

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

MONIQUE BELL, TREE ANDERSON, and
MELISSA CONKLIN, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

CVS PHARMACY, INC.,

Defendant.

Case No. 1:21-cv-06850-PK

Hon. Peggy Kuo

**DECLARATION OF ADRIAN GUCOVSKI IN SUPPORT OF PLAINTIFFS' MOTION
FOR ATTORNEYS' FEES, COSTS, EXPENSES, AND INCENTIVE AWARDS**

I, Adrian Gucovski, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a partner at Gucovski Rozenshteyn PLLC., and I am Class Counsel in this action. I am an attorney at law licensed to practice in the State of New York, and I am a member of the Bar of this Court. I make this Declaration in support of Plaintiffs' Motion for Attorneys' Fees, Costs, Expenses, and Incentive Awards and am fully competent to do so. I have personal knowledge of all matters set forth herein unless otherwise indicated, and, if called upon to testify, I could and would competently do so.

2. Beginning in October 2021, my firm commenced a pre-suit investigation of Defendant's mislabeled lidocaine patches.

3. My firm interviewed multiple CVS lidocaine patch customers to gather information about their experience using the products, which was essential to counsels' ability to understand the nature of the potential claims and issues, the accuracy of the lidocaine patches labels, and potential remedies. Our firm also engaged in lengthy presuit discussions with CVS's in-house and

outside legal counsel and exchanged various materials in aid of those settlement talks. The parties, however, were unable to reach a presuit settlement.

4. Prior to initiating this action, my firm expended significant resources researching and developing the legal claims at issue. Specifically, my firm researched various peer-reviewed articles discussing the adhesion of over-the-counter lidocaine patches, read a citizen's petition detailing various issues of currently marketed lidocaine patches (including the quantum of lidocaine contained therein), and reviewed the National Drug Code Directory in order to create an excel sheet comparing the strength of CVS's lidocaine products in comparison to other over-the-counter and prescription-strength lidocaine products.

5. On December 10, 2021, Plaintiff Bell initiated this action against Defendant in the asserting state and federal breach of warranty claims and violation of New York General Business Law §§ 349, 350. (ECF No.1).

6. On April 21, 2023, Plaintiff Bell filed an amended complaint adding Plaintiffs Tree and Conklin (ECF No. 54) to include claims regarding other maximum strength lidocaine products sold by Defendant and subsequently filed a motion for preliminary approval of class action settlement on April 24, 2023. (ECF Nos. 56-57).

7. For a fulsome description of Class Counsel's efforts please see the Declaration of Joseph I, Marchese filed herewith.

8. Plaintiffs and Class Counsel believe that the monetary relief provided by the Settlement weighs heavily in favor of a finding that the Settlement is fair, reasonable, and adequate, and well within the range of approval.

9. Attached hereto as **Exhibit 1** are my firm's detailed billing diaries for this matter, as well as a summary of the same. I have personally reviewed all of my firm's time entries

associated with this case, and have used billing judgment to ensure that duplicative and unnecessary time has been excluded and that only time reasonably devoted to the litigation has been included. My firm's time entries were regularly and contemporaneously recorded by myself and the other timekeepers pursuant to firm policy and have been maintained in the computerized records of my firm.

10. My firm undertook this matter on a contingency basis. Since my firm began investigating this matter in October 2021 through September 12, 2023, my firm expended 333.7 hours in this case. My firm's lodestar in this case, based on current billing rates, is \$210,599.50.

11. In addition to the time enumerated above, I estimate that my firm will incur an additional 15-30 hours of future work in connection with the preparation of the fairness hearing, monitoring settlement administration, and responding to Settlement Class Member inquiries. At my firm's blended hourly rate, these additional hours would push my firm's lodestar to between approximately \$220,000.00-\$229,000.00.

12. Due to the commitment of time and capital investment required to litigate this action, my firm had to forego other work, including hourly non-contingent matters, and other class action matters.

13. Included within **Exhibit 1** is a chart setting forth the hourly rates charged for lawyers and staff at my firm at the time the work was completed. Based on my knowledge and experience, the hourly rates charged by my firm are within the range of market rates charged by attorneys of equivalent experience, skill, and expertise. As a matter of firm policy, we do not discount our regular hourly rates for non-contingent hourly work. I have personal knowledge of the range of hourly rates typically charged by counsel in our field in New York, California, Pennsylvania, and elsewhere, both on a current basis and in the past. In determining my firm's

hourly rates from year to year, my partners and I have consciously taken market rates into account and have aligned our rates with the market.

14. Through my practice, I have become familiar with the non-contingent market rates charged by attorneys in New York, California, Pennsylvania, and elsewhere (my firm's offices are in New York City). This familiarity has been obtained in several ways: (i) by litigating attorneys' fee applications; (ii) by discussing fees with other attorneys; (iii) by obtaining declarations regarding prevailing market rates filed by other attorneys seeking fees; and (iv) by reviewing attorneys' fee applications and awards in other cases, as well as surveys and articles on attorney's fees in the legal newspapers and treatises. The information I have gathered shows that my firm's rates are in line with the non-contingent market rates charged by attorneys of reasonably comparable experience, skill, and reputation for reasonably comparable class action work.

15. My firm's rates have been deemed reasonable by Courts across the country. For example: *Dutcher v. Newrez LLC*, No. 21-2062, 2022 U.S. Dist. LEXIS 194706 (E.D. Pa. Oct. 20, 2022) (Final Order Approving Settlement, Fees And Costs, And Entering Judgment).

16. No court has ever cut my firm's fee application by a single dollar on the basis that our hourly rates were not reasonable.

17. Attached hereto as **Exhibit 2** is a current firm resume for Gucovschi Rozenshteyn, PLLC.

18. As mentioned before, my firm, Gucovschi Rozenshteyn, PLLC, has significant experience in litigating class actions of similar size, scope, and complexity to the instant action. (See Ex. 2, Firm Resume of Gucovschi Rozenshteyn, PLLC).

