

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

CHRISTOPHER ZIMMERMAN, COREY
MIZELL, STEPHANIE DAWSON, and
MIKE LEWIS, individually and on behalf of
all others similarly situated;

Plaintiffs,

v.

SONYA LAZAREVIC; ZORAN
LAZAREVIC, SYLVIA DUDA; COGO'S
CO.; AND BRIAN HAENZE d/b/a AUTO
GALLERY & ACCESSORIES and as TAG
TOWING AND COLLISION,

Defendants.

CHRISTOPHER GRABOVSKI, individually
and on behalf of all others similarly situated;

Plaintiff,

v.

REALTY INCOME CORPORATION;
COGO'S CO; AND BRIAN HAENZE
D/B/A AUTO GALLERY & ACCESSORIES
and as TAG TOWING AND COLLISION,

Defendants.

CIVIL DIVISION – CLASS ACTION

No. GD-18-012068

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

CIVIL DIVISION – CLASS ACTION

No. GD-18-012294

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Kelly K. Iverson
(Pa. ID No. 307175)
Patrick D. Donathen
(Pa. ID No. 330416)
LYNCH CARPENTER LLP
1133 Penn Ave., 5th Floor
Pittsburgh PA, 15222
P: 412.322.9243
Kelly@lcllp.com
Patrick@lcllp.com

[additional counsel in signature block]

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AND SERVICE AWARDS TO REPRESENTATIVE PLAINTIFFS**

Plaintiffs Christopher Zimmerman, Corey Mizell, Stephanie Dawson, Mike Lewis, and Christopher Grabovski (collectively, "Plaintiffs" or "Settlement Class Representatives") respectfully submit this application for: (1) approval of an award of attorneys' fees, costs, and

expenses in the combined amount of \$69,000.00; and (2) approval of service awards of \$1,000.00 to each Plaintiff. In support of their application, Plaintiffs state as follows:

1. Plaintiffs initiated these cases against Defendants Sonya Lazarevic, Zoran Lazarevic, Sylvia Duda, Realty Income Corporation, and Brian Haenze d/b/a Auto Gallery & Accessories and as Tag Towing and Collision (“TAG Towing”) on September 18 and September 21, 2018, alleging violations of the Pennsylvania Unfair Trade Practices and Consumer Protection Law (“UTPCPL”), 73 Pa. Stat. §§ 202-1, *et seq.*, the Pennsylvania Fair Credit Extension Uniformity Act (“PaFCEUA”), 73 Pa. Stat. §§ 2270.1, *et seq.*, and various common law causes of action. (Doc. 1 & 1).

2. Plaintiffs then filed the operative Amended Complaints on February 5, 2019, naming CoGo’s Co. 2 (“CoGo’s”) as an additional Defendant. (Doc. 13 & 10).

3. Defendants thereafter filed Preliminary Objections to the Amended Complaints which were subsequently fully briefed and argued by the Parties, and later overruled by the Court. (Doc. 16, 20, & 12–14).

4. Following a ruling on the Preliminary Objections, on December 9, 2019, CoGo’s answered the Amended Complaints, denying liability as alleged and asserting cross-claims against TAG Towing. (Doc. 21 & 18).

5. On January 15, 2021, the Parties agreed to a voluntary discontinuance as to less than all defendants, following which the Court dismissed the Settlement Class Representatives’ claims against Sonya Lazarevic, Zoran Lazarevic, Sylvia Duda, and Realty Income Corporation without prejudice on January 19, 2021. (Doc. 34, 36, 31, & 33).

6. The Parties engaged in written and oral discovery, and on March 22, 2021, the Court consolidated seven other related cases for discovery purposes in advance of Plaintiffs filing their Motion for Class Certification. (Doc. 37 & 34).

7. The Parties later commenced settlement discussions and after a series of negotiations, the Parties reached an agreement regarding the material terms of a settlement, which, if approved by the Court will resolve all claims that were raised, or could have been raised against CoGo's, relating to non-consensual tows from the Parking Lots.¹

8. After reaching a settlement in principle, the Parties began negotiating and drafting the written terms of their agreement, which resulted in the completion and execution of a Proposed Class Action Settlement Agreement and Release ("Settlement"), which is attached to Plaintiffs' Motion for Preliminary Approval as Exhibit A. (Doc. 52 & 53).

9. On April 26, 2024, Plaintiffs moved the Court for preliminary approval of the proposed Settlement; conditional class certification; and authorization of notice to Settlement Class Members.² (Doc. 52 & 53).

10. The Court entered an order granting preliminary approval, conditionally certifying the Settlement Class, and authorizing notice on May 6, 2024. (Doc. 54 & 55).

11. Under the Settlement, CoGo's has agreed, subject to Court-approval, to pay (1) up to \$69,000.00 for Settlement Class Counsel's attorneys' fees, costs, and expenses; and (2) up to \$5,000.00 in service award payments, in the amount of \$1,000.00 to each Plaintiff. The attorneys'

¹ The Parking Lots are located at 1709 Saw Mill Run Boulevard, Pittsburgh, PA 15210; 925 East Carson Street, Pittsburgh, PA 15203; 2401 East Carson Street, Pittsburgh, PA 15203; 20 Bailey Avenue, Pittsburgh, PA 15211; 304 Virginia Avenue, Pittsburgh, PA 15211; and 3439 W Run Road, Homestead, PA 15210 (collectively, the "Parking Lots").

² The capitalized terms used in this motion shall be construed according to their meaning as defined in the Settlement except as may otherwise be indicated.

fees, costs, and expenses are to be paid separate and apart from CoGo's payment of \$35,000.00 to establish a Settlement Fund for direct monetary relief to Settlement Class Members. Court-approved Service Awards are to be paid from the Settlement Fund.

12. The relief requested herein should be considered by the Court at the scheduled fairness hearing on October 7, 2024, in conjunction with Plaintiffs' forthcoming Motion for Final Approval of the Settlement, which will be filed by September 16, 2024, and subject to the Court's review of any objections filed by Settlement Class Members.

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

WHEREFORE, Plaintiffs respectfully request that, along with final approval of the Settlement, the Court (1) approve a combined award of \$69,000.00 to Settlement Class Counsel as attorneys' fees, costs, and expenses; and (2) approve Service Awards of \$1,000.00 to each of the Plaintiffs, for a total of \$5,000.00.

Dated: August 5, 2024

Respectfully submitted,



Kelly K. Iverson
(Pa. ID No. 307175)
Patrick D. Donathen
(Pa. ID No. 330416)
LYNCH CARPENTER LLP
1133 Penn Ave., 5th Floor
Pittsburgh PA, 15222
P: 412.322.9243
Kelly@lcllp.com
Patrick@lcllp.com

Joshua P. Ward
(Pa. ID No. 320347)
J.P. WARD & ASSOCIATES, LLC
201 S. Highland Ave, #201

Pittsburgh, PA 15206
P: 412.545.3016
jward@jpward.com

*Attorneys for Plaintiffs and the Settlement
Class*

CERTIFICATE OF SERVICE

I hereby certify that on August 5, 2024, the foregoing was served by email and/or mail on the following:

Vincent M. Roskovensky
Clark Hill PC
One Oxford Centre, 14th Floor
Pittsburgh, PA 15219
vroskovensky@clarkhill.com

Counsel for Cogo's Co.


Patrick D. Donathen