UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA,

Plaintiff,

-and-

THE VULCAN SOCIETY, INC., *for itself and on behalf of its members*, JAMEL NICHOLSON, *and* RUSEBELL WILSON, *individually and on behalf of a subclass of all other victims similarly situated seeking classwide injunctive relief*;

ROGER GREGG, MARCUS HAYWOOD, *and* KEVIN WALKER, *individually and on behalf of a subclass of all other non-hire victims similarly situated*; and

CANDIDO NUÑEZ *and* KEVIN SIMPKINS, *individually and on behalf of a subclass of all other delayed-hire victims similarly situated,*

Plaintiff-Intervenors,

-against-

THE CITY OF NEW YORK,

Defendant.

MEMORANDUM & ORDER

07-CV-2067 (NGG) (RLM)

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NICHOLAS G. GARAUFIS, United States District Judge.

Before the court is Plaintiff-Intervenors' motion for interim attorney's fees and costs. For the reasons explained below, Plaintiff-Intervenors' motion is GRANTED IN PART and DENIED IN PART. Plaintiff-Intervenors are entitled to $3,556,609.20 in interim attorney's fees, and $150,704.09 in interim costs, for a total of $3,707,313.29. Plaintiff-Intervenors' motion to recoup expert and consultant fees is DENIED WITHOUT PREJUDICE.

I. BACKGROUND

A. Overview of the Case

In 2007, the United States brought suit against the City of New York ("City"), alleging that certain aspects of the City's policies for selecting entry-level firefighters for the New York City Fire Department ("FDNY") violated Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. § 2000e et seq. ("Title VII"). (Compl. (Dkt. 1).) The United States alleged that the City's use of Written Exams 7029 and 2043 as pass-fail screening and rank-ordering devices had a disparate impact on black and Hispanic candidates for entry-level firefighter positions. (See id.) The Vulcan Society and several individuals ("Plaintiff-Intervenors") intervened in the lawsuit as Plaintiffs, alleging similar claims of disparate impact and also alleging disparate treatment (raising both theories of liability under federal, state, and local law) on behalf of a putative class of black entry-level firefighter candidates.

The parties have engaged in lengthy and contentious discovery and unsuccessful settlement talks. In May 2009, the court certified a class of victims of the City's discrimination, represented by Plaintiff-Intervenors. (See Order Certifying Class (Dkt. 281).) In July 2009, the court granted summary judgment in favor of the United States and Plaintiff-Intervenors and found that the City's pass-fail and rank-order uses of Written Exams 7029 and 2043 had an unlawful disparate impact under Title VII. (Disp. Impact Op. (Dkt. 294).) In January 2010, the court granted the Plaintiff-Intervenors' motion for summary judgment regarding disparate treatment liability, holding that the City's use of Written Exams 7029 and 2043 constituted intentional discrimination in violation of Title VII, the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, as well as disparate impact and disparate treatment liability under state and local laws. (Disp. Treatment Op. (Dkt. 385).) However, the

court granted the City's motion to dismiss Plaintiff-Intervenors' claims against Defendants Mayor Michael Bloomberg and then-New York City Fire Commissioner Nicholas Scoppetta on the basis of qualified immunity. (Id. at 20-23.)

After the court's disparate treatment ruling, the City announced its intention to use Exam 6019 to hire a new class of firefighters. (See Feb. 24, 2010, Minute Entry.) The court held the hearing and ultimately concluded that the examination was discriminatory and its results could not be utilized. (See Decision & Inj. (Dkt. 569) at 7-8.)

In August of 2011, the court held an eight-day hearing litigated by Plaintiff-Intervenors on the appropriate scope of injunctive relief to remedy the City's discrimination and the intangible benefits of being a firefighter, as relevant to potential claims for noneconomic damages. On December 8, 2011, the court entered a Remedial Order enjoining the City from using the discriminatory exams and requiring the City to work under the supervision of a Court Monitor to ensure an end to discrimination in the City's future efforts to hire firefighters, and directing the City to recruit and retain minority firefighters. (Remedial Order (Dkt. 765).) In September 2012, the court approved a new written examination, developed pursuant to the court's order by the parties and a court-appointed Special Master, for the City's pass-fail and rank-order use in hiring a new class of firefighters. (Mem. & Order Approving Exam (Dkt. 986).)

On October 26, 2012, after a fairness hearing regarding the award of individual relief, the court entered the Final Relief Order, which provided for priority hiring, backpay, and retroactive seniority relief to eligible individual claimants who were determined to be victims of the City's discrimination. (See Final Relief Order (Dkt. 1012).)

The City appealed the scope of the injunctive relief issued in the Remedial Order and the court's decision regarding disparate treatment liability, and argued that the case must be reassigned to a different judge. (City Notice of Appeal (Dkt. 766); Am. Notice of Appeal (Dkt. 770).) Plaintiff-Intervenors cross-appealed the court's entry of partial judgment dismissing Plaintiff-Intervenors' claims against Defendants Mayor Michael Bloomberg and then-New York City Fire Commissioner Nicholas Scoppetta. (Pl.-Int. Notice of Appeal (Dkt. 804).) On May 14, 2013, the Second Circuit vacated the court's grant of summary judgment for disparate treatment liability, but upheld as modified the injunctive relief ordered by the court. See United States v. City of N. Y., 717 F.3d 72, 77 (2d Cir. 2013). The Second Circuit upheld the court's dismissal of the claims against Mayor Bloomberg, but reinstated certain of the claims against Commissioner Scoppetta. Id. The Second Circuit also concluded that the whole case need not be reassigned to a different district judge, but that on remand a different judge would oversee the disparate treatment claim. Id. at 99-101.

B. Plaintiff-Intervenors' Motion for Interim Fees

Plaintiff-Intervenors moved on August 23, 2012, seeking interim fees and costs incurred through May 2012. (Pl.-Int. Mot. for Fees (Dkt. 955).) The City opposed the motion, arguing that Plaintiff-Intervenors' request should be significantly reduced and that the application should be held in abeyance while the City's appeal was pending. (City Opp'n to Mot. for Fees ("City Opp'n") (Dkt. 956).) On August 31, 2012, the court referred the motion to Magistrate Judge Roanne L. Mann for a Report & Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rules of Civil Procedure 72(b)(1) and 54(d)(2)(D). (See Aug. 31, 2012, Order Referring Mot.)

