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November 16, 2015

Karen V. Gregory
Office of the Secretary
Federal Maritime Commission
800 N Capitol Street NW, Room 1046
Washington DC 20573
secretary@fmc.gov

Re: Yakov Kobel and Victor Berkovich Complainants vs.
Hapag-Lloyd America, Inc. et al
FMC Docket No. 10-06

Dear Ms. Gregory:

Please find enclosed for filing the original and five copies of Complainants':

1. Petition for Attorney's Fees
2. Verification of Attorney's Fees
3. Declaration
4. Certificate of Service.

If you have any questions please call or email me. Thank you for your assistance.

Very truly yours,



Donald P. Roach

DPR/dsh

cc: Clients

Alena Tokar
Michael Lyamport
Wayne Rohde
David K. Monroe
Edward Greenberg

FEDERAL MARITIME COMMISSION

YAKOV KOBEL and VICTOR BERKOVICH,

Complainants,

v.

HAPAG-LLOYD AMERICA, INC., LIMCO
LOGISTICS, INC., INTERNATIONAL TLC,
INC.,

Respondents.

Docket No. 10-06

VERIFIED PETITION REGARDING
ATTORNEY'S FEES

Pursuant to 46 U.S.C. §41305(b) and 46 C.F.R. 502.254, Complainants, Yakov Kobel and Victor Berkovitch, hereinafter referred to as Complainants, by the through their attorney, Donald P. Roach, hereby files a verified petition regarding attorney's fees against Respondent Limco Logistics, Inc. (hereinafter referred to as "Limco") and International TLC, Inc. (hereinafter referred to as "ITLC"). Complainants seek reasonable attorney's fees as the parties sustaining actual injury entitling them to reparations pursuant to 46 U.S.C. §41102, 41301 and 41305 of the Shipping Act of 1984 as amended by the Ocean Shipping Reform Act of 1998 ("Shipping Act").

1. The attorney's fees and expenses to Complainants in this case for services rendered by Donald P. Roach from May 6, 2010 through October 21, 2015 in the total sum of \$187,440 amounting to 624.80 hours of attorney work time at an hourly rate of \$300 plus \$10,454.19 in expenses. All of services were billed at the rate of \$300. The declaration of the undersigned attorney, Donald P. Roach, regarding attorney's fees is filed at the same time as this verified petition and is incorporated by reference herein. Exhibit A of this Declaration is a detailed list of hours expended and expenses incurred.

2. This statement of attorney services to Complainants in this matter are reasonable and necessary and are consistent with the attorney's fees charged for services in administrative matters in the State of Oregon and Portland, Oregon and in maritime matters in

1 the District of Columbia. The hourly rates charged in this case are in the range of the hourly
2 rates charged by attorneys in Portland, Oregon with similar skill and experience as the
3 undersigned, as demonstrated by the most recent economic survey conducted by the Oregon
4 State Bar in 2012, a copy of which is attached to the Declaration marked Exhibit B.

5 3. In addition, the above hourly charges are clearly within the range of the hourly rates
6 charged by attorneys with similar experience in the District of Columbia as demonstrated by
7 the Laffey Matrix as prepared by the Civil Division of the United States Office of the District
8 of Columbia, see Declaration (Exhibit C) which methodology has been accepted by the
9 United States District Court for the District of Columbia. McDowell v. District of Columbia,
10 C.A. 00594 RCL 2001 US District Lexus 8114 DVC (June 4 2001) and Salazar v. District of
11 Columbia 123 F. Supp 2d 8 DDC (2003).

12 4. The undersigned provided legal work for Complainants regarding their Section
13 10(d)(1) violations under the Shipping Act against Respondents Limco and ITLC.
14 Respondents asserted numerous defenses, both substantively and procedurally which were
15 successfully refuted.

16 5. The time charged included work to review numerous documents, prepare and file
17 the complaint, respond to discovery requests, prepare and take depositions of the parties,
18 respond to motions to dismiss, respond to motions for summary judgment, prepare prehearing
19 statement, a four day administrative hearing, written closing arguments and proposed findings
20 of fact after the hearing, Exceptions to the Initial Decision of the Administrative Law Judge,
21 oral argument before the Commission, supplemental memorandum of law regarding issues
22 raised by the Commission, brief after the remand by the Commission, Reply to Respondents'
23 exceptions to the Remand Initial Decision and Reply to Motion for Reconsideration by Limco
24 and motion to intervene regarding ITLC's appeal to the United States District Court for the
25 District of Columbia.

26 6. The ALJ found on remand and the Commission affirmed that the Complainants

1 were entitled to damages in the amount of \$129,035.29 for violation of §10(d)(1) of the
2 Shipping Act and to seek attorney's fees after final reparation award.

3 7. On October 21, 2015, the United States Court of Appeals for the District of
4 Columbia dismissed Respondent ITLC's appeal for lack of prosecution.

5 8. On June 24, 2015, Respondent Limco Logistics filed a Petition for Reconsideration
6 and Stay of Proceedings which is pending before the Commission.

7 WHEREFORE Complainants respectfully request the Federal Maritime Commission
8 and Administrative Law Judge grant the following relief:

9 1. Attorney's fees incurred in this matter pertaining to the reparations provided by 46
10 U.S.C. §41305(b) and C.F.R. §503.254 in the total amount of \$187,440 and expenses of
11 \$10,454.19. This amount is supported by attorney statements submitted with the declaration
12 of Donald P. Roach filed with this petition. This statement of attorney's fees is reasonable
13 and consistent with attorney charges for both the State of Oregon and the District of Columbia
14 for this type of work.

15 2. For such other relief as the Commission and Administrative Law Judge deem just
16 and appropriate.

17 Dated this 16 day of November, 2015.

18 Respectfully submitted:

19 

20 Donald P. Roach, OSB 75317
21 Attorney for Complainants
22 FAX: 503-228-8676
23 Email: donroachlaw@yahoo.com
24
25
26

FEDERAL MARITIME COMMISSION

YAKOV KOBEL and VICTOR BERKOVICH,

Complainants,

v.

HAPAG-LLOYD AMERICA, INC., LIMCO
LOGISTICS, INC., INTERNATIONAL TLC,
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Docket No. 10-06

VERIFICATION OF ATTORNEY'S
FEES

I, Donald P. Roach, hereby declare under penalty of perjury under the laws of the United States, that the foregoing petition regarding attorney's fees and the attached documents are true and correct.

Dated this 15 day of November, 2015.

Respectfully submitted:



Donald P. Roach, OSB 75317
Attorney for Complainants
FAX: 503-228-8676
Email: donroachlaw@yahoo.com

FEDERAL MARITIME COMMISSION

YAKOV KOBEL and VICTOR BERKOVICH,

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Docket No. 10-06

DECLARATION OF DONALD P.
ROACH

I, Donald P. Roach, make this declaration based upon personal knowledge of the facts stated herein and make this declaration under penalty of perjury:

1. I am an attorney licensed to practice in the State of Oregon and for the United States District Court of Oregon as well as all courts of Oregon. I am the sole attorney representing Complainants in the above matter and submit this declaration in support of Complainants' petition for attorney's fees.

2. I am familiar with the hourly rates charged by attorneys in the Portland, Oregon metropolitan area. I was admitted to the bar in 1975 and have 30 plus years of general practice which includes civil litigation and litigation before administrative agencies in the state of Oregon.

3. I am also familiar with the customary hourly rates of attorney's with similar experience in the District of Columbia as reflected by the Laffey Matrix.

4. I have reviewed the billing entries in detail and the expenses and they are attached hereto marked Exhibit A. These entries reflect the work which was actually performed and necessary in this case.

5. In connection with representing this matter, Complainants incurred fees and expenses in the amount of \$10,454.19 as set forth in Exhibit A attached hereto.

6. For this representation my regular hourly fee is \$300 per hour. I have performed all

1 of the services rendered on behalf of Complainants.

2 7. My hourly fee in this case is within the range of hourly charges for attorneys with
3 similar skill and experience in the jurisdiction which I practice (Oregon). This is
4 demonstrated by the most recent economic survey by the Oregon State Bar conducted in 2012,
5 pages 28-30, a copy of which is attached hereto marked (Exhibit B).