19. My firm has also been recognized by courts across the country for its expertise. (See Ex. 2); see also *Dutcher v. Newrez LLC*, No. 21-2062, 2022 U.S. Dist. LEXIS 194706, at *14

(E.D. Pa. Oct. 20, 2022) (Kearney, J.) (“Class Counsel provided highly competent representation for the Class.”).

20. I am of the opinion that Plaintiffs’ active involvement in this case was critical to its ultimate resolution. They took their roles as class representatives seriously, devoting significant amounts of time and effort to protecting the interests of the class. Without their willingness to assume the risks and responsibilities of serving as class representatives, I do not believe such a strong result could have been achieved.

21. Plaintiffs equipped Class Counsel with critical details regarding their experiences with Defendant. They assisted Class Counsel in investigating their claims, detailed their experiences using Defendant’s lidocaine products, supplied supporting documentation, aided in drafting the Complaints, and frequently communicated with Class Counsel regarding settlement negotiations and strategy. Plaintiffs were prepared to testify at deposition and trial, if necessary. And they were actively consulted during the settlement process.

22. In short, Plaintiffs assisted Class Counsel in pursuing this action on behalf of the class, and their involvement in this case has been nothing short of essential.

I declare under penalty of perjury that the above and foregoing is true and accurate.

Executed this 21st day of September, 2023 at New York, New York.

/s/ Adrian Gucovschi
Adrian Gucovschi

CVS Lidocaine Patches Lodestar			
ATTY	HOURS	RATE	TOTAL
Adrian Gucovschi	270.8	\$ 650.00	\$176,026.50
Benjamin Rozenshteyn	62.9	\$ 550.00	\$34,573.00
	333.7		\$210,599.50
		Expenses:	\$0.00
		Total:	\$210,599.50

GUCOVSKI ROZENSHTEYN PLLC HOURLY RATES

Timekeeper (Title)	2023 Rate
Adrian Gucovschi (Partner)	\$650
Bejamin A. Rozenshteyn (Partner)	\$550

Matter	Start Date	Description	Time	Attorney	Billable Rate	Total Fees
Bell v. CVS	10/15/2021	Interview client, conduct screening, and review materials	1.30	Adrian Gucovschi	650.00	\$845.00
Bell v. CVS	10/18/2021	Conduct legal research regarding the at-issue claims, including Scilex Pharm. v. Sanofi which involved similar lidocaine max strength and adhesion claims	4.80	Adrian Gucovschi	650.00	\$3,120.00
Bell v. CVS	10/20/2021	Draft and send presuit demand letter via certified mail	3.30	Adrian Gucovschi	650.00	\$2,145.00
Bell v. CVS	10/22/2021	Research CVS corporate legal department and send pre-suit letter via e-mail	0.50	Adrian Gucovschi	650.00	\$325.00
Bell v. CVS	11/22/2021	Draft complaint	4.70	Adrian Gucovschi	650.00	\$3,055.00
Bell v. CVS	11/23/2021	Finalize complaint; email same to CVS corporate legal department to provide last presuit opportunity.	4.30	Adrian Gucovschi	650.00	\$2,795.00
Bell v. CVS	11/23/2021	Review and edit draft complaint	2.50	Benjamin Rozenshteyn	550.00	\$1,375.00
Bell v. CVS	11/24/2021	Conference call with Erin A. Moosbrugger (CVS in-house counsel) re: presuit negotiations	0.60	Adrian Gucovschi	650.00	\$390.00
Bell v. CVS	12/02/2021	Review response letter to pre-suit demand from Harvey + Abens on behalf of CVS; respond via email scheduling a time to speak over the phone	1.30	Adrian Gucovschi	650.00	\$845.00
Bell v. CVS	12/03/2021	Conference call with David Harvey (CVS out-side counsel) re: presuit negotiations; draft and send a response letter with additional case law and scientific papers supporting our legal theory to advance prospect of settlement	2.50	Adrian Gucovschi	650.00	\$1,625.00
Bell v. CVS	12/08/2021	Review email from David Harvey re: settlement offer from CVS; discuss with Ben.R and Ms. Bell; and reply Ms.Bell's rejection of the offer	2.50	Adrian Gucovschi	650.00	\$1,625.00
Bell v. CVS	12/08/2021	Review scientific literature regarding lidocaine patches as well as the detailed allegations in Scilex's citizen's petition to the FDA to exclude lidocaine patches from being sold OTC. Summarize findings to aid allegations that CVS's patches are unable to adhere for up to 12 hours based on its defective adhesion technology in draft complaint.	5.50	Adrian Gucovschi	650.00	\$3,575.00
Bell v. CVS	12/08/2021	Discuss settlement offer from CVS with A.Gucovschi and litigation strategy	0.50	Benjamin Rozenshteyn	550.00	\$275.00
Bell v. CVS	12/09/2021	Review the dimensions and quantum of lidocaine in each of CVS's lidocaine patches based on its filings with the National Drug Code Directory. Compare filings with those from other OTC and prescription lidocaine patches and summarize findings in an excel sheet to include findings in the complaint to demonstrate that the patches are not maximum strength.	4.00	Adrian Gucovschi	650.00	\$2,600.00
Bell v. CVS	12/10/2021	Update draft complaint adding detailed allegations from peer-reviewed studies regarding the patches failure to adhere and lidocaine quantum of other OTC and prescription-grade patches available in the market.	9.20	Adrian Gucovschi	650.00	\$5,980.00
Bell v. CVS	12/10/2021	Edit and finalize complaint; prepare civil cover sheet; summons; and complaint and exhibits thereto for filing via ECF.	4.20	Benjamin Rozenshteyn	550.00	\$2,310.00
Bell v. CVS	02/15/2022	Confer with J. Marchese about defendant's answer and scheduling a Rule 26f conference with defense counsel	1.00	Adrian Gucovschi	650.00	\$650.00
Bell v. CVS	02/18/2022	Confer with J. Marchese about pending motions and litigation strategy, including discovery schedule, and discuss same with Ben. Rozen	1.50	Adrian Gucovschi	650.00	\$975.00
Bell v. CVS	03/02/2022	Review email for defendant's new counsel re: request for extension of time, including attached proposed order for the Court; confer with J.Marchese regarding the same	0.50	Adrian Gucovschi	650.00	\$325.00

