

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, ex rel., MUNICIPAL
CONSTRUCTION EQUIPMENT
OPERATORS' LABOR COUNCIL, et al.

Relators

vs.

CITY OF CLEVELAND, et al.

Respondents

CASE NO. 2006-2056

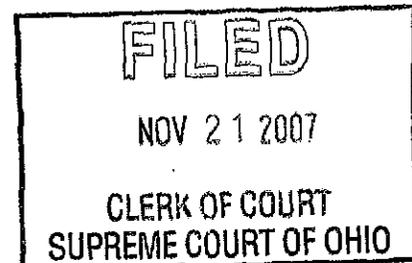
RELATORS' SUBMISSION OF ATTORNEY'S FEES
PURSUANT TO THE COURT'S NOVEMBER 13, 2007 ORDER

Stewart D. Roll (0038004)
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COUNSEL FOR RELATORS

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COUNSEL FOR RESPONDENTS



Further to this Court's November 13, 2007 Order, counsel for Relators hereby submit their invoice for legal fees and costs made necessary as a result of Respondents' failure to comply with the Court's August 15, 2007 Writs of Mandamus (the "Writs"). Relators' invoice is attached hereto as Exhibit "A".

The undersigned attorney has considered each of the factors described in Rule 1.5 of the Ohio Rules of Professional Conduct in his review and submittal of this bill. The work that is described in this invoice would have been unnecessary but for Respondent's failure and refusal to comply with this Court's Writs.

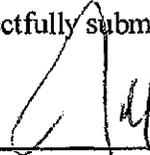
The attached invoice for legal fees and costs rendered reflects the legal services of the undersigned as "SDR". He has been practicing law for 29 years, and is rated "AV" by Martindale-Hubbell. He is a principal in his law firm, and is in charge of his firm's litigation department. His \$245.00 hourly rate is on the low end of what is customarily charged by lawyers in Cuyahoga County who have similar skills and experience.

The attached invoice for services rendered also reflects the efforts of Ms. Mary Ann Schleimer. She has been an attorney for about 5 years. She is also a licensed certified public account ("CPA"). Her efforts focused principally on determining the amount due from Respondents to Relators. Her \$125.00 hourly rate is on the low end of what is customarily charged by lawyers and CPAs in Cuyahoga County who have similar skills and experience.

In view of the \$2 million plus dollar amount at issue, results obtained, circumstances of these efforts and agreed to hourly rate fee, Relators submit that the attached invoice is reasonable and should be paid by Cleveland. The amount of this bill reflects about a 22% reduction in the originally

printed bill amount for legal services rendered to Relators during this period of time.

Respectfully submitted,



**OF COUNSEL:
PERSKY, SHAPIRO &
ARNOFF CO., L.P.A.**

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*Representing Relator CEO Union
and Individual Relators*

CERTIFICATE OF SERVICE

A copy of the foregoing Relators' Submission of Attorney's Fees Pursuant to the Court's November 13, 2007 Order has been sent to the following via regular U.S. mail, on this 22nd day of November, 2007.

Lindsey Williams, Assistant Attorney General
Constitutional Office Section
30 E. Broad Street, 17th Floor
Columbus, OH 43215-3428

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Theodora M. Monegan, Esq.
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STEWART D. ROLL (Reg. #0038004)
*Representing Individual Relators and
the Municipal Construction Equipment
Operators' Labor Council*

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20-Nov-2007

Originating Attorney: Stewart D. Roll

Record of billable hours to *Municipal Construction Operators Labor Council Case Matter 3991.0020*
 8/15/07-11/20/07