6 The median hourly rate for an Oregon attorney with more than 30 years of experience
7 is \$350 per hour. (P. 30 of Exhibit B).

8 I am also familiar with the Laffey Matrix as prepared by the Civil Division of the
9 United States Attorney's office for the District of Columbia and the adjusted Laffey Matrix, a
10 methodology which was accepted in the United States Court for the District of Columbia in
11 Salazar v. District of Columbia 123 F. Supp 2d 8 (DDC 2000) and Laffey v. Northwest
12 Airlines, 572 F. Supp 354 D.DC, 1983, affirmed in part 746 F. 2d 4 (D.C. Cir 1985). My
13 hourly rate under the Laffey Matrix for an attorney with more than 30 years of experience
14 ranges from \$475 in 2010-2011 to \$520 in 2014-2015. A copy of the Adjusted Laffey
15 Matrix from 2003 to 2014-2015 is attached as Exhibit C.

16 I HEREBY DECLARE UNDER PENALTY OF PERJURY AND THE LAWS OF THE
17 UNITED STATES THAT THE FOREGOING IS TRUE AND CORRECT.

18 Dated this 16 day of November, 2015.

19 Respectfully submitted:

20 

21 Donald P. Roach, OSB 75317
22 Attorney for Complainants
23 FAX: 503-228-8676
24 Email: donroachlaw@yahoo.com
25
26

ATTORNEY TIME - KOBEL ET AL V. HAPAG-LLOYD ET AL
DOCKET 10-06

Date	Description	Time
5/6/2010	Conference with client regarding complaint with Federal Maritime Commission.	1.00
5/18/2010	Conference with with client	0.50
5/21/2010	Conference with client regarding draft of pleading	1.00
5/26/2010	Conference with client (.5); review case law regarding Shipping Act	0.70
5/28/2010	Research case law and Shipping Act at court law library	0.50
6/17/2010	Prepare verified complaint (2.0); Conference with client (1.0)	3.00
6/21/2010	Research (1.0); revise complaint (2.0)	3.00
6/22/2010	Conference with client (.5); Email and contact the Federal Maritime Commission regarding complaint (.2)	0.70
6/23/2010	Revise complaint (1.0); research other violations of Shipping Act (.7); email the Federal Maritime Commission regarding status of license of International TLC (.3)	2.00
6/28/2010	Telephone call to the Federal Maritime Commission regarding complaint (.2)	0.20
6/29/2010	Conference with client; review complaint; (1.0) Call the Federal Maritime Commission regarding Linco Logistics, Inc. (.2)	1.20
6/30/2010	Revise complaint; conference with client	1.00
7/1/2010	Revise copies (.2); Letter to transmit to Federal Maritime Commission (.2) and copies; letter to bond companies (.5)	0.90

ATTORNEY TIME - KOBEL ET AL V. HAPAG-LLOYD ET AL
DOCKET 10-06

Date	Description	Time
7/2/2010	Conference with client regarding changes to complaint and document to the Federal Maritime Commission (.3)	0.30
7/20/2010	Telephone call to Sanders, attorney for Hapag-Lloyd (.3); letter to respondents with enclosures (.5).	0.80
7/21/2010	Letter to Sanders with enclosures (.3); conference with client regarding status (1.0).	1.30
7/26/2010	Telephone call to Hapag-Lloyd America, Inc.'s counsel regarding discovery (.3)	0.30
7/27/2010	Review procedure for discovery	0.50
8/4/2010	Conference with client; review report.	0.50
8/5/2010	Telephone call attorney Rohde (.1); review motion regarding dismissal (.2).	0.30
8/6/2010	Conference with client regarding Motion to Dismiss	1.00
8/7/2010	Research at law library re: motion to dismiss (Hapag-Lloyd) (2.0); Draft request for production to respondents (1.0)	3.00
8/13/2010	Telephone call to Vern Hill at Federal Maritime Commission regarding mediation (.5); read statutes (Shipping Act)(1.0)	1.50
8/14/2010	Research at law library (2.0); draft memorandum (2.0)	4.00
8/15/2010	Research and draft of memorandum; Motion to dismiss	2.00
8/16/2010	Draft and revise memorandum (2.0); draft motion to amend Complaint and affidavit (1.0); research case law regarding motion to dismiss (2.0).	5.00
8/17/2010	Conference with client (1.0); letter to attorneys regarding conference call (.5); revise and draft memorandum (2.0); draft memorandum regarding motion for amendment (1.0); call Karen Gregory regarding amendment (.5) call attorney Rohde (.5).	4.50

ATTORNEY TIME - KOBEL ET AL V. HAPAG-LLOYD ET AL
DOCKET 10-06

Date	Description	Time
8/18/2010	Arrange conference call (.5); conference with client (.3); draft joint report regarding alternative dispute resolution and letter to counsel (1.0); prepare discovery report (.3).	2.10
8/19/2010	Call attorneys regarding client (.3); revise discovery report (.4); letter to attorneys regarding discovery (.4).	1.10
8/20/2010	Telephone call to Saffner.	0.30
8/24/2010	Telephone call to Saffner and fax (.2); draft report regarding discovery (.5); review case law (.1.0).	1.70
8/27/2010	Revise letter and mail to the Federal Maritime Commission.	0.30
9/10/2010	Dictate motion and declaration	0.50
9/15/2010	Research, draft memorandum	1.50
9/17/2010	Telephone call to Saffner (.1.); letter to Saffner (.2); Telephone Call to client and letter to client regarding Request for Production (.2)	0.50
9/18/2010	Prepare response to Limco Logistics' request for production of documents; review records (1.0)	1.00
10/11/2010	Review court documents (.3); Prepare amended complaint (.5)	0.80
10/12/2010	Draft amended complaint (1.0); letter to secretary at FMC to withdraw motion for leave to commence discovery (.4)	1.40
10/13/2010	Conference with client (.5); telephone call to Federal Maritime Commission (.2); internet research regarding Hapag-Lloyd (.7); revise initial request for production (.5); revise complaint (.7)	2.60
10/22/2010	Review discovery from Limco Logistics (.5); email to counsel (.2)	0.70
10/27/2010	Set up conference call, emails to counsel (.3); conference call (.5); prepare request for discovery (.7); conference with client regarding discovery and corporate documents (.5)	2.00

ATTORNEY TIME - KOBEL ET AL V. HAPAG-LLOYD ET AL
DOCKET 10-06

Date	Description	Time
10/28/2010	Amend joint discovery report (.5); letter to counsel (.2); call Federal Maritime Commission regarding filing motion (.2)	0.90
10/29/2010	Conference with Anthony and Yakov regarding payment of expenses and International TLC Interrogatories; review receipts (1.5)	1.50
11/1/2010	Telephone call to the Federal Maritime Commission (.1); call and letter to client regarding amendment and interrogatories (.3).	0.40
11/2/2010	Revise amended joint discovery report and letter to client.	0.20
11/3/2010	Telephone call to the Federal Maritime Commission (.1); dictate motion and affidavit for extension of deadline (.7).	0.80
11/3/2010	Telephone call to the Federal Maritime Commission (.1); dictate motion and affidavit for extension of deadline (.7).	0.80
11/18/2010	Conference with client regarding discovery and responses to request for production of documents, interrogatories and case strategy (2.0); Email to Rohde (.5)	2.50
11/29/2010	Conference with client regarding discovery	1.50
12/1/2010	Review responses to interrogatories and review response to request for production (.5); conference with client to review and execute document (1.0); fed ex letter.	1.50
12/2/2010	Prepare response to International TLC's request for production.	1.00
12/3/2010	Review responses to International TLC's request (.5); review documents to include in response (1.0).	1.50
12/8/2010	Letter to Rohde and counsel (.3); prepare responses to interrogatories (.5); research Rule 95 prehearing statements (.5).	1.30
12/9/2010	Prepare motion for enlargement of time (.5); call to client (.2); review discovery from Hapag-Lloyd (1.5).	2.20

