

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTOWN DIVISION

IN RE: AQUEOUS FILM-FORMING
FOAMS PRODUCTS LIABILITY
LITIGATION

Joan Campbell and Richard Campbell,
for themselves and on behalf of all others
similarly situated,

Plaintiffs,

vs.

Tyco Fire Products LP; Chemguard, Inc.; and
Chemdesign Products, Inc.

Defendants,

JUDGE: RICHARD M. GERGEL
MDL NO. 2:18-MN-2873-RMG

This Document relates to
Campbell v. Tyco Fire Products LP et al.
No. 2:19-cv-00422-RMG

MOTION FOR FINAL APPROVAL OF FEES AND COSTS

COME NOW, Plaintiffs, Joan Campbell and Richard Campbell, for themselves and on behalf of all others similarly situated, by and through the undersigned, pursuant to all applicable Federal law and Rules of Civil Procedure, move for an Order for Final Approval of Plaintiffs' Fees and Costs, and states in support as follows:

1. Pursuant to Fed. R. Civ. P. 23 and the Court's Preliminary Approval Order ("Preliminary Approval Order") [ECF No. 1127] dated January 25, 2021, this Motion is filed in support of Plaintiffs' Motion for Final Approval of the Settlement and supplements Plaintiffs' Motion for Plaintiffs' Counsel's Attorneys' Fees and Costs dated March 9, 2021 [ECF No. 1255] ("Fee Submission").

2. Plaintiffs and Defendants entered into a First Amended Class Settlement and Release Agreement, dated January 6, 2021 (the “Settlement”) [ECF No. 1087-1] to resolve the case of *Campbell v. Tyco Fire Products LP et al.* No. 2:19-cv-00422-RMG (the “Action”), which is part of the above-captioned Multi-district Litigation pending before this Court.

3. On January 25, 2021, this Court issued an Order that: 1) conditionally certified the Settlement Class; 2) preliminarily approved the Settlement terms and conditions (subject to a fairness hearing and subsequent final approval); 3) approved the Notice Plan and Class Notice; 4) appointed and designated class representatives and class counsel; and 5) preliminarily approved the settlement distribution plan (the “Preliminary Approval Order” ECF No. 1127).

4. Sections 4.6 and 4.7 of the Settlement provide that Plaintiffs’ Counsel will move the Court for an order approving payment of Plaintiffs’ Counsel fees, costs and, including without limitation the fees, costs and expenses of Plaintiffs’ Counsel’s vendors, consultants, and experts, including the cost of class notice and class administration.

5. Under the Preliminary Approval Order and the Joint Stipulation of the Parties approved and entered by the Court on February 23, 2021 [ECF No. 1210] (the “Stipulation”), Plaintiffs filed their motion for approval of attorneys’ fees and costs on March 9, 2021. (*See Fee Submission* [ECF No. 1255].)

6. Additionally, the Stipulation provides that Class Counsel shall file a final motion for approval of fees and expenses 21 days prior to the Fairness Hearing for the Settlement, scheduled for May 24, 2021. (Stipulation [ECF No. 1210].)

7. Consistent with Sections 4.6 and 4.7 of the Settlement, the Preliminary Approval Order, and the Stipulation, Plaintiffs hereby move this Court for final approval of Plaintiffs’ Counsel’s attorneys’ fees, costs and, including without limitation the fees, costs and expenses of

Plaintiffs' Counsel's vendors, consultants, and experts, including settlement administration and class notice costs.

I. THE ATTORNEYS' FEES AND LITIGATION COSTS REQUEST SHOULD BE APPROVED

Pursuant to Civil Rule 23(h), Class Counsel petition the Court for final approval of the attorneys' fees, costs, and expenses, as requested in the Fee Submission submitted on March 9, 2021 [ECF No. 1255], and as supplemented herein. Class Counsel incorporate all of the memoranda on file with the Court in support of the Fee Submission and final approval of the Settlement as the legal basis for their petition. For a more detailed history of the litigation and the factors bearing on the reasonableness of the Settlement and plan of allocation, the Court is respectfully referred to Plaintiffs' Motion for Final Approval of the Settlement, being filed contemporaneously herewith (the "Final Approval Motion").

As described in Plaintiff's Final Approval Motion, the Settlement provides benefits to the Settlement Class valued at \$17.5 million (the "Total Settlement Amount"), including \$15 million to cover class claims: \$11 million allocated for the alleged loss of value to real property within the Class Area and \$4 million allocated for alleged harms related to exposure to PFAS without current manifest disease. (Settlement at § 4.1(b).) The remaining \$2.5 million is allocated to a separate, non-class Qualified Settlement Fund intended to address claims of select manifested disease, on an individual basis. (*Id.* at § 4.1(a).)

