

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

MARCUS BAGWELL and SCOTT LEVY, :  
Individually and on behalf of all others :  
Similarly situated, : Civil Action No. 3:16-cv-01350-JCH  
 :  
Plaintiffs, :  
 :  
vs. : August 28, 2017  
 :  
WORLD WRESTLING ENTERTAIN- :  
MENT, INC., :  
 :  
Defendant. :

STATUS REPORT

Pursuant to the Court's August 21, 2017 Order (Dkt. No. 101), The Bruno Firm LLC, current counsel for Plaintiffs, Marcus Bagwell and Scott Levy ("Bruno"), and Krislov & Associates, Ltd., predecessor counsel for Plaintiffs ("Krislov"), hereby submit this Status Report.<sup>1</sup>

After multiple meet-and-confer communications, both telephonically and by the exchange of numerous e-mail messages, Bruno and Krislov have unfortunately been unable to agree on the details of how Krislov's fee in this matter will be protected so that Krislov will release the client files and records to Bruno. Therefore, pursuant to the Court's Order, the two sets of counsel set forth their respective positions in this Status Report.

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<sup>1</sup> In accordance with this Court's Order (Dkt. No. 101), Plaintiffs' counsel sent Mr. Krislov this status report and requested that he incorporate his respective position. Plaintiffs' counsel waited until 5:00 p.m. Eastern Standard Time, but did not receive Mr. Krislov's response. Accordingly, in an effort to comply with the Court's Order, Plaintiffs' counsel hereby submits this status report without Mr. Krislov's position.

**I. Bruno's Position on Krislov Legal Fees**

Bruno acknowledges that Krislov has incurred fees and expenses in connection with this case that deserve protection, and agrees to take appropriate steps to do so. During the nine months that Krislov represented Plaintiffs in this case, from its commencement in August 2016 through May 10, 2017 when attorney Matt Peterson left Krislov and shortly thereafter became associated with Bruno, Krislov has indicated to Bruno that its total time in this case amounts to 411.09 hours, of which 59.65 hours was time spent by Clinton A. Krislov, senior partner, and 351.44 hours constitutes time spent by Mr. Peterson, a junior associate. At their respective hourly rates of \$880 for Mr. Krislov and \$300 for Mr. Peterson, Krislov's combined lodestar amount is \$157,924. In addition, Krislov has spent \$1,131.41 in case-related expenses.

Bruno maintains there are two ways it can protect Krislov's fees and reimbursable expenses in the event the *Levy* case were certified as a class action and an award of attorneys' fees becomes subject to Court approval. First, Bruno has proposed that it and Krislov will file a joint fee petition at the successful conclusion of the case seeking approval of fees and reimbursable expenses from the Court. In this scenario, Bruno would require Krislov's detailed time entries and itemized expenses for this matter, and would include them along with Bruno's in any such application. Obviously, any entitlement to legal fees and reimbursable expenses is at this point completely theoretical and, if it were to occur at all, may

well not happen for a long time to come, but Bruno would agree to protect Krislov's compensable lodestar and reimbursable expenses in this fashion.

Alternatively, Bruno proposes that it and Krislov can each file its own respective fee petitions at the appropriate time for our respective involvements at different stages of the litigation. Bruno would not object to Krislov's filing a separate fee petition, if that is the route Krislov chose, in return for Krislov's agreement not to object to Bruno filing a separate fee petition.

In the event either firm believes it should be entitled to a fee in excess of its respective lodestar amount, it should make a separate application for any such entitlement to the Court.

Bruno believes lodestar should be calculated based on billing rates in effect at the time the particular services were rendered, and should not be based on billing rates effective at the time of any fee award.

In addition, Bruno has agreed to pick up the files and records on Plaintiffs' matter from Krislov's office, copy them, and return a complete set to Krislov all at Bruno's expense.

## **II. Krislov's Position on Krislov Legal Fees**

Dated: August 28, 2017

\_\_\_\_\_/s/\_\_\_\_\_  
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***Attorneys for Plaintiffs***

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Status Report was electronically filed on August 28, 2017, using the Court's electronic filing system, which will automatically serve all counsel of record.

  
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CLENDENEN & SHEA