum of Law in Support of Plaintiffs' Motion for Class Certification.

7. Pursuant to my best estimate, of the total amount of 3.10 hours spent on April 28, 2010, with respect to this action, .20 hours were spent revising the Motion for Class Certification and Memorandum of Law in Support of Plaintiffs' Motion for Class Certification.


8. Pursuant to my best estimate, of the total amount of 3.90 hours spent on April 30, 2010, with respect to this action, .50 hours were for research regarding the standards for certification of a settlement class.

9. Pursuant to my best estimate, of the total amount of 4.60 hours spent on May 14, 2010, with respect to this action, .40 hours were for research regarding the standards for certification of a settlement class.

10. My associate, Julie Masters, and I met with Magistrate Judge Rueter in connection with establishing a procedure to address those persons who did not respond to the first request to view the images taken of them and their families. This meeting occurred on June 7, 2010. The time spent by both Julie Masters and myself traveling to and from the meeting and attending the meeting was 3.00 hours each.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: September 14, 2010

  
\_\_\_\_\_  
Mark S. Haltzman, Esquire

# **EXHIBIT B**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

<b>BLAKE J. ROBBINS</b> , a Minor, by his Parents	:	CIVIL ACTION
and Natural Guardians, <b>MICHAEL E. ROBBINS</b>	:	
and <b>HOLLY S. ROBBINS</b> , Individually, and on	:	
Behalf of all Similarly Situated Persons,	:	
Plaintiffs,	:	
	:	
v.	:	NO. 2:10-cv-00665-JD
	:	
<b>LOWER MERION SCHOOL DISTRICT</b> ,	:	
and	:	
<b>THE BOARD OF DIRECTORS OF THE</b>	:	
<b>LOWER MERION SCHOOL DISTRICT</b> ,	:	
and	:	
<b>CHRISTOPHER W. McGINLEY</b> ,	:	
Superintendent of Lower Merion School District,	:	
Defendants.	:	

**CERTIFICATION OF FRANK SCHWARTZ, ESQUIRE**

I, Frank Schwartz, Esquire, of full age and according to law, do hereby certify as follows:

1. I am an attorney at law, admitted to practice before this Court, and am counsel for Plaintiff in the above-captioned matter. As such, I am personally familiar with the facts contained herein.

2. This Certification is made for the purpose of tracking time I spent on drafting and revising Plaintiffs' Motion for Class Certification which occurred prior to May 14, 2010.

3. Pursuant to my best estimate, of the total amount of 8.30 hours spent on April 15, 2010, with respect to this action, 5.00 hours were spent drafting the Memorandum of Law in Support of Plaintiffs' Motion for Class Certification.



4. Pursuant to my best estimate, of the total amount of 6.40 hours spent on April 16, 2010, with respect to this action, 2.40 hours were spent drafting the Memorandum of Law in Support of Plaintiffs' Motion for Class Certification.

5. Pursuant to my best estimate, of the total amount of 6.90 hours spent on April 21, 2010, with respect to this action, 3.50 hours were spent revising the Motion for Class Certification and Memorandum of Law in Support of Plaintiffs' Motion for Class Certification.

6. Pursuant to my best estimate, of the total amount of 6.70 hours spent on April 26, 2010, with respect to this action, 4.00 hours for research regarding the standards for certification of a settlement class.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: September 14, 2010

  
\_\_\_\_\_  
Frank Schwartz, Esquire

# **EXHIBIT C**

# Ballard Spahr

173, Market Street, 51st Floor  
Philadelphia, PA 19104-7399  
Tel. 215 667 8500  
Fax 215 864 8999  
www.ballardspahr.com

Henry E. Hocketter, II  
Direct 215 864 8204  
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hocketterh@ballardspahr.com

July 29, 2010

*Via Facsimile*

Honorable Jan E. DuBois  
United States District Court for the  
Eastern District of Pennsylvania  
12613 United States Courthouse  
601 Market Street  
Philadelphia, PA 19106

Re: Blake J. Robbins, et al. v. Lower Merion School District, et al., No. 10-665

Dear Judge DuBois:

We are writing to apprise you of the Lower Merion School District's ("LMSD") efforts to notify affected students that LMSD had remotely captured and recovered images from their LMSD-issued laptops and to provide the affected students and their parents/guardians an opportunity to view such images. Our internal investigation found that during the 2008-2009 and 2009-2010 school years, the TheftTrack feature was activated 177 times on One-to-One program laptops. Of those 177 activations, 101 of those activations involved use of the IP address-tracking feature, meaning that activations did not result in the collection of any images. Of the remaining activations, 36 resulted in images that were recovered after an exhaustive investigation by LMSD's computer forensic consultant.