Bell v. CVS	03/09/2022	Call with defendant's counsel regarding their anticipated motions--including a motion to stay or judgment on the pleadings--as well as settlement interests; debrief with J.Marchese after the call	0.50	Adrian Gucovschi	650.00	\$325.00
Bell v. CVS	03/22/2022	Prepare for and participate in settlement call with defense counsel.	0.60	Adrian Gucovschi	650.00	\$390.00
Bell v. CVS	03/23/2022	Confer with J.Marchese regarding litigation strategy, including settlement discussion with defense counsel; debrief B.Rozen about the same.	1.20	Adrian Gucovschi	650.00	\$780.00
Bell v. CVS	03/25/2022	Call with co-counsel and defendant's counsel re: prospect of settlement and continuance of Rule 16(f) conference; review draft letter of continuance to the Court.	1.00	Adrian Gucovschi	650.00	\$650.00
Bell v. CVS	03/29/2022	Meet in person with J.Marchese to discuss settlement, including pertinent points about potential settlement structures based on estimate sales numbers and co-counsel's previous conversations with a settlement administrator.	1.70	Adrian Gucovschi	650.00	\$1,105.00
Bell v. CVS	04/05/2022	Confer with J.Marchese regarding settlement strategy in anticipation of an in-person meeting with defense counsel; including defendant's lawsuit in California and litigation posture of other pending lidocaine cases. Debrief B.Rozen regarding the same.	1.50	Adrian Gucovschi	650.00	\$975.00
Bell v. CVS	04/06/2022	Review all materials in the docket; compare complaint to answer and analyze any material admissions to allegation in the complaint; confer with B.Rozen regarding strengths and weaknesses of the case and settlement and discuss our valuation of the case in advance of meeting with defense counsel; attend meeting with co-counsel and defense counsel at Bursor & Fisher's office; confer with J.Marchese about our thoughts after meeting with defense counsel.	4.80	Adrian Gucovschi	650.00	\$3,120.00
Bell v. CVS	04/08/2022	Review Defendant's letter motions to adjourn initial conference and anticipated judgment on the pleadings; conduct legal research analyzing the merits of Defendant's arguments and possible opposition arguments. Confer with B.Rozen and J. Marchese about findings and strategy for drafting opposition papers.	3.50	Adrian Gucovschi	650.00	\$2,275.00
Bell v. CVS	04/12/2022	Review edits from J.Marchese re: opposition to Defendant's Motion on the Pleading and Motion to Adjourn Initial Conference; finalize; and file the same	4.20	Adrian Gucovschi	650.00	\$2,730.00
Bell v. CVS	04/13/2022	Review court court orders on defendant's pre-motion conference letters to adjourn and motion for judgment on the pleadings; confer with J.Marchese and Ben.R regarding the same and possible legal strategy; email defense counsel to schedule motion briefing and and upcoming Rule 26f conference.	0.90	Adrian Gucovschi	650.00	\$585.00
Bell v. CVS	04/14/2022	Review and edit Defendant's draft briefing schedule stipulation to be filed to the court. Email same to co-counsel and defense counsel for filing.	0.20	Adrian Gucovschi	650.00	\$130.00
Bell v. CVS	04/18/2022	Review Plaintiff Bell's email communication regarding an auxiliary legal inquiry and advise her regarding the potential conflicts that could affect her responsibilities as an adequate class representative.	0.60	Benjamin Rozenshteyn	550.00	\$330.00
Bell v. CVS	04/21/2022	Review draft discovery schedule prepared by defense counsel in advance of Rule 26f conference; research plaintiff's counter proposal based on similar false advertising cases in EDNY and other pending lidocaine cases; draft and email plaintiff's discovery schedule to J.Marchese and confer with him regarding the same.	1.20	Adrian Gucovschi	650.00	\$780.00
Bell v. CVS	04/25/2022	Review and analyze Defendant's Initial Disclosures based on publicly available information from Dailymed.	0.60	Adrian Gucovschi	650.00	\$390.00