After the Second Circuit issued its opinion in May 2013, Plaintiff-Intervenors filed a letter arguing that because the relief they sought was largely upheld by the Second Circuit, their motion for fees was ripe for decision without additional briefing. (See June 3, 2013, Pl.-Int. Ltr. (Dkt. 1139).) The City argued in response that the court must substantially reduce any award of fees to Plaintiff-Intervenors because of the Second Circuit's opinion. (June 5, 2013, City Ltr. (Dkt. 1141) at 2.) On August 19, 2013, the court rescinded its referral of Plaintiff-Intervenors' motion for interim fees and costs. (See Order Rescinding Referral (Dkt. 1186).) The motion is now before the court.

II. ATTORNEY'S FEES

A. Standard

1. Entitlement to Fees

Pursuant to the Civil Rights Attorney's Fees Awards Act of 1976, 42 U.S.C. § 1988, district courts may award reasonable attorney's fees to prevailing parties in civil litigation. Hensley v. Eckerhart, 461 U.S. 424, 436 (1983) (citing 42 U.S.C. § 1988). Because the statute was enacted to "ensure effective access to the judicial process for persons with civil rights grievances," a prevailing plaintiff "should ordinarily recover an attorney's fee unless special circumstances would render such an award unjust." Id. (citations omitted).

To qualify as a prevailing party, a civil rights plaintiff "must obtain at least some relief on the merits of his claim." Abrahamson v. Bd. of Educ. of Wappingers Falls Cent. Sch. Dist., 374 F.3d 66, 79 (2d Cir. 2004) (quoting Farrar v. Hobby, 506 U.S. 103, 111-12 (1992)). This means that a plaintiff prevails when "actual relief on the merits of his claim materially alters the legal relationship between the parties by modifying the defendant's behavior in a way that directly benefits the plaintiff." Id. (quoting Farrar, 506 U.S. at 112.)

Many courts have held that a party who has properly intervened and "contributed importantly to the creation of remedies" is considered a prevailing party entitled to fees. Wilder v. Bernstein, 965 F.2d 1196, 1204 (2d Cir. 1992) (citing cases). Although the efforts of an intervenor that merely duplicated the efforts of the plaintiff should not result in an award of fees, when efforts of the intervenor effectuate the civil rights at issue, the intervenor is entitled to an award. Id. at 1205. Thus, "where [an] . . . intervening party prevails, the non-duplicative attorney's fees attributable to the efforts expended in pursuit of civil rights remedies may be recovered." Id.

2. Calculation of Fee Award

"The most useful starting point for determining the amount of a reasonable fee is the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate." Hensley, 461 U.S. at 433. The Second Circuit has directed that a district court "bear in mind all of the case-specific variables what we and other courts have identified as relevant to the reasonableness of attorney's fees in setting a reasonable hourly rate." Arbor Hill Concerned Citizens Neighborhood Ass'n v. Cnty. of Albany and Albany Cnty. Bd. of Elections, 522 F.3d 182 (2d Cir. 2007). "The reasonable rate is the rate a paying client would be willing to pay." Id. "[T]he most critical factor [to the award of fees] is the degree of success obtained." Hensley, 461 U.S. at 436.

B. Discussion

Plaintiff-Intervenors request $7,710,542.00 in attorney's fees, representing hours billed by counsel at Levy Ratner, Scott + Scott, and CCR.[1] (See Decl. of Richard Levy in Supp. of Mot. for Fees ("Levy Decl.") ¶ 128.) The City agrees that Plaintiff-Intervenors are entitled to some fees for their work in this case, but argues that for numerous reasons, the court should award substantially less than the amount Plaintiff-Intervenors requested. (See City Opp'n at 1; City Ltr. at 2 (arguing that the court must significantly reduce the award to Plaintiff-Intervenors based on the Second Circuit's opinion).)

1. Reasonable Hourly Rates

"[T]he burden is on the fee applicant to produce satisfactory evidence—in addition to the attorney's own affidavits—that the requested rates are in line with those prevailing in the community for similar services by lawyers of reasonably comparable skill, experience and reputation." Blum v. Stenson, 465 U.S. 886, 895 n.11 (1984). "A rate determined in this way is normally deemed to be reasonable, and is referred to—for convenience—as the prevailing market rate." Id. "[T]he equation in the caselaw of a 'reasonable hourly fee' with the 'prevailing market rate' contemplates a case-specific inquiry into the prevailing market rates for counsel of similar experience and skill to the fee applicant's counsel." Farbotko v. Clinton Cnty. of N.Y., 433 F.3d 204, 209 (2d Cir. 2005). Such a determination may include "judicial notice of the rates awarded in prior cases and the court's own familiarity with the rates prevailing in the district," id. (citing A.R. ex rel. R.V. v. N.Y. City Dep't of Educ., 407 F.3d 65, 82 (2d Cir. 2005);

[1] Plaintiff-Intervenors' list their total attorney's fees request as $8,011,600.00. (See Overview Decl. in Supp. of Mot. for Fees ("Overview Decl.") (Dkt. 955-2) ¶ 128.) Plaintiff-Intervenors base this request on a chart at the end of their Overview Declaration, which misrepresents the total requested for attorney Schwarz as $334,935.00, rather than the $33,330.00 listed in the supporting materials and billing records. (See Charney Decl. ¶¶ 72-76 (requesting a fee award of $33,330.00 for Schwarz).)

Miele v. N.Y. State Teamsters Conference Pension & Ret. Fund, 831 F.2d 407, 409 (2d Cir. 1987)), and requires "an evaluation of evidence proffered by the parties," id.

a. Forum Rule

Plaintiff-Intervenors argue that they are entitled to hourly rates currently prevailing in the Southern District of New York, rather than the Eastern District of New York. (See Pl.-Int. Mem. in Supp. of Mot. for Fees ("Pl.-Int. Mem.") (Dkt. 955-1) at 24-31.) "According to the forum rule, courts should use the hourly rates employed in the district in which the reviewing court sits in calculating the presumptively reasonable fee." Simmons v. New York City Transit Auth., 575 F.3d 170, 174 (2d Cir. 2009) (citing Arbor Hill, 493 F.3d at 119). "When faced with a request for an award of higher out-of-district rates, a district court must first apply a presumption in favor of application of the forum rule." Id. at 176. However, a court may deviate from the forum rule if a party can "show that the case required special expertise beyond the competence of forum district law firms." Id. (citation omitted). The presumption cannot be overcome "through mere proximity of the districts," nor "by relying on the prestige or 'brand name' of her selected counsel." Id. Ultimately, the party seeking the out-of-district rates "must make a particularized showing, not only that the selection of out-of district counsel was predicated on experience-based, objective factors, but also of the likelihood that use of in-district counsel would produce a substantially inferior result." Id. A court should award fees "just high enough to attract competent counsel." Id. at 174-75.