CLIENT MATTER	DATE	TMKR	TMKR RATE	HOURS BILLED	AMOUNT DUE	DETAIL OF TRANSACTION
3991.0020	8/22/2007	SDR	\$ 245.00	1.90	\$ 465.50	Reviewed amount due from City. Conferences with Mr. Madonia and Ms. Schleimer regarding same.
3991.0020	8/22/2007	MAS	\$ 125.00	1.30	\$ 162.50	Meeting with Mr. Roll regarding calculating amounts due per Court Order. Reviewed amounts of underpayments per hour.
3991.0020	8/22/2007	MAS	\$ 125.00	4.90	\$ 612.50	Prepared spreadsheets by year by category of workers showing actual hours (regular O.T. and double O.T.) times hourly rate deficiency. Prepared summary spreadsheet of above deficiencies by year by category. Analyzed variance in dollars and hours between Mr. Roll's estimate and actual data and communicated same to him via email.
3991.0020	8/23/2007	MAS	\$ 125.00	7.30	\$ 912.50	Reviewed data with Mr. Roll and prepared alternate set of spreadsheets using 1.5 time and double time rates on actual hours (1994 - 2003) and on estimated hours (2004 - 2005). Prepared analysis of variance between these and Mr. Roll's rough estimate.
3991.0020	8/27/2007	MAS	\$ 125.00	2.00	\$ 250.00	Reviewed spreadsheet format and prepared new spreadsheet formats for next project.
3991.0020	8/28/2007	MAS	\$ 125.00	0.80	\$ 100.00	Discussion with Mr. Roll regarding actual hours and revised chart for total underpayment through December 31, 2003.
3991.0020	8/28/2007	MAS	\$ 125.00	3.30	\$ 412.50	Inpitted hours by day individual and extending new rates to produce a spreadsheet by individual by year for underpayment.
3991.0020	8/28/2007	SDR	\$ 245.00	1.40	\$ 343.00	Meeting with Ms. Monegan regarding Supreme Court cases.
3991.0020	8/29/2007	MAS	\$ 125.00	8.50	\$ 1,062.50	Inpitted hours by individual and extended new rates to produce a spreadsheet by individual by year for underpayment.
3991.0020	8/30/2007	MAS	\$ 125.00	3.20	\$ 400.00	Formatted spreadsheet by employee in anticipation of receipt of payroll records from City.
3991.0020	8/31/2007	MAS	\$ 125.00	0.50	\$ 62.50	Meeting with Frank Madonia and Mr. Dan Roll regarding payroll sheets.
3991.0020	9/5/2007	MAS	\$ 125.00	2.90	\$ 362.50	Set up spreadsheet to account for adjustments to actual hours, overtime hours and double overtime hours by employee.
3991.0020	9/5/2007	SDR	\$ 245.00	2.20	\$ 539.00	Continued efforts to effect payment of Supreme Court Order.
3991.0020	9/6/2007	MAS	\$ 125.00	4.20	\$ 525.00	Reviewed, analyzed and compared employee time provided by Mr. Madonia (payroll stubs) to employee time provided by the City of Cleveland via payroll records and made adjustments to underpayment schedule as needed.