Bell v. CVS	04/25/2022	Call plaintiff Bell about posture of the case and ask for pertinent information to prepare plaintiff's initial disclosures and discovery requests	0.50	Benjamin Rozenshteyn	550.00	\$275.00
Bell v. CVS	04/26/2022	Confer with J.Marchese regarding Defendant's Initial Disclosures and involvement of additional named entities in the lawsuit, including litigation holds and possible depositions; debrief J.Marchese about pertinent discovery information from Plaintiff; and confer about Rule 26(f) conference that I was unable to attend. Discuss litigation strategy based on the foregoing information.	1.50	Adrian Gucovschi	650.00	\$975.00
Bell v. CVS	04/26/2022	Review plaintiff's proposed scheduling order counter-proposal and approve the same before sending to defense counsel.	0.50	Adrian Gucovschi	650.00	\$325.00
Bell v. CVS	04/27/2022	Call and email Plaintiff Bell to confirm the purchase location and the existence of a receipt for her purchase of the at-issue patches.	0.30	Benjamin Rozenshteyn	550.00	\$165.00
Bell v. CVS	04/29/2022	Review defendant's scheduling order counter proposal and confer with J.Marchese regarding the same.	0.30	Adrian Gucovschi	650.00	\$195.00
Bell v. CVS	05/02/2022	Review final joint proposed discovery schedule and confer with defense counsel and co-counsel via email and phone to obtain consent before filing.	1.20	Adrian Gucovschi	650.00	\$780.00
Bell v. CVS	05/03/2022	Confer with J. Marchese about drafting initial disclosures and review and discuss defendant's proposed joint letter requesting an in-person appearance for the parties scheduling conference with the court. Discuss same with B. Rozen.	0.60	Adrian Gucovschi	650.00	\$390.00
Bell v. CVS	05/05/2022	Draft plaintiff's initial disclosures and send to J.Marchese for edits prior to sending them to defense counsel.	0.90	Adrian Gucovschi	650.00	\$585.00
Bell v. CVS	05/09/2022	Prepare for initial scheduling conference; print all pertinent ecf filings; confer with B.Rozen and co-counsel about strategy.	1.50	Adrian Gucovschi	650.00	\$975.00
Bell v. CVS	05/10/2022	Prepare for and attend initial conference hearing; debrief with co-counsel after the hearing, including contacting plaintiff about scheduling conflicts for	3.50	Adrian Gucovschi	650.00	\$2,275.00
Bell v. CVS	05/10/2022	Email correspondence with co-counsel and defense counsel regarding filing with the court the parties availability for the settlement conference.	0.30	Adrian Gucovschi	650.00	\$195.00
Bell v. CVS	05/10/2022	Speak with plaintiff Bell about status of the case and date for initial settlement conference	0.40	Benjamin Rozenshteyn	550.00	\$220.00
Bell v. CVS	05/13/2022	Review pertinent pleadings, draft confidentiality order, and confer with J.Marchese regarding information that we need to prepare for upcoming settlement conference.	0.50	Adrian Gucovschi	650.00	\$325.00
Bell v. CVS	05/16/2022	Review defendant's proposed confidentiality; research confidentiality orders in EDNY for compliance; and send comments and edits to J.Marchese.	0.40	Adrian Gucovschi	650.00	\$260.00
Bell v. CVS	05/17/2022	Review and incorporate edits and comments by J.Marchese to defendant's proposed confidentiality order; confer with J.Marchese about document requests from defendant to advance settlement discussions and review draft email to be sent to defense counsel regarding the same.	1.10	Adrian Gucovschi	650.00	\$715.00
Bell v. CVS	05/17/2022	Draft and send email to J.Marchese concerning attorney-client email correspondence with plaintiff Bell regarding defendant's discovery requests.	0.20	Adrian Gucovschi	650.00	\$130.00
Bell v. CVS	05/18/2022	Review Defendant's email attaching its motion for judgment on the pleadings.	1.20	Adrian Gucovschi	650.00	\$780.00

Bell v. CVS	05/25/2022	Review ECF notice reassigning case to Judge Hector Gonzalez; research new Judge's biography and individual rules of practice.	1.50	Adrian Gucovschi	650.00	\$975.00
Bell v. CVS	05/26/2022	Read defense counsel's response to our email asking for information in advance of settlement discussions, including limiting the scope of sales figures based on attached transcript from the initial conference, and requesting information about plaintiff's proof of purchase. Confer with B. Rozen and J. Marchese regarding the same.	0.80	Adrian Gucovschi	650.00	\$520.00
Bell v. CVS	06/02/2022	Draft opposition to motion for judgment on the pleadings	9.20	Adrian Gucovschi	650.00	\$5,980.00
Bell v. CVS	06/03/2022	Draft opposition to motion for judgment on the pleadings	8.40	Adrian Gucovschi	650.00	\$5,460.00
Bell v. CVS	06/07/2022	Draft opposition to motion for judgment on the pleadings	9.50	Adrian Gucovschi	650.00	\$6,175.00
Bell v. CVS	06/07/2022	Review email correspondence between defense counsel and J. Marchese regarding scope of discovery for settlement negotiation and confer with J. Marchese for a debriefing regarding his calls with defense counsel and litigation strategy moving forward.	0.60	Adrian Gucovschi	650.00	\$390.00
Bell v. CVS	06/08/2022	Draft opposition to motion for judgment on the pleadings	8.20	Adrian Gucovschi	650.00	\$5,330.00
Bell v. CVS	06/09/2022	Draft opposition to motion for judgment on the pleadings	6.60	Adrian Gucovschi	650.00	\$4,290.00
Bell v. CVS	06/10/2022	Review edits from B. Rozen and finalize draft opposition to send to co-counsel for review.	6.80	Adrian Gucovschi	650.00	\$4,420.00
Bell v. CVS	06/16/2022	Review edits from co-counsel to our opposition motion for judgment on the pleadings; include new decision in Hrapoff v. Hisamitsu America into the memo and send back to co-counsel for review.	4.50	Adrian Gucovschi	650.00	\$2,925.00
Bell v. CVS	06/17/2022	Review final edits and help finalize our opposition motion for judgment on the pleadings for filing with the court.	4.30	Adrian Gucovschi	650.00	\$2,795.00
Bell v. CVS	06/21/2022	Review defendant's sales figures and confer with J. Marchese regarding possible deficiencies and initial damages analysis.	1.50	Adrian Gucovschi	650.00	\$975.00
Bell v. CVS	06/22/2022	Confer with defense counsel regarding sales figures and additional discovery requested by plaintiff to aid settlement discussions; exchanged information about plaintiff to defense counsel; drafted an email to defense counsel and co-counsel memorializing telephone call, including information that was exchanged and additional sales figures requested by plaintiff's counsel. Confer with J. Marchese to debrief him of the same.	2.20	Adrian Gucovschi	650.00	\$1,430.00
Bell v. CVS	06/28/2022	Research labeling settlement similar to claims in our case in the EDNY and across other jurisdictions to prepare an initial demand; share findings with co-counsel; attend conference with opposing counsel to communicate our initial demand.	3.40	Adrian Gucovschi	650.00	\$2,210.00
Bell v. CVS	08/01/2022	Conference call with J. Marchese re: mediation scheduled with J. Mass from JAMS	0.20	Adrian Gucovschi	650.00	\$130.00
Bell v. CVS	08/08/2022	Meeting with J. Marchese to prepare for upcoming mediation, including date of mediation and next steps, including drafting a mediation statement	0.70	Adrian Gucovschi	650.00	\$455.00
Bell v. CVS	08/18/2022	Conference call with co-counsel and opposing counsel regarding settlement discussions; subsequent call with J. Marchese re: additional lidocaine products shared by defense counsel and discuss next steps to see how those additional products could form part of the putative class based on their labeling statements. Confer with B. Rizen about conducting additional research for the new products based on publicly available records.	3.60	Adrian Gucovschi	650.00	\$2,340.00
Bell v. CVS	08/23/2022	Compile excel sheet for all CVS lidocaine products based on NDC filings and send to J. Marchese for review.	0.50	Adrian Gucovschi	650.00	\$325.00