Plaintiff-Intervenors argue that the Simmons test has been satisfied, and that the presumption of in-district rates has thus been overcome. Plaintiff-Intervenors first argue that they are entitled to Southern District rates because "[t]he physical locale of the underlying case is Manhattan." (Pl.-Int. Mem. at 25.) They argue that the City's primary offices are in the

Southern District, and many of the facts underlying the claim occurred in the district. (See id. at 25-26.) Moreover, they had wished to bring this action in the Southern District, but were bound by the United States' decision to bring it in the Eastern District. (Id. at 26.) The fact that Plaintiff-Intervenors could have brought this case in the Southern District, however, is not sufficient to overcome the presumption that Eastern District fees should apply. Green v. City of N. Y., 403 F. App'x 626, 628 (2d Cir. 2010).

Plaintiff-Intervenors also argue that they were unable to find counsel in this district with sufficient resources or experience to represent them adequately. They submitted the affidavit of Paul Washington, former president of Plaintiff-Intervenor Vulcan Society, which explains that the Vulcan Society met with numerous organizations and firms in Manhattan who declined to take the Vulcan Society's case. (See Aff. of Paul Washington in Supp. of Mot. for Fees ("Washington Aff.") (Dkt. 955-7) ¶¶ 3-8.) Washington lists numerous firms and organization he contacted about representation, but notes that each was located in Manhattan. (See id.) Washington learned about and approached numerous firms and never learned of any firms in the Eastern District to approach, but "[h]ad private counsel within the Eastern District been recommended to the Vulcans, [he] would have contacted them as well." (Pl.-Int. Mem. at 26-27 (citing Washington Aff. ¶ 8).) Similarly, counsel for the Center for Constitutional Rights ("CCR") affirms that he reached out to "a number of law firms with resources and potential interest in representing plaintiffs in an employment discrimination action against the City of New York." (Aff. of Shayana Kadidal in Supp. of Mot. for Fees ("Kadidal Aff.") (Dkt. 955-6).) Kadidal lists firms he contacted in Manhattan and in other large cities (for example, San Francisco and Washington, D.C.) about taking the case, but does not list a single firm or attorney in this district that he approached about taking the case. (Id. ¶¶ 8-9.) Rather, he avers that "[n]o

one ever mentioned to [him] that there was a firm with offices in Brooklyn or elsewhere in the Eastern District with the requisite resources and interest in representing the Vulcans. Had I learned of any firm, I would certainly have contacted them." (Id. ¶ 9.)

Per the requirements of the Second Circuit's forum rule, the court cannot conclude based on this showing that in-district counsel were unable or unwilling to take this case. According to the information provided by Kadidal, he reached out to firms in Manhattan and around the country and never learned of any firm in this district that could take the case. Similarly, Washington reached out to numerous firms in Manhattan and never heard of any firms in the Eastern District to which to reach out. Although the court acknowledges the difficulty of proving a negative—in this case, demonstrating that there are not firms in this district with the resources or experience to take this case, see Simmons, 575 F.3d at 176—Plaintiff-Intervenors cannot overcome the presumption of in-forum rates without having made *any* contacts within the district. The evidence that Plaintiff-Intervenors shopped around in Manhattan and never heard of any Eastern District firms who would fit their bill is some evidence that such counsel might be harder to find in the Eastern District, but is not enough to show that there is a complete dearth of such counsel. Based on their application, Plaintiff-Intervenors failed to contact any counsel in this district, but rather relied on their contacts in Manhattan to advise them as to how to proceed across the river.

Plaintiff-Intervenors cite Harvey v. Home Savers Consulting Corp., No. 07-CV-2645 (JG) (SG), 2011 WL 4377839, at *3-4 (E.D.N.Y. Aug. 12, 2011), rep't and rec. adopted by Sept. 1, 2011, Order, No. 07-CV-2645 (E.D.N.Y.), wherein the court recommended that that plaintiffs had overcome the Simmons presumption. In Harvey, the Staten Island legal advocacy organization that initially brought the lawsuit determined that it had "neither the resources nor

the experience to represent plaintiffs adequately." Id. The organization looked extensively before concluding that the only firms with resources and expertise sufficient to take on the case were in the Southern District. Id. The notable difference between Harvey and the instant case, however, is that the court had affidavits from counsel located within the Eastern District attesting to the lack of available firms and affirming that they were forced to seek out-of-district assistance. Here, the testaments all come from counsel in the Southern District who failed to specifically report actual contact with any attorneys in this district.[2]

Plaintiff-Intervenors failed to put forth any evidence that they actually contacted any attorneys in the Eastern District. Accordingly, the court cannot say that Plaintiff-Intervenors

[2] Plaintiff-Intervenors also argue that the court should examine "how often an ordinary client from the Eastern District seeks an attorney from Manhattan, particularly in civil rights cases." (Pl.-Int. Mem. at 27-28; Pl.-Int. Reply at 10-12.) Plaintiff-Intervenors provide statistical evidence that civil rights plaintiffs in the Eastern District often use counsel from the Southern District—namely, from Manhattan—indicating that roughly 58% of civil rights cases filed in the last year in this district involved a lawyer from Manhattan representing either the plaintiff or the defendant. (Pl.-Int. Mem. at 27-28.) Plaintiff-Intervenors also point out that there are far more lawyers located in the Southern District than in this district. (See id. at 29 n.8.) Both of these points, however, merely reinforce that there are lots of lawyers in Manhattan, not necessarily that this correlates to a lack of qualified counsel in this district. The Second Circuit's forum rule would have little meaning if evidence of the overabundance of lawyers in Manhattan were sufficient to overcome the presumption that in-district rates should apply in cases litigated here.