ATTORNEY TIME - KOBEL ET AL V. HAPAG-LLOYD ET AL
DOCKET 10-06

Date	Description	Time
12/13/2010	Review documents (1.0); call regarding deposition (.5)	1.50
12/14/2010	Prepare second request for production of documents to International TLC (.8); email to International TLC regarding deposition; call to client (.4)	1.20
12/16/2010	Telephone call to the Federal Maritime Commission regarding subpoena (.3); draft subpoena of Ramishevskiy (.3); letter to client; (.2); Dictate request for production to Limco Logistics (.5)	1.30
12/17/2010	Prepare notice and revised production of documents	1.00
12/20/2010	Telephone call to Rohde (.1)	0.10
12/22/2010	Prepare objection to deposition and request for expedited ruling; conference call	1.00
1/5/2011	Conference with Kobel and Berkovich regarding deposition issues (2.0); call to interpreter, court reporter (.3); letter to counsel regarding depositions (.3)	2.60
1/6/2011	Complete exhibit list for deposition (1.5); review notes for deposition (1.0)	2.50
1/7/2011	Depositions in Seattle: Remishevskiy (1.0); Barvinenko (5.0); conference with client (1.0)	7.00
1/9/2011	Conference with Kobel and Berkovich	2.00
1/10/2011	Deposition of Victor Berkovich (3.0); conference with client (1.0)	4.00
1/11/2011	Conference with client before deposition (1.0); deposition of Yakov Kobel (3.0)	4.00
1/13/2011	Prepare exhibit for deposition (1.0); email to counsel regarding depositions and discovery schedule (.7)	1.70
1/16/2011	Prepare for deposition of Michael Lymaport (3.0); send status report in a letter to clients (.5)	3.50

ATTORNEY TIME - KOBEL ET AL V. HAPAG-LLOYD ET AL
DOCKET 10-06

Date	Description	Time
1/17/2011	Deposition of Mr. Lyampport	4.00
1/25/2011	Conference with client	2.00
1/27/2011	Review depositions of Barvinenko and Berkovich (1.0); conference with counsel (.5); prepare and review notes (.5); draft motion and affidavit for enlargement of time and joint status report (1.0); email to counsel (.3).	3.30
1/29/2011	Prepare motion for enlargement of time (.5); review deposition of Lyampport (1.0).	1.50
2/1/2011	Review discovery for Limco (.5); Review bills of lading (.5); Calls to Western Container Transport and Port of Portland (.5)	1.00
2/2/2011	Draft Rule 95 prehearing statement (1.5)	1.50
2/3/2011	Draft stipulated facts for prehearing statement (3.0)	3.00
2/5/2011	Review documents from discovery	3.00
2/6/2011	Draft disputed facts (1.5); review depositions (1.5)	3.00
2/7/2011	Prepare draft of Rule 95 prehearing statement (3.0); call to Port of Portland, regarding weight (.8)	3.80
2/8/2011	Continue preparing draft of Rule 95 prehearing statement facts and exhibits (4.0); letter to Rohde with discovery (.3).	4.30
2/16/2011	Research at law library	1.50
3/3/2011	Conference with client regarding status	0.80
3/4/2011	Research summary judgment issues at law library	3.00

ATTORNEY TIME - KOBEL ET AL V. HAPAG-LLOYD ET AL
DOCKET 10-06

Date	Description	Time
3/6/2011	Draft motion and affidavits re: Complainants summary judgment (3.0); research (1.0)	4.00
3/8/2011	Prepare and draft memo and affidavit for partial summary judgment (Complainants)	7.00
3/9/2011	Revise draft of memo and motion for partial summary judgment (1.5); prepare exhibits (3); complete for filing (1.0)	2.80
3/12/2011	Revise documents and Motion (1.0); conference with client (.3)	1.30
3/19/2011	Research and prepare replies to summary judgment of Respondents (5.0)	5.00
3/20/2011	Draft replies to International TLC and Linco re: Motion for Summary Judgment	6.00
3/21/2011	Draft memorandum reply to Motion for Summary Judgment	3.00
3/22/2011	Draft reply to Hapag-Lloyd Motion for Summary Judgment	6.00
3/23/2011	Draft replies to motions for summary judgment of Respondents	6.00
3/24/2011	Prepare replies to Respondents' motions for summary judgment (8.0)	8.00
3/25/2011	Prepare and draft reply controverting affidavit (2.0); assemble exhibits (2.0)	4.00
3/26/2011	Complete and proof drafts of replies (1.5)	1.50
4/29/2011	Letter to Judge	0.50
5/24/2011	Review order: call client.	0.50
5/25/2011	Call to client (.1); email to counsel (.2)	0.30

ATTORNEY TIME - KOBEL ET AL V. HAPAG-LLOYD ET AL
DOCKET 10-06

Date	Description	Time
5/26/2011	Conference with client (.3); Conference call to counsel regarding schedule (.5).	0.80
5/31/2011	Conference with client regarding order and schedule (.5); conference call (.3); letter to Judge (.3)	1.10
6/1/2011	Review changes; email to counsel.	0.30
6/4/2011	Conference with client regarding stipulated facts (1.0); Draft reply	1.00
6/5/2011	Review case law (.5); prepare draft of proposed findings of fact (3.0)	3.50
6/7/2011	Conference telephone call regarding status report and stipulated facts (.5); preparation and review (.8); call (.7); revise stipulated facts (.5)	2.50
6/8/2011	Conference with client regarding stipulated facts (1.0); email to counsel (.3); prepare final version for filing (.5)	1.80
6/17/2011	Conference regarding hearing date and email to counsel	1.00
6/20/2011	Conference with client (.3); letter and email regarding status (.3)	0.60
6/30/2011	Conference with client regarding settlement; exhibits and witnesses	1.50
7/1/2011	Dictate objections to exhibits (.3); settlement letter (.3); conference with Kobel to review record (1.0)	1.60
7/3/2011	Review exhibits from depositions and summary judgments (2.0)	2.00
7/5/2011	Revise reply to FMC regarding continuance (.5); call to client (.2); call to WCT and Port of Portland (.4)	1.10
7/5/2011	Review amended letter to Court; call to client	1.00

ATTORNEY TIME - KOBEL ET AL V. HAPAG-LLOYD ET AL
DOCKET 10-06

Date	Description	Time
7/6/2011	Review and compile exhibits	2.00
7/6/2011	Telephone call Port of Portland witness regarding weight (.3); prepare exhibit list (1.0); review response from attorneys (.2).	1.50
7/7/2011	Review and compile exhibits for hearing	3.50
7/8/2011	Prepare exhibits for hearing	2.00
7/9/2011	Conference with client regarding exhibits (1.0); review discovery and prepare exhibits (1.0)	2.00
7/10/2011	Review additional exhibits (1.0)	1.00
7/11/2011	Conference with client regarding damages (.5); Letter to parties regarding proposed settlement (.5)	1.00
7/13/2011	Telephone call to Rohde (.3); call to Kobel (.2); review Limco discovery (.3); prepare subpoena and letter to International TLC (.7)	1.50
7/15/2011	Review exhibits with client (1.5); call to court and email regarding interpreting letter to Berkovich (.5); pick up certified copy of judgment of conviction (Berkovich) (.5)	2.50
7/16/2011	Review deposition of Barvinenko and notes for trial (3.0); review deposition of Lyamport (3.0)	6.00
7/18/2011	Telephone call to customs EE (.3); letter to customs from client (.3)	0.60
7/19/2011	Conference with client to review case (2.0); review exhibits (1.0)	3.00
7/21/2011	Dictate objections to exhibits (1.0); letter to attorney regarding exhibits (.3)	1.30
7/26/2011	Conference with client (1.0); Draft and review response (2.0)	3.00