Bell v. CVS	08/23/2022	Confer with J. Marchese about following up with JAMS to schedule the introductory call with J. Maas, and about settlement strategy leading up to the mediation	0.80	Adrian Gucovschi	650.00	\$520.00
Bell v. CVS	08/23/2022	Finish finding all NDC package codes including marketing start date of all lidocaine products in Chacon v. CVS. Cross-reference with CVS website.	3.20	Benjamin Rozenshteyn	550.00	\$1,760.00
Bell v. CVS	08/26/2022	Confer with co-counsel about supplemental information about CVS lidocaine products and sales information in furtherance of settlement.	0.60	Adrian Gucovschi	650.00	\$390.00
Bell v. CVS	08/30/2022	Review settlement information, conduct legal research about possible settlement demand, including premium analysis; confer with J. Marchese to create a detailed settlement demand based on damages models and sales figures.	2.20	Adrian Gucovschi	650.00	\$1,430.00
Bell v. CVS	09/07/2022	Conference call with J. Marchese re: settlement proposals in advance of initial call with mediator J. Mass; review pertinent materials to prepare for call.	1.20	Adrian Gucovschi	650.00	\$780.00
Bell v. CVS	09/08/2022	Prepare for and attend introductory call with J. Mass and attend the same; confer with J. Marchese regarding litigation strategy; subsequent call with defense counsel to elaborate on plaintiff's initial demand; confer with claims administrator; and have a final conference call with J. Marchese and B. Rozen regarding additional research and drafting of mediation statement.	4.50	Adrian Gucovschi	650.00	\$2,925.00
Bell v. CVS	09/14/2022	Participate in settlement call with defense counsel and co-counsel; confer with J. Marchese to debrief after the call.	1.00	Adrian Gucovschi	650.00	\$650.00
Bell v. CVS	12/23/2022	Confer with defense counsel and co-counsel about the draft amended complaint and about the status of the draft settlement agreement	0.50	Adrian Gucovschi	650.00	\$325.00
Bell v. CVS	03/14/2023	Email plaintiff Bell with a response to inquiry pertaining to the status of the case and advising on future communications pertaining to the settlement.	0.20	Benjamin Rozenshteyn	550.00	\$110.00
Bell v. CVS	06/14/2023	Prepare for and attend preliminary approval hearing; including reviewing documents, attendance, and commuting	3.50	Adrian Gucovschi	650.00	\$2,275.00
Bell v. CVS	07/26/2023	Prepare for and attend video conference with interested third parties to discuss details of the proposed settlement.	0.70	Adrian Gucovschi	650.00	\$455.00
Bell v. CVS	08/18/2023	Conference call with defense counsel and co-counsel about additional information about class members requested by third parties. Discuss same with Ben.R.	1.50	Adrian Gucovschi	650.00	\$975.00
Bell v. CVS	08/18/2023	Review and test settlement website for functionality	1.00	Adrian Gucovschi	650.00	\$650.00
Bell v. CVS	08/29/2023	Conference call with co-counsel regarding drafting fee petition.	0.40	Adrian Gucovschi	650.00	\$260.00
Bell v. CVS	09/12/2023	Review and edit Plaintiff Declarations in support of Plaintiffs' motion for final approval of class action settlement and motion for attorneys' fees, costs, expenses, and incentive award; send out for Plaintiffs' signatures; call Plaintiffs to review the contents of the declarations and request feedback and signatures	0.90	Benjamin Rozenshteyn	550.00	\$495.00
Bell v. CVS	01/18/2023	Review J. Marchese edits to draft amended complaint and send redlined version to opposing counsel for review	0.33	Adrian Gucovschi	650.00	\$214.50
Bell v. CVS	01/19/2022	Draft review and send the Declaration of Monique Bell Pursuant to Loc.R. 26.1(a) via email and DocuSign	0.50	Benjamin Rozenshteyn	550.00	\$275.00
Bell v. CVS	01/20/2022	Speak with client re: Declaration and convert into signable PDF version for her execution	0.40	Benjamin Rozenshteyn	550.00	\$220.00
Bell v. CVS	01/20/2023	Speak with co-counsel about settlement and review draft settlement	2.50	Adrian Gucovschi	650.00	\$1,625.00
Bell v. CVS	01/20/2023	Edit and revise the Draft CVS Settlement Agreement	2.15	Benjamin Rozenshteyn	550.00	\$1,182.50
Bell v. CVS	01/20/2023	Review and edit the settlement agreement, claim form, short form and exhibits and email to co-counsel	4.30	Benjamin Rozenshteyn	550.00	\$2,365.00