Plaintiff-Intervenors also argue that they are entitled to "Manhattan rates" under New York City Human Rights Law. (Pl.-Int. Mem. at 32-33.) However, courts in this district have concluded that "[i]n awarding attorney's fees under the New York City Human Rights Law, the court can use the same principles that govern such awards in federal civil rights cases." Hugee, 852 F. Supp. 2d at 297 (citing McGrath v. Toys "R" Us, Inc., 3 N.Y.3d 421, 429 (2004)); see also Siracuse v. Program for the Dev. of Human Potential, No. 07-CV-2205 (CLP), 2012 WL 1624291, at *27 (E.D.N.Y. April 30, 2012) (explaining that in announcing the contours of the forum rule in Simmons, the Second Circuit had implicitly rejected the argument that New York City Human Rights Law could justify the award of out-of-forum fees).

have made a particularized showing sufficient to overcome the presumption that Eastern District rates should apply in this case.[3]

b. Reasonable Rates for the Eastern District

"The highest rates in this district are reserved for expert trial attorneys with extensive experience before the federal bar, who specialize in the practice of civil rights law and are recognized by their peers as leaders and experts in their fields." Hugee v. Kimso Apts., LLC, 852 F. Supp. 2d 281, 300 (E.D.N.Y. 2012) (citing Luca v. Cnty. of Nassau, 698 F. Supp. 2d 296, 301 (E.D.N.Y. 2010)). Recent opinions in this district suggest that reasonable hourly rates are "approximately $300-$450 for partners, $200-$325 for senior associates, and $100-$200 for junior associates." Bogosian v. All Am. Concessions, No. 06-CV-1633 (RRM), 2012 WL 1821406, at *2-3 (E.D.N.Y. May 18, 2012); see also Hugee, 852 F. Supp. 2d at 298-299 (listing reasonable hourly rates of $300-450 per hour for partners, $200-300 per hour for senior associates, and $100-200 per hour for junior associates and citing cases in this district awarding similar rates).

In addition to the prevailing market rates, the court must also consider case-specific factors. See Green, 403 F. App'x at 629 (citing Johnson v. Georgia Highway Exp., Inc., 488 F. 2d 714, 717-19 (5th Cir. 1974)). These factors include: (1) the time and labor required; (2) the novelty and difficulty of the questions; (3) the level of skill required to perform the legal service

[3] This conclusion, while legally correct, promotes a distinction that "ignore[s] . . . geographic reality," see Luca v. Cnty. of Nassau, 698 F. Supp. 2d 296, 300 (E.D.N.Y. 2010), in the only city in the nation (let alone the Second Circuit) to be divided into multiple federal districts. The court, along with several others in this district, is skeptical about the utility of this rule as it applies between the Eastern and Southern Districts. See id. (criticizing the forum rule as set forth in Simmons); Gutman v. Klein, No. 03-CV-1570 (BMC), 2009 WL 3296072, at *1 n.1 (E.D.N.Y. Oct. 13, 2009) (noting that it was bound by Simmons, but that there are significant concerns in applying the rule); cf. New Leadership Comm. v. Davidson, 23 F. Supp. 2d 301, 304 (E.D.N.Y. 1998) (noting, pre-Simmons, that a purely geographic distinction for attorney rates "ignores the practical reality of practicing law in New York").

Although the court dutifully applies the forum rule as set forth by the Second Circuit, the court must point out its unfortunate hyper-formality. As shown by this case, a geographical difference amounting to one stop on the subway in the same city can lead to a significant decrease in attorney compensation completely unrelated to attorney experience or competence.

properly; (4) the preclusion of employment by the attorney due to acceptance of the case; (5) the attorney's customary hourly rate; (6) whether the fee is fixed or contingent; (7) the time limitations imposed by the client or the circumstances; (8) the amount involved in the case and the results obtained; (9) the experience, reputation, and ability of the attorneys; (10) the "undesirability" of the case; (11) the nature and length of the professional relationship with the client; and (12) awards in similar cases. See Johnson, 488 F.2d at 717-19.

The Johnson factors indicate that this is an exceptional case meriting departure from the typically-awarded rates in this district. The evidence submitted by Plaintiff-Intervenors shows that the partner-level attorneys litigating their case have extensive experience in civil rights practice, and customarily bill at rates higher than those they have requested in this case. Levy Ratner submitted numerous affidavits from other experienced civil rights attorneys attesting to the experience and specialized skill of partners Levy and Stroup. (See Decl. of Lewis M. Steel (Ex. C to Levy Decl. (Dkt. 955-3)); Decl. of Herbert Eisenberg (Ex. D to Levy Decl. (Dkt. 955-3)).) Scott + Scott also submitted the declaration of Wayne Outten, Esq., a senior partner at a prominent firm specializing in civil rights and employment law, attesting to the experience and skill of Levy, Stroup, and Scolnick (see Decl. of Wayne N. Outten (Ex. F to Scolnick Aff. (Dkt. 955-5))) as well as the declaration of Daniel Berger, Esq., an attorney specializing in class action suits, attesting to the high prevailing rates typically awarded to attorneys in class action cases (see Decl. of Daniel L. Berger (Ex. G to Scolnick Aff. (Dkt. 955-5))). Berger further affirmed that partners Scott, Kaswan, and Scolnick are highly regarded in their field. (See id. ¶¶ 8-9.)

This long-running litigation has involved numerous complex issues and required continuous work by many of the litigation attorneys. The parties engaged in unusually contentious discovery, during which it was discovered on more than one occasion that the City

had failed to disclose significant information or pertinent documents, causing significant prejudice to the other litigants. Plaintiff-Intervenors divided their attention between pursuing several different types of relief, including class relief, individualized damages, and equitable relief. This case has thus operated on many levels and has required high levels of skill and attention from counsel. As discussed further below, these attorneys succeeded in in obtaining wide-ranging equitable relief, including oversight of a major city department and court orders directing an end to discrimination in one of the City's most revered institutions.

The court also considers that Plaintiff-Intervenors faced some unique and significant obstacles in this litigation. The United States did not join in the hearing regarding injunctive relief, and Plaintiff-Intervenors opposed a defendant who aggressively opposed their evidence and their arguments. They and their clients were subjected to continuous negative press questioning their motives and berating their efforts to end discrimination. They litigated against a defendant with a team of attorneys, significant resources (both political and financial), and seemingly unlimited resolve to oppose their every move. Nevertheless, they worked tirelessly in the name of civil rights, and worked without remuneration—until now.

