

**IN THE COURT OF COMMON PLEAS  
OF ALLEGHENY COUNTY, PENNSYLVANIA**

ALEX GOLDBLUM and BRIAN K. BOBAK,  
individually and on behalf of all others similarly  
situated;

Plaintiffs,

v.

101 KAPPA DRIVE ASSOCIATES # 1; 101  
KAPPA DRIVE ASSOCIATES #1 GP, LLC;  
PENNSYLVANIA CVS PHARMACY, LLC;  
and BRIAN HAENZE d/b/a AUTO GALLERY  
& ACCESSORIES and as TAG TOWING  
AND COLLISION,

Defendants.

CIVIL DIVISION – CLASS ACTION

No. GD-18-012108

**PLAINTIFFS' APPLICATION FOR  
ATTORNEYS' FEES, COSTS, AND  
EXPENSES, AND SERVICE AWARDS  
TO REPRESENTATIVE PLAINTIFFS**

ANNETTE MORAN, ANTHONY IRA  
BENTLEY, SR., ARIANA BRAZIER,  
FRANK KAMARA, ARTHUR LOGAN,  
GERALDINE WILSON, JANET LUKAC,  
MATTIE GRIFFIN, JUDE CARPENTER and  
LYNN ANDERSON, individually and on  
behalf of all others similarly situated;

Plaintiffs,

v.

LOFTUS GROUP, LLC; PENNSYLVANIA  
CVS PHARMACY, LLC; and BRIAN  
HAENZE d/b/a AUTO GALLERY &  
ACCESSORIES and as TAG TOWING AND  
COLLISION,

Defendants.

CIVIL DIVISION – CLASS ACTION

No. GD-18-012128

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Kelly K. Iverson  
(Pa. ID No. 307175)  
Patrick D. Donathen  
(Pa. ID No. 330416)

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**IN THE COURT OF COMMON PLEAS  
OF ALLEGHENY COUNTY, PENNSYLVANIA**

ALEX GOLDBLUM and BRIAN K. BOBAK, CIVIL DIVISION – CLASS ACTION  
individually and on behalf of all others  
similarly situated; No. GD-18-012108

Plaintiffs,

v.

101 KAPPA DRIVE ASSOCIATES # 1; 101  
KAPPA DRIVE ASSOCIATES #1 GP, LLC;  
PENNSYLVANIA CVS PHARMACY, LLC;  
and BRIAN HAENZE d/b/a AUTO  
GALLERY & ACCESSORIES and as TAG  
TOWING AND COLLISION,

Defendants.

ANNETTE MORAN, ANTHONY IRA CIVIL DIVISION – CLASS ACTION  
BENTLEY, SR., ARIANA BRAZIER,  
FRANK KAMARA, ARTHUR LOGAN, No. GD-18-012128  
GERALDINE WILSON, JANET LUKAC,  
MATTIE GRIFFIN, JUDE CARPENTER and  
LYNN ANDERSON, individually and on  
behalf of all others similarly situated;

Plaintiffs,

v.

LOFTUS GROUP, LLC; PENNSYLVANIA  
CVS PHARMACY, LLC; and BRIAN  
HAENZE d/b/a AUTO GALLERY &  
ACCESSORIES and as TAG TOWING AND  
COLLISION,

Defendants.

**PLAINTIFFS' APPLICATION FOR ATTORNEYS' FEES, COSTS, AND EXPENSES,  
AND SERVICE AWARDS TO REPRESENTATIVE PLAINTIFFS**

Plaintiffs Annette Moran, Anthony Ira Bentley, Sr., Ariana Brazier, Frank Kamara, Arthur Logan, Geraldine Wilson, Janet Luka, Mattie Griffin, Jude Carpenter, Lynn Anderson, and Alex Goldblum (“Plaintiffs” or “Settlement Class Representatives”) respectfully submit this application for: (1) approval of an award of attorneys’ fees, costs, and expenses in the combined amount of \$93,500; and (2) approval of service awards of \$1,500 to each Plaintiff. In support of their application, Plaintiffs state as follows:

1. Plaintiffs initiated these cases against Defendants 101 Kappa Drive Associates #1; Loftus Group, LLC; and Brian Haenze d/b/a Auto Gallery & Accessories and as Tag Towing and Collision (“Tag Towing”) on September 18 and September 29, 2018 by way of Class Action Complaints, alleging violations of the Pennsylvania Unfair Trade Practices and Consumer Protection Law (“UTPCPL”), 73 Pa. Stat. §§ 202-1, *et seq.*, the Pennsylvania Fair Credit Extension Uniformity Act (“PaFCEUA”), 73 Pa. Stat. §§ 2270.1, *et seq.*, and various common law causes of action. (Doc. 1 & 1).