3991.0020	9/6/2007	MAS	\$ 125.00	0.30	\$	37.50	Met with Mr. Madonia regarding adjustments to payroll records.
3991.0020	9/6/2007	SDR	\$ 245.00	0.80	\$	196.00	Prepared e-mail to Ms. Monegan regarding Supreme Court Judgment.
3991.0020	9/7/2007	MAS	\$ 125.00	3.80	\$	475.00	Reviewed, analyzed and compared employee time provided from payroll stubs or City records to Mr. Madonia to employee time provided by City of Cleveland of Cleveland via payroll records and made adjustments as needed.
3991.0020	9/10/2007	SDR	\$ 245.00	4.70	\$	1,151.50	Initiated preparation of documents to effect collection of Supreme Court Judgment.
3991.0020	9/10/2007	SDR	\$ 245.00	5.60	\$	1,372.00	Continued preparation of documents to effect collection of Supreme Court Judgment.
3991.0020	9/11/2007	MAS	\$ 125.00	7.00	\$	875.00	Reviewed various changes from employees and incorporated same into schedules after analyzing and reviewing same. E-mailed Dan Roll regarding information. E-mailed Frank Madonia regarding additional information and questions.
3991.0020	9/12/2007	MAS	\$ 125.00	5.80	\$	725.00	Reviewed and analyzed changed from employees and incorporated into schedules as necessary. Scheduled MCEOLC employees (separate dues members) by actual, over-time and double time per Mr. Madonia's e-mail and incorporated same into schedule of underpayments.
3991.0020	9/14/2007				\$	6.00	Witness fees--Douglas Divish
3991.0020	9/14/2007				\$	6.00	Witness fees--Richard Sensenbrenner
3991.0020	9/14/2007				\$	6.00	Witness fees--Algeron Walker
3991.0020	9/14/2007				\$	6.00	Witness fees--Robert Triozzi
3991.0020	9/14/2007				\$	6.00	Witness fees--Edwin Gabriel
3991.0020	9/14/2007				\$	6.00	Witness fees--Sharon Dumas
3991.0020	9/18/2007	SDR	\$ 245.00	6.40	\$	1,568.00	Prepared for and attended MCEOLC Board meeting and Union meeting.
3991.0020	9/18/2007	MAS	\$ 125.00	2.90	\$	362.50	Reviewed data from Robert Young, Jr. and previous documentation.
3991.0020	9/19/2007	MAS	\$ 125.00	2.80	\$	350.00	Tallied up regular, over-time and double over-time hours for Mr. Cipriano and compared to schedule in regard to adjustments.
3991.0020	9/20/2007	MAS	\$ 125.00	4.40	\$	550.00	Finalized tally of hours and comparison to schedule for Messrs. Cipriano and Young. E-mailed Mr. Madonia regarding missing records for Mr. Young.
3991.0020	9/21/2007	SDR	\$ 245.00	8.10	\$	1,984.50	Reviewed Respondents' Opposition to Motions to Show Cause and for Sanctions and Motions to Quash Subpoenas and for a Protective Order. Researched applicable law. Initiated preparation of Opposition to Respondents' Motions.
3991.0020	9/24/2007	SDR	\$ 245.00	4.40	\$	1,078.00	Completed preparation of Opposition to pending Motions of Respondents. Conferences with Mr. Madonia regarding same.
3991.0020	9/25/2007				\$	17.36	Federal Express package charges (FedEx)
3991.0020	9/26/2007	SDR	\$ 245.00	1.40	\$	343.00	Conferences with Mr. Madonia. Responded to City's Motion for Mediation.
3991.0020	9/27/2007	MAS	\$ 125.00	0.50	\$	62.50	Reviewed documents received in order to determine if information was needed and if it should be inputted in to system.
3991.0020	9/28/2007	SDR	\$ 245.00	0.70	\$	171.50	Meeting with Mr. Jatsek regarding dollar amount due.
3991.0020	10/1/2007	MAS	\$ 125.00	0.60	\$	75.00	E-mails to Messrs. Madonia and Roll regarding payroll documents for Messrs. Jatsek, Campbell and Thomas.