Because this case has required extraordinary effort and skill, the attorneys should be compensated proportionality. Based on the extraordinary nature of this litigation, the efforts it has required of counsel, and the exceptional qualifications of the partners listed above, the court finds it appropriate to award partner-level rates higher than those typically awarded in this district. Accordingly, the reasonable hourly rate appropriate in this case for the partner-level attorneys listed above is $550 per hour.

Leon Friedman, whose main task was to prepare the fees motion in this case, has significant practice experience in the area of attorney's fees. (See Decl. of Leon Friedman in

Supp. of Mot. for Fees ("Friedman Decl.") (Dkt. 955-8) ¶¶ 1-6.) The City acknowledges that "[h]is expertise likely allowed him to be more efficient in drafting and researching." (City Opp'n at 18.) Accordingly, considering his experience and the fees awarded to him in other cases in this district (see Friedman Decl. ¶ 5 (citing cases)), the court concludes that $450 per hour is a reasonable hourly rate for his work.

Plaintiff-Intervenors also submitted declarations as to the experience and skill of the senior associates and associates involved in the case. (See Levy Decl. ¶¶ 32-62; Scolnick Decl. ¶¶ 20-50; Charney Decl. ¶¶ 1-78.) Given the case-specific factors discussed above, the court finds it appropriate to award associate-level hour rates only slightly higher than those typically awarded in this district. These rates, which vary according to the experience of the associate, are listed in the chart below. The court awards a slightly higher rate for Darius Charney, who took a leadership role in the case and was exceptionally competent in his work.

Plaintiff-Intervenors are also entitled to an award for work performed by law clerks and paralegals. See Fuerst v. Fuerst, No. 10-CV-3941 (ADS), 2012 WL 1145934, at *3 (E.D.N.Y. Apr. 5, 2012). Based on rates typically awarded in this district, the court concludes that the reasonable hourly rates are $125 per hour for law clerks and $90 per hour for paralegals. Id.; see also Concrete Flotation Systems, Inc. v. Tadco Const. Corp., No. 07-CV-319 (ARR) (VVP), 2010 WL 2539771, at *9 (E.D.N.Y. Mar. 15, 2010), rep't and rec. adopted in full by 2010 WL 2539661 (E.D.N.Y. June 17, 2010) (listing cases).

Based on these considerations, and taking into account the individual experience and qualifications of each attorney, the court awards the following hourly rates:

Attorney	Law School Graduation	Years in Practice	Requested Rate (Per Hour)	Awarded Rate (Per Hour)
Richard A. Levy	1968	45	$650	$550
Robert H. Stroup	1974	39	650	550
Dana Lossia	2005	8	450	300
Richard Dorn	1960	53	575	550
Jennifer Middleton	1995	18	515	375
Shayana Kadidal	1994	19	575	375
Darius Charney	2001	12	525	450
Anjana Samant	2001	12	525	350
Ghita Schwarz	1998	15	550	350
Judy Scolnick	1976	37	770	550
Amanda Lawrence	2002	11	635	350
Beth Kaswan	1976	37	775	550
Walter Noss	2000	13	635	325
Erin Comite	2002	11	635	325
Leon Friedman	1960	53	500	450
Law Clerks	-	-	175	125
Paralegals	-	-	140	90

2. Hours

Plaintiff-Intervenors request fees for approximately 14,465 hours worked. (See Overview Decl. ¶ 128.) The City argues that these hours must be substantially reduced because Plaintiff-Intervenors were unsuccessful on the disparate treatment claim. (June 5, 2013, City Ltr. at 2.)

"When a plaintiff has achieved substantial success in the litigation but has prevailed on fewer than all of his claims, the most important question in determining a reasonable fee is whether the failed claim was intertwined with the claims on which he succeeded." LeBlanc-Sternberg v. Fletcher, 143 F.3d 748, 762 (2d Cir. 1998); see also Hensley, 461 U.S. at 434-35. When determining an award under a fee-shifting statute, the goal is "to do rough justice,

not to achieve auditing perfection." Fox v. Vice, -- U.S. --, 131 S. Ct. 2205, 2216 (2011). This means that trial courts evaluating fee requests "need not, and indeed should not, become green-eyeshade accountants," and "may take into account their overall sense of a suit" in estimating compensable attorney time. Id. at 2216. Thus, in a complicated case where the party seeking fees is not the prevailing party on all claims, a court need not parse every single billing entry, but may summarize the compensable hours and use its familiarity with the case to estimate compensable attorney time. See Torres v. Gristede's Operating Corp., -- F. App'x --, 2013 WL 2257859, at *1-2 (2d Cir. May 22, 2013) (concluding that the district court did not abuse its discretion by failing to examine plaintiffs' billing entries in detail before awarding fees and costs).

Here, the Second Circuit vacated the court's grant of summary judgment on the disparate treatment claim, but upheld in sum and substance the injunctive relief ordered by the court.[4] See United States v. C. of New Y., 717 F.3d at 96-99. The Second Circuit concluded that "whatever the dimensions of an appropriate remedy for a straightforward case involving only the disparate impact of a hiring exam, considerably more relief is warranted in this case in light of the distressing pattern of limited FDNY minority hiring." Id. at 95-96. Thus, the court was:

> entirely warranted in ordering significant affirmative relief . . . including appointing a Monitor to oversee the FDNY's long-awaited progress toward ending discrimination, ordering development of policies to assure compliance with anti-discrimination requirements, requiring efforts to recruit minority applicants, ordering steps to lessen minority attrition, ordering a document retention policy, and requiring comprehensive review of the entire process of selecting entry-level firefighters.

[4] The Second Circuit modified the injunction to include certain changes, notably: (1) eliminating references to the disparate treatment finding; (2) eliminating the requirement for approval of submissions by the Corporation Counsel and the mayor; (3) eliminating the requirement of an outside recruitment consultant and an EEO consultant, and giving the City the responsibility to perform the tasks identified for the consultants; (4) adding a provision that the City may apply to the court to end some or all of the Monitor's duties; and (5) shortening the court's jurisdiction from year 2022 to 2017. See United States of America v. City of New York, 717 F.3d at 96-99.