2. Plaintiffs then filed the operative Amended Complaints on February 5, 2019, naming Pennsylvania CVS Pharmacy, L.L.C., (“CVS”) and 101 Kappa Drive Associates #1 GP, LLC as additional defendants. (Doc. 11 & 9).

3. Defendants thereafter filed Preliminary Objections to the Amended Complaints, which were subsequently fully briefed and argued by the Parties, and later overruled by the Court on October 2, 2019. (Doc. 15, 18–20 & 11–12, 16).

4. Following rulings on the Preliminary Objections, on December 16 and December 17, 2019, CVS answered the Amended Complaints, denying the asserted claims and asserting cross-claims against Tag Towing. (Doc. 27 & 18).

5. On January 8 and May 14, 2020, the Parties agreed to a voluntary discontinuance as to less than all defendants, dismissing the Settlement Class Representatives' claims against Loftus Group, LLC; 101 Kappa Drive Associates #1; and 101 Kappa Drive Associates #1 GP, LLC without prejudice. (Doc. 32 & 21).

6. The Parties engaged in written and oral discovery, and on March 22, 2021, the Court consolidated seven other related cases for discovery purposes in advance of Plaintiffs filing their Motions for Class Certification. (Doc. 43 & 26).

7. After a series of arms'-length negotiations, the Parties reached an agreement regarding the material terms of a settlement on or about December 29, 2022, which if approved by the Court, will resolve all claims in the litigation against CVS.

8. After reaching a settlement in principle, the Parties began negotiating and drafting the written terms of their agreement, which resulted in the completion and execution of a Proposed Class Action Settlement Agreement and Release ("Settlement"), which is attached to Plaintiffs' Motion for Preliminary Approval as Exhibit A. (Doc. 63 & 40).

9. On April 11, 2024, Plaintiffs moved the Court for preliminary approval of the proposed Settlement; conditional class certification; and authorization of notice to Settlement Class Members.<sup>1</sup> (Doc. 63 & 40).

10. The Court entered an order granting preliminary approval, conditionally certifying the Settlement Class, and authorizing notice on April 12, 2024. (Doc. 64 & 42).

11. Under the Settlement, CVS has agreed, subject to Court-approval, to pay (1) up to \$93,500 for Settlement Class Counsel's attorneys' fees, costs, and expenses; and (2) up to \$16,500

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<sup>1</sup> The capitalized terms used in this motion shall be construed according to their meaning as defined in the Settlement except as may otherwise be indicated.

in service award payments, in the amount of \$1,500 to each Plaintiff. The attorneys' fees, costs, and expenses and Service Awards are to be paid separate and apart from CVS's payment of \$38,065 to establish a Settlement Fund for direct monetary relief to Settlement Class Members.

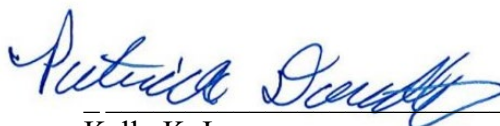
12. The relief requested herein should be considered by the Court at the scheduled fairness hearing on November 20, 2024 in conjunction with Plaintiffs' forthcoming Motion for Final Approval of the Settlement, which will be filed by October 21, 2024 and subject to the Court's review of any objections filed by Settlement Class Members.

13. In further support of their application, Plaintiffs refer the Court to their Brief in Support and the Declaration of Patrick D. Donathen.

WHEREFORE, Plaintiffs respectfully request that, along with final approval of the Settlement, the Court (1) approve a combined award of \$93,500 to Settlement Class Counsel as attorneys' fees, costs, and expenses; and (2) approve service awards of \$1,500 to each of the Plaintiffs, for a total of \$16,500.

Dated: July 8, 2024

Respectfully submitted,



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Class*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 8, 2024, the foregoing was served by email and/or mail on the following:

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\_\_\_\_\_  
Patrick D. Donathen