Pursuant to this Court's Order of May 14, 2010, we met with Chief Magistrate Judge Thomas J. Rueter, plaintiffs' counsel, and counsel for the American Civil Liberties Union to discuss and develop appropriate procedures to protect the interests of all affected persons. We and plaintiffs' counsel subsequently met with Judge Rueter on a number of occasions to finalize the process. These discussions resulted in the form Order issued by Judge Rueter on May 14, 2010, pursuant to which LMSD provided notice of the image-viewing process to the affected students and parents/guardians.

On May 14, 2010, we sent letters via Certified Mail to thirty-five (35) affected students and their parents/guardians advising them of a date and time on which they could view the recovered images at the Federal Courthouse in Philadelphia.<sup>1</sup> We provided each student with a response form to be

<sup>1</sup> One student and his parents/guardians were not included in the initial round of notice because the District did not have a current mailing address. That student and his parents/guardians were notified of the image-viewing process by letter dated June 8, 2010.

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Honorable Jan F. DuBois  
July 29, 2010  
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returned to us indicating whether or not the students and/or parents/guardians wished to view the images, and if so whether they intended to do so at the scheduled date and time, or if the proposed viewing date and time was inconvenient and they needed to reschedule.

Of the thirty-six (35) students and parents/guardians who were sent notices on May 14: six (6) appeared on the scheduled date/time and viewed the recovered images; four (4) returned consent forms declining to view the images; seven (7) requested to be rescheduled; five (5) students' letters were returned to Ballard Spahr as unclaimed; and one (1) student's letter was returned to Ballard Spahr due to a bad address.

After consultation with Judge Rueter and counsel for plaintiffs, between June 8, 2010 and June 10, 2010, we sent follow-up letters, via Federal Express, to twenty-six (26) students and parents/guardians. Of those: four (4) students and/or their parents/guardians appeared on the scheduled date and time and viewed the images;<sup>2</sup> two (2) students and their parents/guardians declined to view the images; three (3) students and their parents/guardians requested to be rescheduled; one (1) student's letter was returned as unclaimed; and one (1) student's letter was not delivered due to lack of a current mailing address.

On June 23, 2010, after further consultation with Judge Rueter and plaintiffs' counsel, Judge Rueter's law clerk, Denise Speranza, attempted to contact the parents/guardians of the two (2) students for whom letters had been returned as unclaimed or undeliverable due to a bad address. Ms. Speranza reported that the parent of the student whose letter was returned as unclaimed confirmed that we had sent the letter to the correct address, and asked that we resend it. Ms. Speranza further reported that all of the possible telephone numbers found provided for the student whose letter was returned as undeliverable due to a bad address were out of service, with no forwarding telephone numbers available. We made additional attempts to locate the student's current mailing address and telephone number by Internet searches but were unsuccessful.

Finally, on July 7, 2010, we sent a third round of notices to five (5) students and their parents/guardians advising them that they could view the recovered images during evening hours at LMSD's administration building. Of those, four (4) viewed the recovered images and one (1) did not appear and neither the student nor the student's parents or guardians have requested to be rescheduled.

In summary, there were thirty-six (36) affected students, in addition to Blake J. Robbins, for whom images were recovered via the TheftTrack feature. Of the affected students, fourteen (14) students and/or their parents/guardians viewed the recovered images; six (6) students and their parents/guardians advised the District that they declined to view the images; fifteen (15) students and their parents/guardians did not respond to either of two rounds of notice of the opportunity to view the recovered images, and one (1) student, for whom LMSD was unable to locate a current mailing address or telephone number, did not receive notice regarding the recovered images.

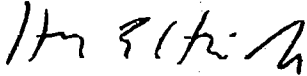
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<sup>2</sup> Two (2) students opted not to view the images but had no objection to allowing their parents/guardians to view the images. Each of those students executed a consent form allowing their parents or guardians to view the images.

Honorable Jan E DuBois  
July 29, 2010  
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Please let us know if the Court would like further information about the image-viewing process.

Very truly yours,



Henry E. Hockeimer, Jr.

LMC/

cc. Chief Magistrate Judge Thomas J Rueter  
Mark S. Haltzman, Esq  
Michael J. Boni, Esq.  
Mary Catherine Roper, Esq.

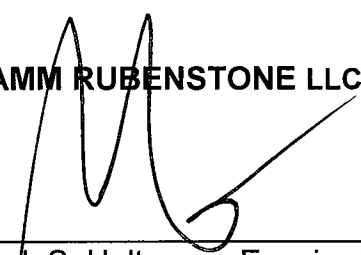
**CERTIFICATE OF SERVICE**

I hereby certify that on the date written below the foregoing Motion for Interim Fees in Accordance with August 30, 2010 Court Order was filed electronically and is available for viewing and downloading from the ECF system, which also electronically served same on the following:

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DATED: September 14, 2010