Id. at 97. Thus, it can easily be said that Plaintiff-Intervenors "substantially advanced their clients' interests" by obtaining the wide scope of injunctive relief affirmed by the Second Circuit's decision. Hensley, 461 U.S. at 431 (quoting Stanford Daily v. Zurcher, 64 F.R.D. 680 (N.D. Cal. 1974)). The court finds it appropriate to consider Plaintiff-Intervenors the "prevailing party" with respect to much of the work the attorneys did during the relevant period resulting in the injunctive relief.[5] Plaintiff-Intervenors are undoubtedly the prevailing party in the numerous rulings in their favor that the City did not appeal, including summary judgment on disparate impact (Dkt. 294), grant of class certification on certain issues (Dkt. 665), and Plaintiff-Intervenors' challenge of the validity of Exam 6019 (Dkt. 505).

Although the court concludes the Plaintiff-Intervenors can largely be considered the prevailing party for many of the claims they brought, there are also several factors meriting reduction of the overall attorney hours spent on the case.

a. Disparate Treatment and Other Non-Prevailing Claims

According to the City's assessment, Plaintiff-Intervenors spent most of their time litigating the disparate treatment case, and thus should be entitled to only a small reward for the remainder of their efforts. (June 5, 2013, City Ltr. at 2.) In support of their application, Plaintiff-Intervenors submitted a summary of their work for the relevant periods of time and a corresponding number of attorney hours spent during each period. (Overview Decl.) The court has reviewed this submission and compared it with the contemporaneous billing records, its knowledge of the case, and the outcomes corresponding to the attorney efforts. Plaintiff-

[5] The disparate treatment claim is now before another court. See United States v. City of N.Y., 717 F.3d at 99-100. Therefore, the issue of whether fees should ultimately be issued for any of Plaintiff-Intervenors' work relating to the disparate treatment claim is not for this court to decide. As discussed below, the court has used its intimate familiarity with this case and the materials submitted by Plaintiff-Intervenors in support of this motion to assess the proportion of attorney time related to the disparate treatment claim, and has removed that portion of the attorney hours from the award in this case.

Intervenors were ultimately unsuccessful in several aspects of their efforts outside of the disparate treatment claim: their claims against Mayor Bloomberg, class certification as to certain issues, and their claims relating to the noneconomic benefits of being a firefighter. When comparing these losses to the wide-ranging relief upheld by the Second Circuit and Plaintiff-Intervenors contributions to the other components of individual and class-wide relief, the court concludes that they are the prevailing party for approximately 75% of the hours they billed during the relevant period. Accordingly, the court will make a 25% across-the-board reduction to Plaintiff-Intervenors' requested hours. See Aiello v. Town of Brookhaven, No. 94-CV-2622 (FB) (WDW), 2006 WL 1397202, at *4-5 (E.D.N.Y. June 13, 2005) (removing from the calculation of fees all hours worked during a specific period of time when the party focused its efforts on an eventually-unsuccessful claim).

b. Duplication of Efforts and Excessive Billing

The City also argues that Plaintiff-Intervenors largely duplicated the efforts of the United States, and thus are not entitled to the majority of the fees they billed. (City Opp'n at 21-25.) Based on the court's familiarity of the case and the descriptions of attorney tasks submitted by Plaintiff-Intervenors, the court agrees that there were some duplicative efforts on the part of Plaintiff-Intervenors.

A court awarding fees "may decline to compensate hours spent by collaborating lawyers or may limit the hours allowed for specific tasks," and should decide whether to do so "on the basis of its own assessment of what is appropriate for the scope and complexity of the particular litigation." N. Y. State Ass'n for Retarded Children, Inc. v. Carey, 711 F.2d 1136, 1146 (2d Cir. 1983). Moreover, an intervenor is only entitled to fees for non-duplicative efforts. Wilder, 965 F.2d at 1204. As discussed above, Plaintiff-Intervenors championed many of their own efforts,

notably the trial on injunctive relief resulting in the wide-ranging remedial order affirmed as modified by the Second Circuit, and much of the work relating to Exam 6019 and the development of a new examination. However, the United States, as Plaintiff in this case, took the lead on several efforts relating to the disparate impact claim. Therefore, the court concludes that duplication of efforts with the United States merits a 10% across-the-board reduction.

The City also points to several substantive projects where it believes the attorney time billed was duplicative (City Opp'n at 21-25) and notes that the court cautioned Plaintiff-Intervenors about overstaffing at court appearances (id. at 20 (quoting Aug. 1, 2011, Trial Tr. (Ex. M to Decl. of Georgia Pestana in Opp'n to Pl.-Int. Mem. for Fees ("Pestana Decl.") (Dkt. 956-1)))). In support of their opposition, the City submitted the Declaration of Georgia Pestana, attorney for the City, who observed many of the litigation proceedings and offered her recollection of times that Plaintiff-Intervenors overstaffed depositions or court appearances. (See Pestana Decl. ¶¶ 8-24.)

As discussed above, this suit was highly complex and involved several simultaneously active litigation issues. The declarations supporting Plaintiff-Intervenors' application adequately explain the division of issues among attorneys such that the court is not uninformed as to why multiple attorneys were assigned to the larger tasks. Moreover, Plaintiff-Intervenors' ability to successfully argue multiple issues at once through division of tasks was crucial to their overall success. Thus, the court concludes that use of multiple counsel was largely appropriate. See Carey, 711 F.2d at 1146 (affirming a district court's judgment that use of multiple counsel had been appropriate in a complex case). On the other hand, the City's submission and the court's own sense of the case indicate that there was some unnecessary staffing, especially at court

appearances and depositions. In the court's view, this overstaffing merits an across-the-board reduction of 5%.

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In sum, the court makes a 40% across-the-board reduction of Plaintiff-Intervenors' requested hours, representing a 25% reduction for claims upon which Plaintiff-Intervenors are not the prevailing party, a 10% reduction for duplicative efforts with the United States, and a 5% reduction for overstaffing. The court finds this overall 40% reduction to be appropriate given that Plaintiff-Intervenors' successfully sought and prevailed upon wide-ranging relief that not only remedies discrimination in the FDNY, but ensures that future generations will have equal access to the opportunity to become a firefighter, regardless of their race. The chart below lists the reasonable hourly rates as set by the court and the adjusted attorney hours after the across-the-board reduction, resulting in a total attorney's fee award of $3,556,609.20. This award accounts for appropriate reductions in the explained areas but ultimately reflects the extraordinary effort that was necessary to effect change of the magnitude and importance involved in this litigation.