Bell v. CVS	01/26/2023	Call with opposing counsel re: draft settlement agreement	0.24	Adrian Gucovschi	650.00	\$156.00
Bell v. CVS	02/02/2023	Call with opposing counsel re edits to settlement agreement	0.06	Adrian Gucovschi	650.00	\$39.00
Bell v. CVS	02/20/2023	Speak with Ben.R. re: settlement edits discussed on phone calls with J. Marchese and opposing counsel	0.24	Adrian Gucovschi	650.00	\$156.00
Bell v. CVS	02/20/2023	Conference calls with co-counsel and defense counsel re: defendant's edits to the draft settlement agreement.	0.70	Adrian Gucovschi	650.00	\$455.00
Bell v. CVS	02/20/2023	Speak with A.Gucovschi re: defense edits to settlement agreement.	0.24	Benjamin Rozenshteyn	550.00	\$132.00
Bell v. CVS	02/28/2022	Speak with J. Marchese re: Rule26f conference; research and draft Scheduling Order pursuant to the Court's requirements prior to Rule rule 26f conference; and send to J.Marchese for review	2.10	Adrian Gucovschi	650.00	\$1,365.00
Bell v. CVS	03/07/2023	Conference call with co-counsel and defense counsel re: defendant's edits to the draft settlement agreement.	0.50	Adrian Gucovschi	650.00	\$325.00
Bell v. CVS	03/15/2023	Conference call with co-counsel and defense counsel re: defendant's edits to the draft settlement agreement.	0.21	Adrian Gucovschi	650.00	\$136.50
Bell v. CVS	03/15/2023	Conference call with co-counsel and defense counsel re: defendant's final edits to the draft settlement agreement.	0.40	Adrian Gucovschi	650.00	\$260.00
Bell v. CVS	04/03/2023	Conference call with Kroll re: media plan and claim form	0.40	Adrian Gucovschi	650.00	\$260.00
Bell v. CVS	04/08/2022	Draft Opposition to Defendant's Motion to Adjourn Initial Conference	6.03	Adrian Gucovschi	650.00	\$3,919.50
Bell v. CVS	04/10/2023	Review and edit preliminary approval motion and draft GR Firm declaration in support thereof	5.10	Adrian Gucovschi	650.00	\$3,315.00
Bell v. CVS	04/11/2022	Draft opposition to Defendant's Motion on the Pleading and finalize Motion to Adjourn Initial Conference; send draft letters to J.Marchese for review.	8.58	Adrian Gucovschi	650.00	\$5,577.00
Bell v. CVS	04/14/2023	Verify final amended complaint approved by the parties and sent to co-counsel to finalize	0.30	Adrian Gucovschi	650.00	\$195.00
Bell v. CVS	04/18/2023	Conference call with co-counsel and defense counsel re: defendant's edits to the draft settlement agreement.	0.50	Adrian Gucovschi	650.00	\$325.00
Bell v. CVS	04/19/2023	Speak with J. Marchese, opposing counsel, and class administrator regarding claim form submission design.	0.34	Adrian Gucovschi	650.00	\$221.00
Bell v. CVS	04/20/2023	Call clients and discuss the settlement agreement and arrange for execution	0.25	Benjamin Rozenshteyn	550.00	\$137.50
Bell v. CVS	04/20/2023	Prepare the settlement agreement and send out for signature to lead plaintiffs	0.23	Benjamin Rozenshteyn	550.00	\$126.50
Bell v. CVS	04/20/2023	Go over the settlement agreement with Monique Bell	0.35	Benjamin Rozenshteyn	550.00	\$192.50
Bell v. CVS	04/20/2023	Go over the settlement agreement with Melissa Conklin	0.30	Benjamin Rozenshteyn	550.00	\$165.00
Bell v. CVS	04/20/2023	Go over the settlement agreement with Tree Anderson	0.33	Benjamin Rozenshteyn	550.00	\$181.50
Bell v. CVS	04/20/2023	Send CVS Claim Form, Amended Complaint and Settlement Agreement to plaintiffs for review.	1.69	Benjamin Rozenshteyn	550.00	\$929.50
Bell v. CVS	04/21/2023	Conference with J.Marchese re: final edits to settlement agreement and exhibits.	0.21	Adrian Gucovschi	650.00	\$136.50
Bell v. CVS	04/24/2023	Review final settlement and preliminary approval drafts before ECF filing	0.40	Adrian Gucovschi	650.00	\$260.00
Bell v. CVS	05/29/2023	Research Goldberg factors and other issues raised in preliminary approval conferences in the Eastern District of New York in preparation for the preliminary approval hearing before Judge Peggy Kuo	1.50	Adrian Gucovschi	650.00	\$975.00
Bell v. CVS	06/01/2023	Conference with J. Marchese in anticipation of preliminary approval hearing	0.40	Adrian Gucovschi	650.00	\$260.00
Bell v. CVS	06/10//2022	Review and redline draft opposition to motion for judgment on the pleadings	4.50	Benjamin Rozenshteyn	550.00	\$2,475.00
Bell v. CVS	06/13/2023	Print and organize documents to prepare for the preliminary approval hearing	0.62	Benjamin Rozenshteyn	550.00	\$341.00
Bell v. CVS	06/14/2023	Speak with J. Marchese and B. Rozen re: Court's comments and concerns communicated in the preliminary approval hearing	0.51	Adrian Gucovschi	650.00	\$331.50
Bell v. CVS	06/14/2023	Prepare for and attend preliminary approval hearing; including reviewing documents, attendance, and commuting	3.50	Benjamin Rozenshteyn	550.00	\$1,925.00