ATTORNEY TIME - KOBEL ET AL v. HAPAG-LLOYD ET AL
DOCKET 10-06

Date	Description	Time
7/27/2011	Revise response (1.0); call regarding translation of exhibits (.5); Telephone call to witnesses Johnson and Akre (.5)	2.00
7/28/2011	Review case (1.5); conference with client (2.0); call to witnesses (.5)	4.00
7/29/2011	Review case (.5); call to witnesses (1.0); prepare for hearing (.5)	2.00
7/30/2011	Prepare testimony for hearing	4.00
8/1/2011	Conference with client (.5); prepare for hearing (4.0)	4.50
8/2/2011	Call to Rohde (.4); conference with Yakov and Victor (2.0)	2.40
8/3/2011	Conference with client (2.5); call to Rohde (.3); prepare letter (.3)	3.10
8/4/2011	Prepare for hearing	6.00
8/5/2011	Prepare for hearing; conference with Yakov Kobel	4.00
8/6/2011	Conference with Victor Berkovitch (2.0); review case (1.5)	3.50
8/7/2011	Prepare for hearing	4.00
8/8/2011	To Court for Hearing	9.50
8/9/2011	To Court for Hearing	10.00
8/10/2011	To Court for Hearing	9.00
8/11/2011	To court for Hearing	5.00

ATTORNEY TIME - KOBEL ET AL V. HAPAG-LLOYD ET AL
DOCKET 10-06

Date	Description	Time
8/15/2011	Conference with client regarding final statement and closing argument	0.50
8/25/2011	Legal Research (2.0)	2.00
9/2/2011	Research case law (2.5)	2.50
9/6/2011	Research at law library (1.5)	1.50
9/12/2011	Read transcript of hearing (2.5)	2.50
9/13/2011	Prepare draft of closing brief regarding Hapag-Lloyd	4.00
9/14/2011	Draft closing statement	5.00
9/15/2011	Prepare draft of brief (3.0); review transcript (1.0)	4.00
9/17/2011	Read transcript (2.0)	2.00
9/18/2011	Prepare draft of closing statement	4.00
9/19/2011	Prepare draft of closing statement	6.00
9/20/2011	Research (.2) and draft closing statement (3.)	0.50
9/20/2011	Revise first draft (2.5); research (2.5); prepare findings of fact (1.0)	6.00
9/21/2011	Revise draft of closing statement	3.00
9/22/2011	Revise draft of closing statement	5.00

ATTORNEY TIME - KOBEL ET AL V. HAPAG-LLOYD ET AL
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Date	Description	Time
9/23/2011	Revise draft of closing statement	3.00
9/24/2011	Review transcript	2.00
9/26/2011	Prepare closing statement	5.00
9/27/2011	Prepare findings of fact and closing argument	4.00
9/28/2011	Revise findings of fact and prepare for filing with FMC (2.0)	2.00
10/18/2011	Conference with with client regarding status of reply	1.00
10/25/2011	Review brief from International TLC	0.70
10/28/2011	Review briefs (1.0); research cases in brief of Hapag-Lloyd (3.0).	4.00
10/29/2011	Review opposing brief of Hapag-Lloyd	2.00
10/30/2011	Review case and opposing briefs.	3.00
10/31/2011	Conference with client regarding reply (1.0); research (.5).	1.50
11/1/2011	Prepare outline of reply.	4.00
11/2/2011	Prepare reply (5.0); research (2.0)	7.00
11/3/2011	Prepare draft of reply	5.00
11/4/2011	Prepare draft of reply (5.0); call to client (1.0)	5.00

ATTORNEY TIME - KOBEL ET AL v. HAPAG-LLOYD ET AL
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Date	Description	Time
11/4/2011	Research; review and prepare drafts	6.00
11/5/2011	Revise reply to International TLC	3.00
11/6/2011	Prepare and revise reply (3.5); research Hapag-Lloyd	4.50
11/7/2011	Prepare and review replies (3.5); research (.5) Limco	4.00
11/8/2011	Review and revise drafts of replies	6.00
11/13/2011	Prepare draft of reply memorandum	0.50
2/17/2012	Conference with client (regarding initial decision)	1.00
2/24/2012	Review exceptions and exceptions to findings affidavit	4.00
2/26/2012	Prepare draft of exceptions	4.00
2/27/2012	Prepare brief for exceptions	3.50
2/28/2012	Prepare brief for exceptions	5.00
2/29/2012	Prepare brief for exceptions	4.00
3/1/2012	Prepare memorandum for exceptions (3.0)	3.00
3/4/2012	Revise memorandum	4.00
3/5/2012	Finalize memorandum for exceptions for filing (2.0)	2.00

ATTORNEY TIME - KOBEL ET AL V. HAPAG-LLOYD ET AL
DOCKET 10-06

Date	Description	Time
3/27/2012	Review Reply to Exceptions	1.00
4/12/2012	Review Limco and ITLC Reply to Exceptions	1.00
8/2/2012	Telephone call to Furman (.1); Letter to Furman re: set over (.5); Telephone call to client (.1)	0.70
8/13/2012	Prepare Response to Motion to Postpone (Limco)	0.50
8/23/2012	Letter to FMC; Prepare Notice of Person Arguing for Complainants;	0.70
10/13/2012	Preparation for oral argument	3.00
10/15/2012	Prepare for oral argument	4.00
10/16/2012	Conference with client	1.00
10/17/2012	Prepare for oral argument	3.00
10/18/2012	Prepare for oral argument	3.00
10/18/2012	Oral Argument before Commission	1.00
12/5/2012	Conference with client	0.50
1/18/2013	Research at law library	1.50
1/21/2013	Prepare draft of brief - post oral argument (3.0); review transcript of oral argument before the Commission (1.0)	4.00
1/22/2013	Dictate draft of supplemental brief; Research	1.00

ATTORNEY TIME - KOBEL ET AL V. HAPAG-LLOYD ET AL
DOCKET 10-06

Date	Description	Time
1/24/2013	Draft supplemental Brief (2.0)	2.00
1/27/2013	Draft supplemental Brief (5.0)	5.00
1/30/2013	Research (2.0); Draft Brief in Response (3.0)	5.00
1/31/2013	Revise supplemental brief (4.0)	4.00
7/15/2013	Review Remand Decision from FMC	1.00
7/16/2013	Conference with client re: decision by FMC	1.00
7/19/2013	Review order from Commission	1.00
8/13/2013	Conference with with client (1.0); Letter to attorney (.3)	1.30
8/19/2013	Research issue on remand (1.5)	1.50
8/20/2013	Draft Remand Brief (1.5)	1.50
8/23/2013	Research; Review brief 2.0	2.00
8/24/2013	Prepare draft of brief on Remand (5.0)	5.00
8/25/2013	Prepare draft of brief on Remand (3.0)	3.00
8/27/2013	Telephone call to client re: settlement; email to client (.3); draft revision of Brief (3.0); Revise brief (1.5)	4.80
8/28/2013	Research; Draft brief	4.50

ATTORNEY TIME - KOBEL ET AL V. HAPAG-LLOYD ET AL
DOCKET 10-06

Date	Description	Time
8/29/2013	Revise brief, research (2.0); Research (1.0) Telephone call to FMC (.3)	3.30
8/30/2013	Revise and review brief (3.0)	3.00
10/9/2013	Review brief from opposing party- Limco	1.00
10/29/2013	Telephone call to court (.2); Draft Motion and Declaration (1.0); Letter to counsel	1.40
11/1/2013	Research	2.00
11/2/2013	Review and draft response to respondents Limco and ITLC	3.00
11/3/2013	Draft reply to respondents	5.00
11/4/2013	Revise and research reply brief (4.0); Research at law library (1.0)	5.00
7/30/2014	Review Opinion on Remand Initial Decision (.8); Letter to client (.3)	1.10
9/29/2014	Review exceptions to FMC opinion and remand decision (1.0)	1.00
10/4/2014	Review file; Prepare Reply to Exceptions	3.00
10/5/2014	Review and revise reply to exceptions	4.00
10/6/2014	Draft reply to Exceptions	4.00
10/7/2014	Prepare reply to exception	3.50
10/8/2014	Prepare draft of reply brief	4.00