Plaintiffs have requested that this Court enter an Order for an award of attorneys' fees of 33.33% of the \$17.5 million Total Settlement Amount, along with related litigation costs and expenses paid from such Total Settlement Amount. (*See* Fee Submission [ECF No. 1255].)¹ At the

¹ As noted in their Fee Submission, Plaintiffs recognize that any such fee and expense award will also include deductions for overall AFFF MDL common benefit attorneys' fees and expenses, pursuant to the prior Order of this Court.

time of the March 9, 2021, Fee Submission, Class Counsel had documented 975 hours in attorney time. Since then, Class Counsel at the law firm of Napoli Shkolnik PLLC have spent an additional 55 hours, and Class Counsel at the law firm of Taft Stettinius & Hollister LLP has spent an additional 66 hours, bringing the total number of hours spent between Class Counsel to 1,096. During that time, Class Counsel has responded to dozens of class members' calls, emails, and texts concerning the Settlement. In addition, Class Counsel hosted an informational webinar on March 23, 2021, with approximately 80 class members in attendance.

In addition to the attorneys' fees and litigation costs addressed in Plaintiffs' Fee Submission filed on March 9, 2021, Plaintiffs seek Court approval of the costs incurred in connection with Settlement administration. Class Counsel's good faith estimate of the costs incurred and to be incurred for Settlement administration at the time of the filing of Plaintiffs' Preliminary Approval Motion was \$390,810.02. An updated accounting of the costs incurred and for which Plaintiffs' Counsel seek reimbursement are listed and identified in more detail on Exhibit A, hereto.

Based on the foregoing, Plaintiffs request that the Court approve payment of \$393,754.60 from the Total Settlement Amount to pay for Settlement administration costs and expenses in this case. These costs and expenses are in line with administrative costs in other class actions and help to ensure that this complex settlement is administered correctly. Accordingly, Plaintiffs respectfully request final approval of the Settlement administration costs and expenses to be paid from the Total Settlement Amount, in the amount of \$393,754.60.

II. CONCLUSION

Based upon the foregoing, as well as Plaintiffs' March 9, 2021, Fee Submission, Plaintiffs respectfully request that the Court grant final approval of their motion for attorneys' fees and costs.

Accordingly, Plaintiffs' Counsel respectfully requests that the Court issue an Order granting this Motion and: (i) awarding Plaintiffs' Counsel 33.33% of the \$17.5 million Total Settlement Amount as attorneys' fees; and (ii) awarding \$393,754.60. as reimbursement of Plaintiffs' Counsel's Settlement costs and expenses in this case.

Dated: May 3, 2021

Respectfully Submitted,

By: /s/ Paul J. Napoli

By: /s/ Hunter Shkolnik

Paul J. Napoli, Esq.
Napoli Shkolnik PLLC
270 Munoz Rivera Ave, Ste 201
Hato Rey, PR 00918
Phone: (787) 493-5088
PNapoli@NSPRLaw.com

Hunter Shkolnik, Esq.
Napoli Shkolnik PLLC
270 Munoz Rivera Ave, Ste 201
Hato Rey, PR 00918
Phone: (787) 493-5088
Hunter@NSPRLaw.com

/s/Robert A. Bilott
Robert A. Bilott, Esq.
Taft Stettinius & Hollister LLP
425 Walnut Street, Suite 1800
Cincinnati, OH 45202-3957
Phone: 513-381-2838
bilott@taftlaw.com

Plaintiffs' and Class Counsel

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of May, 2021, I electronically filed the foregoing document with the Courts E-Filing Portal, which will automatically send notice and a copy of same to all parties on the service list below:

Counsel for Tyco Fire Products LPO and Chemguard, Inc.:

Joseph G. Petrosinelli, Esq.
Liam J. Montgomery, Esq.
Williams and Connolly, LLP
725 12th Street, N.W.
Washington, DC 20005

Counsel for ChemDesign Products, Inc.:

J. Hayes Ryan, Esq.
Jonathan B. Blakely, Esq.
Gordon Rees Scully Mansukhani, LLP
1 N. Franklin Street, Ste. 800
Chicago, IL 60606

/s/ Patrick J. Lanciotti, Esq.

EXHIBIT A

COMMON COST CATEGORIES	Common Costs
Experts:	
Napoli Shkolnik PLLC Expert costs	
Earth Foresics Inc.	\$24,820.00
Filing fees, service of process, investigation	
Napoli Shkolnik PLLC	\$1,530.00
Travel:	
Napoli Shkolnik travel	\$3,424.07
Taft Stettinius & Hollister LLP travel	\$597.58
Research, delivery, mediation fees, transcripts, court reporter, postage and parking costs	
Napoli Shkolnik PLLC costs	\$342.85
Class Notice	
Napoli Shkolnik PLLC costs:	
Wolf Garretson, LLC, David R. Cohen, LPA Special Master/Administrator, estimated total costs	\$163,131.50
Signal Interactive Media LLC, estimated total costs	\$114,908.60
Epiq, estimated total costs	\$85,000.00
GRAND TOTAL	\$393,754.60