Bell v. CVS	06/22/2023	Review supplemental letter from CVS re: class members' ability to obtain proof of purchase from CVS's ExtraCare accounts and confer with J. Marchese to add our final edits	0.43	Adrian Gucovschi	650.00	\$279.50
Bell v. CVS	06/23/2023	Review final edits from opposing counsel re: supplemental letter from CVS re: class members' ability to obtain proof of purchase from CVS's ExtraCare accounts and confer with J. Marchese	0.35	Adrian Gucovschi	650.00	\$227.50
Bell v. CVS	06/24/2022	Review defense email providing additional sales figures information and confer with J. Marchese re: setting an initial settlement demand	0.60	Adrian Gucovschi	650.00	\$390.00
Bell v. CVS	07/01/2022	Read CVS reply for Judgment on the Pleadings Motion	4.00	Adrian Gucovschi	650.00	\$2,600.00
Bell v. CVS	07/14/2022	Conference call with co-counsel and opposing counsel regarding settlement demand and scheduling private mediation, including possible mediators.	1.00	Adrian Gucovschi	650.00	\$650.00
Bell v. CVS	07/18/2023	Confer with J. Marchese about yesterday's email from various states' attorneys general regarding the proposed settlement, and confer with him about how to address their queries; review settlement terms regarding same; confer with defense counsel and J. Marchese about scheduling a call with the AGs	0.40	Adrian Gucovschi	650.00	\$260.00
Bell v. CVS	08/18/2022	Confer with Ben re: NDC filings of other at issue CVS/Natural Essentials lidocaine products; share initial findings with co-counsel.	0.30	Adrian Gucovschi	650.00	\$195.00
Bell v. CVS	08/18/2022	Find NDC package codes of all CVS lidocaine products, including marketing start date of all products disclosed by defense counsel and those at issue in Chacon v. CVS. Cross-reference with CVS website for accuracy. Debrief A.Gucovschi on findings.	3.90	Benjamin Rozenshteyn	550.00	\$2,145.00
Bell v. CVS	08/23/2022	Confer with J.Marchese re: CVS excel sheet including other lidocaine products and discuss settlement strategy in preparation of JAMS introductory call.	0.14	Adrian Gucovschi	650.00	\$91.00
Bell v. CVS	08/30/2022	Review, print and execute Mediation Agreement	0.43	Benjamin Rozenshteyn	550.00	\$236.50
Bell v. CVS	08/31/2022	Conference with B.Rozen re: CVS mediation sales figures, structure, and possible need for new clients for additional lidocaine products.	0.60	Adrian Gucovschi	650.00	\$390.00
Bell v. CVS	08/31/2022	Conference with J. Marchese re: CVS mediation sales figures and settlement structure	0.50	Adrian Gucovschi	650.00	\$325.00
Bell v. CVS	09/08/2022	Research EDNY consumer protection settlements with hybrid settlement structures	2.40	Benjamin Rozenshteyn	550.00	\$1,320.00
Bell v. CVS	09/09/2022	Research EDNY consumer protection claims made settlements.	1.52	Benjamin Rozenshteyn	550.00	\$836.00
Bell v. CVS	09/13/2022	Draft mediation statement	8.50	Adrian Gucovschi	650.00	\$5,525.00
Bell v. CVS	09/13/2022	Read new peer-reviewed lidocaine study for over-the-counter patch and confer with A.Gucovschi regarding its relevance to add in mediation statement.	0.50	Benjamin Rozenshteyn	550.00	\$275.00
Bell v. CVS	09/14/2022	Draft mediation statement	2.40	Adrian Gucovschi	650.00	\$1,560.00
Bell v. CVS	09/14/2022	Draft mediation statement	1.40	Adrian Gucovschi	650.00	\$910.00
Bell v. CVS	09/14/2022	Review and redline the CVS mediation statement	0.40	Benjamin Rozenshteyn	550.00	\$220.00
Bell v. CVS	09/14/2022	Settlement research for mediation statement (other price premium damages cases)	0.30	Benjamin Rozenshteyn	550.00	\$165.00
Bell v. CVS	09/14/2022	Conduct research for mediation statement (price premium approvals in other cases); share findings with A.Gucovschi to include in mediation statement.	1.40	Benjamin Rozenshteyn	550.00	\$770.00
Bell v. CVS	09/16/2022	Speak with co- counsel re: meditation statement	0.50	Adrian Gucovschi	650.00	\$325.00
Bell v. CVS	09/16/2022	Review and redline A.Gucovschi's mediation statement	0.70	Benjamin Rozenshteyn	550.00	\$385.00
Bell v. CVS	09/16/2022	Review J.Marche's revised draft mediation statement and email co-counsel with final edits/suggestions.	0.30	Benjamin Rozenshteyn	550.00	\$165.00
Bell v. CVS	09/19/2022	Prepare for an attend in person meeting with opposing counsel.	2.07	Adrian Gucovschi	650.00	\$1,345.50
Bell v. CVS	09/19/2022	Prepare for an attend in person meeting with opposing counsel.	2.07	Benjamin Rozenshteyn	550.00	\$1,138.50