ATTORNEY TIME - KOBEL ET AL V. HAPAG-LLOYD ET AL
DOCKET 10-06

Date	Description	Time
10/9/2014	Research (1.5); Draft reply brief (1.5)	3.00
10/12/2014	Revise draft of reply brief	3.00
10/12/2014	Draft Reply brief	3.00
10/13/2014	Review and prepare final draft of Brief	2.00
5/28/2015	Review email and research on attorney fees	0.50
5/29/2015	Review Opinion of Commission (1.0)	1.00
6/29/2015	Draft and review Reply to Limco moton for reconsideration (2.0); Review and revise reply (2.0)	4.00
6/30/2015	Review Limco motion for reconsideration (1.0); Research at law library (2.0)	3.00
7/1/2015	Research and draft Reply to Limco Motion for reconsideration	3.50
7/3/2015	Draft reply to Limco motion for reconsideration	1.50
7/5/2015	Draft reply memo (Limco) (4.0); Research (Limco) (1.0)	4.00
7/6/2015	Proof read and revise draft of reply (1.5)	1.50
7/8/2015	Review and proof reply memo (2.0); Letter to court; file reply (.5)	2.50
7/23/2015	Telephone call to court of appeals (.5); Prepare petition for admission (.5)	1.00
8/3/2015	Check with Court of Appeals re: status of ITLC (.3) Telephone call to client (.5)	0.80

ATTORNEY TIME - KOBEL ET AL v. HAPAG-LLOYD ET AL
DOCKET 10-06

Date	Description	Time
8/12/2015	Draft Notice and certificate (1.0); Legal Research (1.0); Motion to Intervene (ITLC appeal)	2.00
8/13/2015	Prepare Motion to Intervene (ITLC Appeal)	1.50
TOTAL ATTORNEY TIME		624.80
TOTAL ATTORNEY FEES		\$187,440.00

EXPENSES - KOBEL ET AL V. HAPAG LLOYD ET AL
DOCKET 10-06

Date	Description	Price
6/20/2010	Federal Maritime Commission - Complaint (Filing Fee)	\$221.00
7/2/2010	Federal Express -- Federal Maritime Commission (mail copies of complaint)	\$63.00
8/17/2010	Federal Express Moton to Amend Complaint	\$43.00
8/19/2010	Federal Express -Reply and memorandum in opposition to Hapag-Lloyd Motion to Dismiss	\$32.00
8/27/2010	Federal Express (Letter to Commission) Joint Status Report	\$32.20
10/5/2010	Federal Express to Federal Maritime Commission (Motion and stipulation for Enlargement of Time)	\$69.08
10/13/2010	Federal Express to Federal Maritime Commission - file Complainants' initial Request for Production of Documents	\$76.63
11/2/2010	Federal Express to the Federal Maritime Commission - Amended status report discovery schedule Motion and Affidavit of Extension of Discovery schedule	\$29.50
11/22/2010	Conference call with counsel (telephone charge for conference call)	\$51.70
12/1/2010	Federal express - Complainants' Motion for enlargement of time	\$57.00
12/22/2010	Federal Express - Complainant's Request for expedited ruling	\$47.96
1/3/2011	Process Server Fee - Subpoena, Remishevskiy	\$125.00
1/3/2011	Witness Fee, Remishevskiy	\$50.00
1/8/2011	Interpreter, Barvinenko deposition	\$338.00

EXPENSES - KOBEL ET AL v. HAPAG LLOYD ET AL
DOCKET 10-06

Date	Description	Price
1/20/2011	Federal Express - file joint status report discovery schedule	\$55.00
1/20/2011	Court Reporter Fees, Barvinenko deposition and transcript	\$1,174.50
1/20/2011	Conference call, Barvinenko deposition	\$210.84
1/21/2011	Federal Express: Federal Maritime Commission (Motion for enlargement of time)	\$32.86
2/15/2011	Copy of transcript: Deposition of Yakov Kobel	\$444.20
2/15/2011	Copy of transcript: Deposition of Victor Berkovich	\$337.35
2/15/2011	Copy of Transcript: Deposition of Oleg Remishevskiy	\$326.25
2/15/2011	Deposition, appearance fee for court reporter and transcript; conference call fee for Michael Lyamport	\$1,440.75
3/9/2011	Federal Express: Federal Maritime Commission (Motion for Partial Summary Judgment)	\$76.00
3/9/2011	US Postal Service	\$27.90
3/10/2011	Federal Express: Federal Maritime Commission (Complainants' affidavit in support of partial summary judgment	\$76.94
3/26/2011	US Postal Service - copies of reply to Respondent	\$16.62
3/26/2011	Federal Express - File Reply to Respondent's Motion for Summary Judgment	\$64.38
3/26/2011	Copies of Reply and supporting Affidavit & documents	\$157.22

EXPENSES - KOBEL ET AL V. HAPAG LLOYD ET AL
DOCKET 10-06

Date	Description	Price
6/8/2011	Federal Express: Federal Maritime Commission (file joint status report)	\$60.50
7/5/2011	Federal Express to Federal Maritime Commission (Complainants' reply to Limco's Motion to continue)	\$34.67
7/11/2011	Federal Express to Federal Maritime Commission - File Complainants' exhibits and witness list and copies	\$156.00
7/11/2011	Scan exhibits at Federal Express	\$59.29
7/14/2011	Federal Express - file Motion in Limine to exclude evidence	\$143.84
7/18/2011	Certified copy of judgment of conviction (Berkovich)	\$15.00
7/20/2011	Witness Fee: Ramona Johnson	\$32.50
7/20/2011	Witness Fee: Remishevskiy	\$105.00
7/20/2011	Witness Fee: Barvinenko	\$105.00
7/25/2011	Federal Express - Federal Maritime Commission, Complainants' Objections to Respondents' Exhibits and Complainants' Motion in Limine	\$54.63
7/27/2011	Federal Express to Federal Maritime Commission - Complainants' Response to Hapag-Lloyd and Limco's Motion in Limine to Exclude Evidence	\$60.65
7/29/2011	Federal Express - Original and four copies to the Federal Maritime Commission of subpoena to Jim Mullen	\$34.67
8/2/2011	Witness Fee: Jim Mullen	\$32.50

EXPENSES - KOBEL ET AL v. HAPAG LLOYD ET AL
DOCKET 10-06

Date	Description	Price
8/22/2011	Process Service on Akre	\$65.00
8/22/2011	Russian Interpreter for Hearing (Kisselev)	\$706.88
8/22/2011	Transcript of Hearing	\$800.00
8/22/2011	Process Service on Remishevskiy	\$75.00
8/22/2011	Russian Interpreter (Bogdavich)	\$1,012.50
11/4/2011	Copies and Federal Express: Complainants' Reply to Respondent's post trial brief	\$171.00
11/10/2011	Naegeli Court Reporting Fee - Additional fee for hearing transcript	\$218.00
12/17/2011	Federal Express: Federal Maritime Commission	\$32.95
3/5/2012	Federal Express to Federal Maritime Commission - Complainants' memorandum of exceptions and copies	\$109.00
8/23/2012	Fed Ex charges - send letter and Notice; Complainants' Response to Limco's Motion to postpone	\$35.00
12/10/2012	Court Reporter Fees - Transcript of Oral Argument of Commission Hearing	\$253.55
1/31/2013	Copies of brief and Federal Express Complainants' Supplemental Brief	\$161.00
8/30/2013	Copy Complainants' Remand Brief and Federal Express	\$105.68
10/31/2013	Feder Express to File Complainants' Motion for enlargement of time	\$39.50

EXPENSES - KOBEL ET AL V. HAPAG LLOYD ET AL
DOCKET 10-06

Date	Description	Price
11/4/2013	Fed Ex Brief - Complainants' Reply to Respondent Lmco's and ITLC's Remend Briefs	\$55.00
7/8/2015	Federal Express Reply to Respondent Limco's Petition for Reconsideration	\$43.00
TOTAL EXPENSES		\$10,454.19

Oregon
State
Bar

OREGON STATE BAR

2012 ECONOMIC SURVEY

Addendum Includes Additional Analyses by Race/Ethnicity Categories

AUGUST 2012 (REVISED JULY 2013)

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BILLING PRACTICES

Data regarding billing practices of Oregon attorneys in private practice was obtained in the survey. Data regarding hours billed per month, hours billed per month by method of pay, and hourly billing rate (analyzed by total years admitted to practice and by area of practice), is presented in the following tables.