Attorney	Adjusted Hours	Adjusted Rate	Total
Richard A. Levy	1,853.28	$550	$1,019,304.00
Robert H. Stroup	1,402.86	550	771,573.00
Dana Lossia	2,359.92	300	707,976.00
Richard Dorn	28.26	550	15,543.00
Jennifer Middleton	38.16	375	14,310.00
Shayana Kadidal	304.80	375	114,300.00
Darius Charney	583.32	450	262,494.00
Anjana Samant	350.52	350	122,682.00
Ghita Schwartz	37.02	350	12,957.00
Judy Scolnick	601.32	550	330,726.00
Amanda Lawrence	109.80	350	38,430.00
Beth Kaswan	25.20	550	13,860.00
Walter Noss	23.52	325	7,644.00
Erin Comite	12.00	325	3,900.00
Leon Friedman	34.23	450	15,403.50
Law Clerks	661.62	125	82,702.50
Paralegals	253.38	90	22,804.20
TOTAL			**$3,556,609.20**

This award accounts for the appropriate reductions in the explained areas but ultimately reflects the extraordinary effort that was necessary to effect change of the magnitude and importance involved in this litigation.

III. COSTS

In addition to attorney's fees, Plaintiff-Intervenors seek reimbursement for certain costs. In their initial application for fees, they requested $558,379.61 in costs.[6] The City opposed this amount, arguing that Plaintiff-Intervenors had not submitted proper documentation for their requested costs, and had improperly characterized some non-recoverable expenses as costs. (See City Opp'n at 28-31.) In reply, Plaintiff-Intervenors submitted supplemental documentation and removed several costs, requesting a new total of $553,499.49. (See Supp. Scolnick Decl. (Dkt. 957-3) ¶ 4 (requesting a total of $315,940.62 in costs); Supp. Levy Decl. (Dkt. 957-1) ¶ 14 (requesting a total of $168,327.88 in costs); Supp. Charney Decl. ¶ 5 (requesting a total of $69,230.99 in costs).)

In civil rights litigation under Title VII, a prevailing party is entitled, in addition to attorney's fees, to reimbursement for reasonable costs incurred in pursuing the litigation. See 42 U.S.C. § 1988. Under § 1988, "[i]dentifiable, out-of-pocket disbursements for items such as photocopying, travel, and telephone costs are generally taxable." Kuzma v. I.R.S., 821 F.2d 930, 933-34 (2d Cir. 1987); see also LeBlanc-Sternberg v. Fletcher, 143 F.3d 748, 763 (2d Cir. 1998) ("[A]ttorney's fees awards include those reasonable out-of-pocket expenses incurred by attorneys and ordinarily charged to their clients.") Such expenses, however, are "distinguished

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[6] The Overview Declaration purports to request $491,054.80 in costs. (See Overview Decl. ¶ 126.) However, this figure is not the sum of the costs listed for the three entities in the respective supporting affidavits. (See Vulcan Cost Statement (Ex. B to Levy Decl. (Dkt. 955-3)) (listing total costs of $169,087.55); Scott+Scott Cost Statement (Ex. B. to Scolnick Decl. (Dkt. 955-5)) (listing total costs of $319,423.95); Charney Aff. ¶ 80 (listing total costs of $69,868.11).)

According to the amounts listed in the supporting affidavit, Plaintiff-Intervenors' request should have been:

Levy-Ratner	169,087.55
Scott+Scott	319,423.95
CCR	69,868.11
TOTAL	**$558,379.61**

from nonrecoverable routine office overhead, which must normally be absorbed within the attorney's hourly rate." Kuzma, 821 F.2d at 934.

A. Electronic Research Fees

The City contests the electronic research fees claimed by Plaintiff-Intervenors. (City Opp'n at 28-29.) The City argues that many courts have declined to award such costs, the costs are likely duplicative, and they are excessive. (Id.)

The Second Circuit has recognized that electronic research costs are compensable as attorney's fees and may be awarded on the theory that such services presumably save money by making legal research more efficient. Arbor Hill Concerned Citizens Neighborhood Ass'n v. Cnty. of Albany, 369 F. 3d 91, 97-98 (2d Cir. 2004) ("[T]he use of online research services likely reduces the number of hours required for an attorney's manual search, thereby lowering the lodestar, and that in the context of a fee-shifting provision, the charges for such online research may be properly included in a fee award."). However, some courts decline to award electronic research costs, reasoning that the charges are already accounted for in the attorney's hourly rates. See, e.g., King v. JCS Enters., Inc., 325 F. Supp. 2d 162, 171-72 (E.D.N.Y. 2004) (reasoning that "[p]rivate market attorney fee rates reflect overhead costs like electronic research, just as they would reflect the cost of case reporters and other necessary books purchased for a law firm's library"); Torres v. Gristede's Operating Corp., No. 04-CV-3316 (PAC), 2012 WL 3878144, at *5 (S.D.N.Y. Aug. 6, 2012) (declining to award electronic research fees as part of costs and explaining that "[c]omputerized research expenses . . . are recoverable as a portion of attorney's fees rather than as costs"). Such fees are "routinely disallowed in the Eastern District of New York." Coated Fabrics Co. v. Mirle Corp., No. 06-CV-5415 (SJ) (KAM), 2008 WL 163598, at *9 (E.D.N.Y. Jan. 16, 2008).

The court would likely be within its discretion to deny Plaintiff-Intervenors' application for electronic research costs, but finds it more appropriate in this case to award the costs with some reductions. See Concrete Flotation Sys., Inc. v. Tadco Const. Corp., No. 07-CV-319 (ARR) (VVP), 2010 WL 2539771, at *9 (E.D.N.Y. Mar. 15, 2010), adopted in full by 2010 WL 2539661 (E.D.N.Y. June 17, 2010) (noting that courts in this district often decline to award costs for electronic research, but nevertheless making a reduced award). The court has determined that Plaintiff-Intervenors are not the "prevailing party" for many attorney efforts relating to the disparate treatment claim, and the billing entries for the electronic research fees are not broken down by subject. Therefore, the court will award 60% of the requested electronic research costs, corresponding to the 40% across-the-board reduction for attorney hours.

B. Meals

The City also contests the award of meals, arguing that Plaintiff-Intervenors failed to document the reason for numerous meals billed or explain the large cost associated with certain bills. (City Opp'n at 29.) In their reply, Plaintiff-Intervenors removed certain meals, and provided explanation for the remaining meals. (See Levy Reply Decl. ¶¶ 7-10.) The court finds that the remaining meal costs and related explanations are satisfactory, and that the meal costs will be awarded.