Bell v. CVS	09/19/2022	Continue research of consumer protection settlement structures in EDNY and other jurisdictions.	1.58	Benjamin Rozenshteyn	550.00	\$869.00
Bell v. CVS	09/22/2022	Find analogous cases prior to mediation	4.17	Adrian Gucovschi	650.00	\$2,710.50
Bell v. CVS	09/22/2022	Speak with defense counsel re: issues raised defendant's mediation statement.	0.62	Adrian Gucovschi	650.00	\$403.00
Bell v. CVS	09/22/2022	Review and create responses to defendant's mediation statement.	2.50	Adrian Gucovschi	650.00	\$1,625.00
Bell v. CVS	09/23/2022	Organize and compile materials re: defenses to defendant's mediation statement, settlement structures, and similar approved settlements; share material with co-counsel through OneNote and excell sheets.	2.90	Adrian Gucovschi	650.00	\$1,885.00
Bell v. CVS	09/23/2022	Conference call with J.Mass in advance of mediation; debrief co-counsel and discuss the compiled materials, including similar settlements and defenses to defendant's mediation statement.	1.11	Adrian Gucovschi	650.00	\$721.50
Bell v. CVS	09/23/2022	Conduct legal research regarding approval of different settlement in related cases.	3.00	Benjamin Rozenshteyn	550.00	\$1,650.00
Bell v. CVS	09/27/2022	Speak with J. Marchese pre-mediation.	0.50	Adrian Gucovschi	650.00	\$325.00
Bell v. CVS	09/28/2022	Attend mediation at JAMS with J. Maas.	10.00	Adrian Gucovschi	650.00	\$6,500.00
Bell v. CVS	09/28/2022	Attend mediation at JAMS with J. Maas.	10.00	Benjamin Rozenshteyn	550.00	\$5,500.00
Bell v. CVS	09/29/2022	Speak with J. Marchese re: mediation, including next steps; review and approve defendant's draft letter to the court seeking extension of time.	0.30	Adrian Gucovschi	650.00	\$195.00
Bell v. CVS	09/29/2022	Review all third-supplier products to be discussed in potential settlement release.	0.93	Adrian Gucovschi	650.00	\$604.50
Bell v. CVS	10/14/2022	Speak with J. Marchese re: settlement agreement and drafting term sheet after mediators proposal	0.20	Adrian Gucovschi	650.00	\$130.00
Bell v. CVS	10/24/2022	Confer with B.Rozen about term sheet research	1.07	Adrian Gucovschi	650.00	\$695.50
Bell v. CVS	10/24/2022	Research case law re: proposed settlement structure prior to signing a terms sheet based on Grinnel factors in the Second Circuit	1.80	Adrian Gucovschi	650.00	\$1,170.00
Bell v. CVS	10/25/2022	Confer with J. Marchese re: drafting terms sheet based on Second Circuit case law and issues concerning release of the suppliers involved in this case.	0.32	Adrian Gucovschi	650.00	\$208.00
Bell v. CVS	10/26/2022	Review term sheet drafted by co-counsel and discuss with B.Rozen.	0.12	Adrian Gucovschi	650.00	\$78.00
Bell v. CVS	11/07/2022	Confer with J. Marchese re: edits to term sheet sent by opposing counsel.	0.22	Adrian Gucovschi	650.00	\$143.00
Bell v. CVS	11/15/2022	Interview new CVS clients who purchased additional lidocaine products, explain their involvement as class representatives, and send retainer agreements.	0.30	Benjamin Rozenshteyn	550.00	\$165.00
Bell v. CVS	11/16/2022	Follow up calls with new CVS clients.	0.80	Benjamin Rozenshteyn	550.00	\$440.00
Bell v. CVS	12/15/2022	Review magistrate judge Kuo opinions before stipulating with defendant to proceed with her in filing preliminary approval settlement.	1.52	Adrian Gucovschi	650.00	\$988.00
Bell v. CVS	12/16/2022	Confer with J. Marchese re: stipulation to submit with Magistrate Judge Kuo for preliminary approval.	0.20	Adrian Gucovschi	650.00	\$130.00
Bell v. CVS	12/19/2022	Draft amended complaint.	0.44	Adrian Gucovschi	650.00	\$286.00
Bell v. CVS	12/20/2022	Confer with J. Marchese about suggested edits to draft first amended complaint and finalize draft amended complaint to send to opposing counsel for review pursuant to our term sheet.	0.60	Adrian Gucovschi	650.00	\$390.00
Bell v. CVS	12/20/2022	Draft amended complaint	3.35	Adrian Gucovschi	650.00	\$2,177.50
Bell v. CVS	12/20/2022	Research CVS lidocaine creams and sprays and design a graphic to be included in the amended complaint.	0.60	Benjamin Rozenshteyn	550.00	\$330.00
Bell v. CVS	12/27/2022	Draft CVS settlement agreement	6.30	Adrian Gucovschi	650.00	\$4,095.00
Bell v. CVS	12/28/2022	Confer with opposing counsel re: edits to amended complaint	0.40	Adrian Gucovschi	650.00	\$260.00
Bell v. CVS	12/28/2022	Draft CVS settlement agreement	3.00	Adrian Gucovschi	650.00	\$1,950.00

Total:	333.7			\$210,599.50
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GUCOVSKI ROZENSHTEYN, PLLC

630 FIFTH AVENUE, SUITE 2000
NEW YORK, NY 10111
WWW.GR-FIRM.COM

TEL: (212) 884-4230
EMAIL: INFO@GR-FIRM.COM

FIRM RESUME

Headquartered in New York, NY, Gucovski Rozenshteyn PLLC (“GR Firm”) represents consumers in state and federal courts nationwide. Our firm spearheads and prosecutes novel cases aimed at redressing injuries suffered by large and diverse groups of people. In the past two years alone, GR Firm has filed over 18 consumer protection class actions and prevailed in every single motion to dismiss—creating important precedent along the way.

Indeed, GR Firm was the first firm to file class action lawsuits against retail companies alleging deceptive marketing of their lidocaine products. With co-counsel, our firm has prevailed in 3 out of 3 motions to dismiss. *See Stevens v. Walgreen Co.*, No. 21-CV-10603 (JPO), 2022 U.S. Dist. LEXIS 152744 (S.D.N.Y. Aug. 24, 2022); *Rodriguez v. Walmart Inc.*, No. 22-CV-2991 (JPO), 2023 U.S. Dist. LEXIS 53253 (S.D.N.Y. Mar. 28, 2023); *Ary v. Target Corp.*, No. 22-cv-02625-HSG, 2023 U.S. Dist. LEXIS 49633 (N.D. Cal. Mar. 23, 2023).

Notably, GR Firm was also among the first firms to file a class action related to the CARES Act forbearance programs. *See Dutcher v. Newrez LLC*, No. 21-2062, 2022 U.S. Dist. LEXIS 194706 (E.D. Pa. Oct. 20, 2022) (granting final approval of a \$750,000 nationwide class action settlement and appointing GR Firm as class counsel in a lawsuit alleging violations of the Fair Debt Collection Practices Act (“FDCPA”) on behalf of CARES Act forbearance mortgagees.).



Biography of Adrian Gucovschi

Adrian Gucovschi is the founding partner of GR Firm. He is a member in good standing of the New York State Bar and the United States District Courts for the Southern and Eastern District of New York. He received a Bachelor of Arts from Yeshiva University and a Juris Doctor, *cum laude*, from Fordham University School of Law. Before founding GR Firm, Mr. Gucovschi worked at various firms where he prosecuted, and subsequently defended, billion-dollar lawsuits brought by multiple institutional investors and banks arising from the 2008 mortgage-backed securities economic disaster. In early 2021, Mr. Gucovschi partnered with Benjamin A. Rozenshteyn to advance the firm's class action work. Mr. Rozenshteyn received a Bachelor of Arts from Yeshiva University, *magna cum laude*, an Executive Education degree in business analytics from Harvard Business School, and a Juris Doctor from Benjamin N. Cardozo School of Law. Mr. Rozenshteyn is a member in good standing of the New York State Bar.