Hours Billed: Average, median, 25th percentile, 75th percentile, and 95th percentile hours billed per month are included in the following table. This data includes attorneys in private practice working full-time or part-time by choice. Hours billed range from a high of 119 average hours and 130 median hours in Portland to a low of 78 average and 80 median hours in the Tri-County region. The Oregon average hours billed of 99 per month was lower than the average of 105 in the 2007 survey

Hours Billed per Month – Private Practice

Hours Billed	Oregon	Portland	Tri-County	Upper Valley	Lower Valley	Southern Oregon	Eastern Oregon	Oregon Coast
Average	99	119	78	85	88	89	87	92
Median	100	130	80	94	100	100	90	93
25th Percentile	60	95	30	40	45	54	48	45
75th Percentile	140	150	120	120	120	117	120	125
95th Percentile	172	177	160	153	156	140	173	200

Method of Pay: Hours billed per month are presented in the following table by method of pay for attorneys in private practice working full-time or part-time by choice. For Oregon, the median number of hours for employees was 130 and the Portland region was highest with 140 hours per month. For Oregon, the median number of hours for owners was 100 and the Portland region was 120. This data compares to the 2007 survey, which reported for Oregon the employee median of 135 hours and the owner median of 100 hours.

Hours Billed per Month by Method of Pay – Private Practice

Method of Pay		Oregon	Portland	Tri-County	Upper Valley	Lower Valley	Southern Oregon	Eastern Oregon	Oregon Coast
Owner (Partner, Shareholder, Sole Practitioner)	Average	91	113	68	85	81	90	83	84
	Median	100	120	60	94	100	98	79	90
Employee (salaried or hourly paid)	Average	116	128	103	85	101	96	109	n/a
	Median	130	140	121	93	108	103	115	n/a
Contract (paid by hour or assignment)	Average	85	98	91	n/a	n/a	n/a	n/a	n/a
	Median	80	100	90	n/a	n/a	n/a	n/a	n/a

Billing Rate: The average, median, 25th percentile, 75th percentile, 95th percentile and high hourly billing rates are included in the following table. This data includes attorneys in private practice working full-time, part-time by choice, or part-time due to lack of legal work. For Oregon, the average and median billing rates of \$242 and \$225 per hour compare to \$213 and \$200 in the 2007 survey

Hourly Billing Rate All Respondents – Private Practice

Hourly Billing Rate	Oregon	Portland	Tri-County	Upper Valley	Lower Valley	Southern Oregon	Eastern Oregon	Oregon Coast
Average	\$242	\$284	\$216	\$218	\$230	\$215	\$209	\$190
Median	\$225	\$275	\$210	\$208	\$225	\$200	\$200	\$188
Low	\$20	\$60	\$21	\$20	\$20	\$115	\$45	\$33
25th Percentile	\$180	\$200	\$175	\$170	\$176	\$200	\$165	\$171
75th Percentile	\$295	\$350	\$250	\$275	\$250	\$240	\$243	\$200
95th Percentile	\$405	\$450	\$350	\$323	\$394	\$269	\$300	\$289
High	\$675	\$675	\$525	\$425	\$550	\$375	\$510	\$300
Number of Respondents	964	366	261	91	90	54	72	30

Total Years Admitted to Practice: Average, median, 25th percentile, 75th percentile, and 95th percentile hourly billing rates by total years admitted to practice are presented in the following table. This data includes attorneys in private practice working full-time, part-time by choice, or part-time due to lack of legal work. For Oregon, the average and median billing rates were generally higher with more years admitted to practice. Regional data exhibits some variations, but generally follows the trend of higher rates as years of experience increase.

Hourly Billing Rate by Total Years Admitted to Practice – Private Practice

Years Admitted		Oregon	Portland	Tri-County	Upper Valley	Lower Valley	Southern Oregon	Eastern Oregon	Oregon Coast
0-3 Years	Average	\$156	\$182	\$143	\$150	\$128	n/a	\$158	n/a
	Median	\$163	\$175	\$150	\$150	\$150	n/a	\$165	n/a
	25th Percentile	\$146	\$163	\$101	\$146	\$113	n/a	\$154	n/a
	75th Percentile	\$185	\$198	\$198	\$175	\$169	n/a	\$165	n/a
	95th Percentile	\$229	\$246	\$220	\$193	\$175	n/a	\$173	n/a
	High	\$195	\$210	\$192	\$183	\$176	n/a	\$177	n/a
4-6 Years	Median	\$198	\$218	\$200	\$180	\$183	n/a	\$185	n/a
	25th Percentile	\$156	\$160	\$150	\$160	\$169	n/a	\$175	n/a
	75th Percentile	\$233	\$250	\$250	\$213	\$196	n/a	\$200	n/a
	95th Percentile	\$286	\$295	\$269	\$258	\$236	n/a	\$200	n/a
	High	\$286	\$295	\$269	\$258	\$236	n/a	\$200	n/a

Hourly Billing Rate by Total Years Admitted to Practice – Private Practice *Continued*

Years Admitted	Oregon	Portland	Tri-County	Upper Valley	Lower Valley	Southern Oregon	Eastern Oregon	Oregon Coast	
7-9 Years	Average	\$228	\$258	\$209	\$208	n/a	n/a	\$168	n/a
	Median	\$225	\$250	\$200	\$185	n/a	n/a	\$173	n/a
	25th Percentile	\$186	\$225	\$187	\$180	n/a	n/a	\$150	n/a
	75th Percentile	\$270	\$295	\$225	\$200	n/a	n/a	\$218	n/a
	95th Percentile	\$334	\$375	\$300	\$280	n/a	n/a	\$236	n/a
10-12 Years	Average	\$247	\$280	\$221	n/a	\$244	n/a	n/a	n/a
	Median	\$240	\$275	\$200	n/a	\$225	n/a	n/a	n/a
	25th Percentile	\$196	\$233	\$176	n/a	\$225	n/a	n/a	n/a
	75th Percentile	\$275	\$300	\$258	n/a	\$228	n/a	n/a	n/a
	95th Percentile	\$369	\$428	\$290	n/a	\$314	n/a	n/a	n/a
13-15 Years	Average	\$253	\$312	\$213	\$247	\$239	n/a	\$180	n/a
	Median	\$250	\$300	\$238	\$265	\$195	n/a	\$175	n/a
	25th Percentile	\$185	\$261	\$153	\$215	\$183	n/a	\$175	n/a
	75th Percentile	\$300	\$379	\$250	\$290	\$278	n/a	\$200	n/a
	95th Percentile	\$428	\$435	\$335	\$298	\$380	n/a	\$200	n/a
16-20 Years	Average	\$226	\$256	\$200	\$243	\$209	\$215	\$215	n/a
	Median	\$225	\$250	\$200	\$250	\$210	\$225	\$225	n/a
	25th Percentile	\$180	\$200	\$155	\$188	\$179	\$210	\$183	n/a
	75th Percentile	\$250	\$300	\$250	\$288	\$228	\$225	\$244	n/a
	95th Percentile	\$350	\$380	\$331	\$335	\$255	\$250	\$264	n/a
21-30 Years	Average	\$267	\$326	\$212	\$225	\$277	\$231	\$203	\$167
	Median	\$250	\$333	\$220	\$220	\$250	\$200	\$200	\$165
	25th Percentile	\$200	\$251	\$175	\$170	\$225	\$200	\$150	\$138
	75th Percentile	\$350	\$399	\$250	\$269	\$300	\$250	\$224	\$206
	95th Percentile	\$450	\$470	\$313	\$319	\$411	\$320	\$300	\$274
Over 30 Years	Average	\$282	\$340	\$259	\$270	\$274	\$229	\$257	\$217
	Median	\$250	\$350	\$250	\$275	\$250	\$225	\$250	\$200
	25th Percentile	\$211	\$275	\$200	\$240	\$229	\$200	\$200	\$195
	75th Percentile	\$350	\$400	\$300	\$300	\$278	\$250	\$275	\$250
	95th Percentile	\$450	\$500	\$375	\$350	\$487	\$275	\$350	\$285

Area of Private Practice: For attorneys in private practice, the average, median, 25th percentile, 75th percentile, and 95th percentile hourly billing rate by area of private practice is presented in the following table. This data includes attorneys in private practice working full-time, part-time by choice, or part-time due to lack of legal work. For Oregon, the average hourly billing rates range from a low of \$190 per hour for civil litigation-insurance defense to a high of \$291 for civil litigation-defendant (excludes insurance defense) The highest median billing rate was \$275 for both business/corporate - litigation and business/corporate transactional. In general, the highest hourly billing rates were in Portland.