3991.0020	10/1/2007	MAS	\$ 125.00	2.40	\$	300.00	Reviewed time for several employees, checking to determine if previously recorded or in response to missing payroll records. Set up files accordingly.
3991.0020	10/1/2007	SDR	\$ 245.00	4.60	\$	1,127.00	Prepared draft Affidavit for Mr. Madonia in support of Motions to Show Cause and For Sanctions. Prepared e-mail to Ms. Monegan regarding payment.
3991.0020	10/2/2007	MAS	\$ 125.00	0.80	\$	100.00	Up-dated records for several employees online.
3991.0020	10/4/2007	SDR	\$ 245.00	3.30	\$	808.50	Reviewed and responded to Ms. Langhenry's non-payment advice. Meeting with Mr. Madonia to prepare his affidavit in support of MCEOLC's Motion to Show Cause.
3991.0020	10/8/2007	SDR	\$ 245.00	3.30	\$	808.50	Prepared affidavit for Stewart D. Roll in support of motion to show cause and for sanctions.
3991.0020	10/8/2007				\$	9.80	Postage costs (Stewart D. Roll)
3991.0020	10/9/2007	SDR	\$ 245.00	2.70	\$	661.50	Meeting with Mr. Madonia to review pending payment status. Prepared e-mail to Ms. Langhenry regarding payment. Reviewed Cleveland's Motion to Vacate or in the alternative, for a protection order.
3991.0020	10/9/2007	MAS	\$ 125.00	0.40	\$	50.00	Reviewed and analyzed procedure for calculating amount Cleveland underpaid employees, formulating plan.
3991.0020	10/10/2007	MAS	\$ 125.00	2.20	\$	275.00	Wrote out method of calculating amounts underpaid CEO's for Mr. Roll. Verified amounts on schedules.
3991.0020	10/12/2007	MAS	\$ 125.00	4.10	\$	512.50	Reviewed data from City. Prepared comparison for Mr. Roll of Cleveland calculations versus our calculations on underpaid amounts.
3991.0020	10/17/2007	MAS	\$ 125.00	8.00	\$	1,000.00	Reviewing, analyzing and comparing City records with our records per individual to reconcile amounts received and to report and over/under payments.
3991.0020	10/18/2007	MAS	\$ 125.00	8.00	\$	1,000.00	Review, analyze and compare city records with our records per individual to reconcile amounts received and to report any over or underpayments.
3991.0020	10/18/2007	SDR	\$ 245.00	3.40	\$	833.00	Reviewed and initiated response to Cleveland's recent filings.
3991.0020	10/19/2007	MAS	\$ 125.00	7.40	\$	925.00	Review, analyze and compare city records with our records per individual to reconcile amounts received and to report any over or underpayments.
3991.0020	10/19/2007	SDR	\$ 245.00	6.40	\$	1,568.00	Completed preparation of affidavits and responses to Cleveland's recent filings.
3991.0020	10/22/2007	MAS	\$ 125.00	2.50	\$	312.50	Reviewed, analyzed and compared city records with our records per individual to reconcile amounts received and to report any over or underpayments.
3991.0020	10/22/2007	MAS	\$ 125.00	5.30	\$	662.50	Prepared two schedules in anticipation of testimony in court in regard to shortfall on amounts paid to operations and total underpayment owed to remaining operations.
3991.0020	10/23/2007	MAS	\$ 125.00	4.00	\$	500.00	Attended Court Hearing (ultimately postponed) to testify regarding underpayment amounts and method of calculating same.
3991.0020	10/23/2007				\$	17.28	Federal Express package charges (FedEx)
3991.0020	10/23/2007				\$	25.59	Federal Express package charges (FedEx)
3991.0020	10/23/2007				\$	18.78	Federal Express package charges (FedEx)
3991.0020	10/23/2007	MAS	\$ 125.00	4.00	\$	500.00	Review, analyze and compare city records per individual to reconcile amounts received and to report any over or underpayments.
3991.0020	10/24/2007	MAS	\$ 125.00	6.10	\$	762.50	Review, analyze and compare city records for individuals to reconcile amounts received and to report any over/under payments.

3991.0020	10/25/2007	MAS	\$ 125.00	2.00	\$ 250.00	Review, analyze and compare city records per individual to reconcile amounts received and to report any over/under payments.
3991.0020	10/25/2007	MAS	\$ 125.00	1.00	\$ 125.00	Prepared summary of shortfall of paid operators.
3991.0020	10/29/2007				\$ 9.80	Postage costs (Stewart D. Roll)
3991.0020	10/29/2007				\$ 23.93	Federal Express package charges (FedEx)
3991.0020	10/29/2007				\$ 17.28	Federal Express package charges (FedEx)
3991.0020	10/29/2007				\$ 24.40	Federal Express package charges (FedEx)
3991.0020	10/31/2007				\$ 14.55	Mileage to/from Court Michael J. Shapiro
3991.0020	10/31/2007	MAS	\$ 125.00	4.50	\$ 562.50	Attended Court hearing in anticipation for testifying.
3991.0020	11/5/2007	MAS	\$ 125.00	0.70	\$ 87.50	Reviewed and analyzed e-mail from City regarding wage calculations. E-mailed Messrs. Roll and Madonia regarding same.
3991.0020	11/6/2007	MAS	\$ 125.00	0.90	\$ 112.50	Researched meaning of overtime and its calculations.
			Totals:	192.60	\$ 31,645.77	

TOTAL DUE NOW: \$31,645.77

Please make all checks payable to: Persky, Shapiro & Arnoff, Co., L.P.A.