C. Expert and Consultant Fees

An award of fees under Title VII explicitly includes award of expert fees. Am. Fed. of State, Cnty. and Mun. Emps., AFL-CIO (AFSCME) v. Cnty. of Nassau, 96 F.3d 644, 650 (2d Cir. 1996). Levy Ratner lists professional services as expert analysis of applied personnel research, and explains that the payments were made to Dr. Joel P. Wiesen, who consulted over a four-year period, and to Dr. Louis Lanier, who wrote an expert report as to equitable monetary

relief. (See Levy Ratner Expenses Breakdown; Levy Reply Decl. ¶ 11.) Scott + Scott lists amounts paid to experts, but does not explain who the experts are or what type of work they performed, merely stating that they billed a certain amount. (See Scott + Scott Expenses Breakdown.) Similarly, CCR lists amounts for consulting hours paid, but neither names the consultants or experts, nor explains the type of work performed. (See CCR Expenses Breakdown (Ex. E to Charney Decl. (Dkt. 955-4)).) Therefore, Plaintiff-Intervenors failed to provide the court with sufficient information upon which to conclude that the expert fees paid related to the aspects of the case where Plaintiff-Intervenors can be considered the prevailing party, or that they resulted in materials used in this litigation. See Port Auth. Police Asian Jade Soc. of N. Y. & N. J. Inc. v. Port Auth. of N. Y. and N. J., 706 F. Supp. 2d 537, 543 (S.D.N.Y. 2010) (declining to award expert costs in a Title VII case where the testimony of the relevant expert was excluded from trial); see also BD v. DeBuono, 177 F. Supp. 2d 201, 208 (S.D.N.Y. 2001) (explaining that "[a] court may refuse to grant fee requests that are excessive or redundant").

Based on the court's experience with the case and reliance on the Plaintiff-Intervenors' experts in several of its orders, the court is unwilling to summarily deny the request for recoupment of these fees. Accordingly, Plaintiff-Intervenors' motion for reimbursement of expert costs is denied without prejudice, and Plaintiff-Intervenors must submit further materials listing, for each expert, a short summary of the type of work performed for each corresponding bill.

D. Miscellaneous Expenses

Levy Ratner's requested compensation for word processing is considered part of routine overhead and is not compensable. See DCH Auto Group (USA) Inc., v. Fit You Best Auto, Inc.,

No. 05-CV-2973 (NG) (JMA), 2006 WL 2799055, at *5 (E.D.N.Y. Jan. 10, 2006) (citing cases), rep't and rec. adopted by Order, No. 05-CV-2973, Dkt. 18. Although photocopying is an expense typically considered compensable, only a reasonable rate per page may be awarded. See, e.g., Torres, 2012 WL 3878144, at *5 (declining to award twelve cents per page and reducing the award to ten cents per page). Here, Scott + Scott and Levy-Ratner both charged twenty-five cents per page.[7] (Scott + Scott Expenses Breakdown (Ex. A to Scolnick Reply Decl. (Dkt. 957-3)); Levy Ratner Expenses Breakdown (Ex. B to Levy Decl. (Dkt. 955-3)).) The court is extremely skeptical that a reasonable client would pay twenty-five cents per page for photocopies, and finds ten cents per page to be appropriate. See Brady v. Wal-Mart Stores, Inc., 455 F. Supp. 2d 157, 216 (E.D.N.Y. 2006) (awarding photocopying costs at a rate of ten cents per page rather than twenty cents per page on the reasoning that the lower rate "is more consistent with a reasonable commercial rate"). This lowers photocopying costs by 60%, reducing Levy Ratner's photocopying cost from $67,656.25 to $27,062.5, and Scott +Scott's from $5,423.52 to $2,169.41.

Plaintiff-Intervenors also request reimbursement for local travel. The City argues that Levy Ratner in particular has billed numerous cab rides that do not seem to occur outside work hours and should not be recoverable. (City Opp'n at 29.) In reply, Levy Ratner submitted explanation for the local travel expenses, such as taking boxes to the courthouse or work after hours. (See Levy Reply Decl. ¶ 10.) The court concludes that with these explanations, the local travel costs shall be awarded.

The City also opposes Levy Ratner's request for "outside services" as inadequately explained. (City Opp'n at 30.) In their supporting materials, Levy Ratner lists its outside

[7] CCR does not include photocopying as a cost.

services as: subscription services for back articles of the Chief Leader, part-time employee research at $15 per hour, internet domain registration, LexisNexis research, purchase of firefighter test-preparation materials, email hosting fees, and fees for retrieval of boxes from storage. (See Levy Ratner Expenses Breakdown; Levy Reply Decl. ¶ 11.) The court finds these to be reasonable and properly-supported expenses, except for the LexisNexis fees, which the court removes because there is no explanation as to how these differ from the expenses listed for electronic research costs. The remaining requested costs, including telephone and fax, filing fees, postage, and messenger fees are the type typically awarded as costs and the court deems them reasonable. See Coated Fabrics Co., 2008 WL 163598, at *9.

Accordingly, taking into account the reductions described above, the chart below lists the requested costs for each entity, as compared to the awarded costs.[8]

	Requested Costs	**Awarded Costs**
Levy Ratner	168,327.88	94,263.89
Scott + Scott	315,940.62	45,756.98
CCR	69,230.99	10,683.22
TOTAL	**$553,499.49**	**$150,704.09**

[8] The awarded costs in this chart include no award for expert or consultant costs, which total $289,577.38 for the three entities.

IV. CONCLUSION

Plaintiff-Intervenors' motion for interim attorney's fees and costs is GRANTED IN PART and DENIED IN PART. Plaintiff-Intervenors are entitled to $3,556,609.20 in interim attorney's fees, and $150,704.09 in interim costs, for a total of $3,707,313.29. Plaintiff-Intervenors' motion to recoup expert and consultant fees is DENIED WITHOUT PREJUDICE, and Plaintiff-Intervenors are directed to submit supplemental documentation in accordance with this Memorandum & Order by September 20, 2013.

SO ORDERED.

/s/
NICHOLAS G. GARAUFIS
United States District Judge

Dated: Brooklyn, New York
August 30, 2013