Hourly Billing Rate by Area of Practice – Private Practice

Area of Private Practice	Oregon	Portland	Tri-County	Upper Valley	Lower Valley	Southern Oregon	Eastern Oregon	Oregon Coast	
Bankruptcy	Average	\$269	\$356	\$231	n/a	n/a	\$259	n/a	n/a
	Median	\$250	\$380	\$225	n/a	n/a	\$250	n/a	n/a
	25th Percentile	\$210	\$305	\$200	n/a	n/a	\$220	n/a	n/a
	75th Percentile	\$320	\$410	\$250	n/a	n/a	\$250	n/a	n/a
	95th Percentile	\$416	\$429	\$312	n/a	n/a	\$350	n/a	n/a
Business/Corporate – Litigation	Average	\$284	\$311	\$252	n/a	n/a	n/a	n/a	n/a
	Median	\$275	\$300	\$248	n/a	n/a	n/a	n/a	n/a
	25th Percentile	\$225	\$255	\$174	n/a	n/a	n/a	n/a	n/a
	75th Percentile	\$328	\$360	\$258	n/a	n/a	n/a	n/a	n/a
	95th Percentile	\$450	\$450	\$459	n/a	n/a	n/a	n/a	n/a
Business/Corporate – Transactional	Average	\$285	\$345	\$235	\$235	\$251	n/a	n/a	n/a
	Median	\$275	\$350	\$240	\$240	\$235	n/a	n/a	n/a
	25th Percentile	\$204	\$281	\$175	\$240	\$200	n/a	n/a	n/a
	75th Percentile	\$350	\$405	\$300	\$275	\$259	n/a	n/a	n/a
	95th Percentile	\$468	\$488	\$350	\$275	\$383	n/a	n/a	n/a
Civil Litigation, Defendant (excludes Insurance Defense)	Average	\$291	\$309	\$233	n/a	n/a	n/a	n/a	n/a
	Median	\$250	\$275	\$235	n/a	n/a	n/a	n/a	n/a
	25th Percentile	\$225	\$225	\$210	n/a	n/a	n/a	n/a	n/a
	75th Percentile	\$375	\$375	\$263	n/a	n/a	n/a	n/a	n/a
	95th Percentile	\$450	\$453	\$293	n/a	n/a	n/a	n/a	n/a
Civil Litigation, Insurance Defense	Average	\$190	\$194	\$179	n/a	n/a	n/a	n/a	n/a
	Median	\$180	\$185	\$170	n/a	n/a	n/a	n/a	n/a
	25th Percentile	\$160	\$165	\$139	n/a	n/a	n/a	n/a	n/a
	75th Percentile	\$205	\$220	\$196	n/a	n/a	n/a	n/a	n/a
	95th Percentile	\$289	\$289	\$256	n/a	n/a	n/a	n/a	n/a

Hourly Billing Rate by Area of Practice – Private Practice *Continued*

Area of Private Practice	Oregon	Portland	Tri-County	Upper Valley	Lower Valley	Southern Oregon	Eastern Oregon	Oregon Coast
Civil Litigation, Plaintiff (excludes Personal Injury)	Average	\$240	\$266	\$242	\$201	\$232	n/a	n/a
	Median	\$250	\$250	\$250	\$170	\$225	n/a	n/a
	25th Percentile	\$188	\$205	\$220	\$163	\$175	n/a	n/a
	75th Percentile	\$298	\$300	\$298	\$250	\$275	n/a	n/a
	95th Percentile	\$393	\$400	\$378	\$283	\$335	n/a	n/a
Civil Litigation, Plaintiff – Personal Injury	Average	\$264	\$280	\$274	\$215	\$298	n/a	n/a
	Median	\$250	\$250	\$275	\$213	\$325	n/a	n/a
	25th Percentile	\$200	\$239	\$213	\$153	\$265	n/a	n/a
	75th Percentile	\$344	\$350	\$350	\$275	\$350	n/a	n/a
	95th Percentile	\$396	\$385	\$403	\$335	\$370	n/a	n/a
Criminal – Private Bar	Average	\$214	\$260	\$197	\$198	n/a	n/a	\$182
	Median	\$200	\$225	\$213	\$185	n/a	n/a	\$170
	25th Percentile	\$150	\$194	\$164	\$150	n/a	n/a	\$154
	75th Percentile	\$250	\$356	\$250	\$250	n/a	n/a	\$194
	95th Percentile	\$373	\$429	\$266	\$300	n/a	n/a	\$238
Family Law	Average	\$214	\$250	\$202	\$240	\$203	\$200	\$202
	Median	\$200	\$250	\$200	\$225	\$195	\$200	\$200
	25th Percentile	\$175	\$195	\$164	\$200	\$150	\$200	\$161
	75th Percentile	\$250	\$295	\$231	\$290	\$250	\$225	\$213
	95th Percentile	\$346	\$350	\$300	\$347	\$290	\$230	\$313
Real Estate/Land Use/Environmental Law	Average	\$283	\$332	\$246	\$280	n/a	n/a	n/a
	Median	\$265	\$328	\$245	\$285	n/a	n/a	n/a
	25th Percentile	\$225	\$261	\$228	\$275	n/a	n/a	n/a
	75th Percentile	\$335	\$396	\$250	\$300	n/a	n/a	n/a
	95th Percentile	\$494	\$500	\$325	\$388	n/a	n/a	n/a
Tax/Estate Planning	Average	\$239	\$281	\$221	\$229	\$219	n/a	n/a
	Median	\$235	\$275	\$215	\$240	\$213	n/a	n/a
	25th Percentile	\$195	\$211	\$195	\$203	\$183	n/a	n/a
	75th Percentile	\$275	\$328	\$250	\$280	\$246	n/a	n/a
	95th Percentile	\$375	\$441	\$297	\$299	\$296	n/a	n/a

EXHIBIT C

LAFFEY MATRIX -- 2003-2014 (2009-10 rates were unchanged from 2008-09 rates)

Experience	Years (Rate for June 1 - May 31, based on prior year's CPI-U)										
	03-04	04-05	05-06	06-07	07-08	08-09	09-10	10-11	11-12	12-13	13-14
20+ years	380	390	405	425	440	465	465	475	495	505	510
11-19 years	335	345	360	375	390	410	410	420	435	445	450
8-10 years	270	280	290	305	315	330	330	335	350	355	360
4-7 years	220	225	235	245	255	270	270	275	285	290	295
1-3 years	180	185	195	205	215	225	225	230	240	245	250
Paralegals & Law Clerks	105	110	115	120	125	130	130	135	140	145	145

Explanatory Notes:

1. This matrix of hourly rates for attorneys of varying experience levels and paralegals/law clerks has been prepared by the Civil Division of the United States Attorney's Office for the District of Columbia. The matrix is intended to be used in cases in which a "fee-shifting" statute permits the prevailing party to recover "reasonable" attorney's fees. *See, e.g.*, 42 U.S.C. § 2000e-5(k) (Title VII of the 1964 Civil Rights Act); 5 U.S.C. § 552(a)(4)(E) (Freedom of Information Act); 28 U.S.C. § 2412 (b) (Equal Access to Justice Act). The matrix does **not** apply in cases in which the hourly rate is limited by statute. *See* 28 U.S.C. § 2412(d).
2. This matrix is based on the hourly rates allowed by the District Court in *Laffey v. Northwest Airlines, Inc.*, 572 F. Supp. 354 (D.D.C. 1983), *aff'd in part, rev'd in part on other grounds*, 746 F.2d 4 (D.C. Cir. 1984), *cert. denied*, 472 U.S. 1021 (1985). It is commonly referred to by attorneys and federal judges in the District of Columbia as the "Laffey Matrix" or the "United States Attorney's Office Matrix." The column headed "Experience" refers to the years following the attorney's graduation from law school. The various "brackets" are intended to correspond to "junior associates" (1-3 years after law school graduation), "senior associates" (4-7 years), "experienced federal court litigators" (8-10 and 11-19 years), and "very experienced federal court litigators" (20 years or more). *See Laffey*, 572 F. Supp. at 371.
3. The hourly rates approved by the District Court in *Laffey* were for work done principally in 1981-82. The Matrix begins with those rates. *See Laffey*, 572 F. Supp. at 371 (attorney rates) & 386 n.74 (paralegal and law clerk rate). The rates for subsequent yearly periods were determined by adding the change in the cost of living for the Washington, D.C. area to the applicable rate for the prior year, and then rounding to the nearest multiple of \$5 (up if within \$3 of the next multiple of \$5). The result is subject to adjustment if appropriate to ensure that the relationship between the highest rate and the lower rates remains reasonably constant. Changes in the cost of living are measured by the Consumer Price Index for All Urban Consumers (CPI-U) for Washington-Baltimore, DC-MD-VA-WV, as announced by the Bureau of Labor Statistics for May of each year.
4. Use of an updated *Laffey* Matrix was implicitly endorsed by the Court of Appeals in *Save Our Cumberland Mountains v. Hodel*, 857 F.2d 1516, 1525 (D.C. Cir. 1988) (en banc). The Court of Appeals subsequently stated that parties may rely on the updated *Laffey* Matrix prepared by the United States Attorney's Office as evidence of prevailing market rates for litigation counsel in the Washington, D.C. area. *See Covington v. District of Columbia*, 57 F.3d 1101, 1105 & n. 14, 1109 (D.C. Cir. 1995), *cert. denied*, 516 U.S. 1115 (1996). Lower federal courts in the District of Columbia have used this updated *Laffey* Matrix when determining whether fee awards under fee-shifting statutes are reasonable. *See, e.g.*, *Blackman v. District of Columbia*, 59 F. Supp. 2d 37, 43 (D.D.C. 1999); *Jefferson v. Milvets System Technology, Inc.*, 986 F. Supp. 6, 11 (D.D.C. 1997); *Ralph Hoar & Associates v. Nat'l Highway Transportation Safety Admin.*, 985 F. Supp. 1, 9-10 n.3 (D.D.C. 1997); *Martini v. Fed. Nat'l Mtg Ass'n*, 977 F. Supp. 482, 485 n.2 (D.D.C. 1997); *Park v. Howard University*, 881 F. Supp. 653, 654 (D.D.C. 1995).

LAFFEY MATRIX – 2014-2015

Years (Rate for June 1 – May 31, based on prior year's CPI-U)

Experience	14-15
20+ years	520
11-19 years	460
8-10 years	370
4-7 years	300
1-3 years	255
Paralegals & Law Clerks	150

Explanatory Notes.

1. This matrix of hourly rates for attorneys of varying experience levels and paralegals/law clerks has been prepared by the Civil Division of the United States Attorney's Office for the District of Columbia. The matrix is intended to be used in cases in which a "fee-shifting" statute permits the prevailing party to recover "reasonable" attorney's fees. *See, e.g.*, 42 U.S.C. § 2000e-5(k) (Title VII of the 1964 Civil Rights Act); 5 U.S.C. § 552(a)(4)(E) (Freedom of Information Act); 28 U.S.C. § 2412(b) (Equal Access to Justice Act). The matrix does **not** apply to cases in which the hourly rate is limited by statute. *See* 28 U.S.C. § 2412(d).
2. This matrix is based on the hourly rates allowed in *Laffey v. Northwest Airlines, Inc.*, 572 F. Supp. 354 (D.D.C. 1983), *aff'd in part, rev'd in part on other grounds*, 746 F.2d 4 (D.C. Cir. 1984), *cert. denied*, 472 U.S. 1021 (1985). It is commonly referred to by attorneys and federal judges in the District of Columbia as the "Laffey Matrix" or the "United States Attorney's Office Matrix." The various "brackets" in the column headed "Experience" refer to the years following the attorney's graduation from law school, and are intended to correspond to "junior associates" (1-3 years after law school graduation), "senior associates" (4-7 years), "experienced federal court litigators" (8-10 and 11-19 years), and "very experienced federal court litigators" (20 years or more). Thus, the "1-3 years" bracket is generally applicable to attorneys in their first, second, and third years after graduation from law school, and the "4-7 years" bracket generally becomes applicable on the third anniversary of the attorney's graduation (*i.e.*, at the beginning of the fourth year following law school). *See Laffey*, 572 F. Supp. at 371; *but cf. EPIC v. Dep't of Homeland Sec.*, No. 11-2261, ___ F. Supp. 2d ___, 2013 WL 6047561, *6 -*7 (D.D.C. Nov. 15, 2013) (attorney not admitted to bar compensated at "Paralegals & Law Clerks" rate); *EPIC v. Dep't of Homeland Sec.*, 982 F. Supp.2d 56, 60-61 (D.D.C. 2013) (same).
3. The hourly rates approved in *Laffey* were for work done principally in 1981-82. The matrix begins with those rates. *See Laffey*, 572 F. Supp. at 371 (attorney rates) & 386 n.74 (paralegal and law clerk rate). The rates for subsequent yearly periods were determined by adding the change in the cost of living for the Washington, D.C. area to the applicable rate for the prior year, and then rounding to the nearest multiple of \$5 (up if within \$3 of the next multiple of \$5). The result is subject to adjustment if appropriate to ensure that the relationship between the highest rate and the lower rates remains reasonably constant. Changes in the cost of living are measured by the Consumer Price Index for All Urban Consumers (CPI-U) for Washington-Baltimore, DC-MD-VA-WV, as announced by the Bureau of Labor Statistics for May of each year.
4. Use of an updated Laffey Matrix was implicitly endorsed by the Court of Appeals in *Save Our Cumberland Mountains v. Hodel*, 857 F.2d 1516, 1525 (D.C. Cir. 1988) (en banc). The Court of Appeals subsequently stated that parties may rely on the updated *Laffey* Matrix prepared by the United States Attorney's Office as evidence of

prevailing market rates for litigation counsel in the Washington, D.C. area. See *Covington v. District of Columbia*, 57 F.3d 1101, 1105 & n.14, 1109 (D.C. Cir. 1995), cert. denied, 516 U.S. 1115 (1996). Most lower federal courts in the District of Columbia have relied on the United States Attorney's Office Matrix, rather than the so-called "Updated Laffey Matrix," as the "benchmark for reasonable fees" in this jurisdiction. *Miller v. Holzmann*, 575 F. Supp. 2d 2, 18 n.29 (D.D.C. 2008) (quoting *Pleasants v. Ridge*, 424 F. Supp. 2d 67, 71 n.2 (D.D.C. 2006)); see, e.g., *Berke v. Bureau of Prisons*, 942 F. Supp. 2d 71, 77 (D.D.C. 2013); *Heller v. District of Columbia*, 832 F. Supp. 2d 32, 40-49 (D.D.C. 2011); *American Lands Alliance v. Norton*, 525 F. Supp. 2d 135, 150 (D.D.C. 2007). But see *Salazar v. District of Columbia*, 123 F. Supp. 2d 8, 14-15 (D.D.C. 2000). The United States Attorney's Office does not use the "Updated Laffey Matrix" to determine whether fee awards under fee shifting statutes are reasonable.

FEDERAL MARITIME COMMISSION

YAKOV KOBEL and VICTOR BERKOVICH,

Complainants,

v.

HAPAG-LLOYD AMERICA, INC., LIMCO
LOGISTICS, INC., INTERNATIONAL TLC,
INC.,

Respondents.

Docket No. 10-06

CERTIFICATE

On the 16 day of November, I mailed true and correct copies of the foregoing
Verified Petition Regarding Attorney's fees, Verification of Attorney's Fees, Declaration of
Donald P. Roach and Exhibits thereto, to the following addresses via email and overnight
mail as follows:

Limco Logistics, Inc. and International TLC at the following addresses:

International TLC
by: Alena Tokar
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Puyallup WA 98372
Email: www.itlclogistics.com

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Dated this 16th day of November, 2015.

Respectfully submitted:



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