

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE WORLDCOM, INC. ERISA LITIGATION : MASTER FILE  
This Document Relates to: : 02 Civ. 4816(DLC)  
ALL ACTIONS : MEMORANDUM OPINION &  
 : ORDER  
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DENISE COTE, District Judge:

An Opinion and Order of October 18, 2004 granted the request of Emanuele Counsel in the WorldCom ERISA Litigation for reimbursement of \$26,529 in litigation expenses and, finding that they had provided valuable pre-appointment legal services to the class, permitted them to apply for "some" compensation for those services on the condition that the request was supported by their contemporaneous billing records. In re WorldCom, Inc. ERISA Litig., No. 02 Civ. 4816 (DLC), 2004 WL 2338151, \*11 (S.D.N.Y. Oct. 18, 2004). Emanuele Counsel now seek reimbursement for fees of \$479,640, reflecting a multiplier of 1.26 applied to a lodestar attorneys fee calculation of \$380,667 on behalf of three law firms: \$258,352.65 for Girard Gibbs ("Girard Firm"); \$82,083.50 for Stueve Siegel Helder & Woody LLP ("Stueve Firm"); and \$40,229.50 for Finkelstein, Thompson & Loughran ("Finkelstein Firm").

Emanuele Counsel filed a WorldCom ERISA action in the District Court for the District of Columbia. The work performed by Emanuele Counsel benefitted the class in one significant way. They obtained a court order requiring WorldCom to provide notice to all laid-off employees who received a severance offer package

that included a general release. The notice informed those employees that lawsuits were pending against WorldCom that challenged the validity of the release. This work, including the negotiations with WorldCom over the wording of the notice, was principally performed by the Girard Firm, and occurred between July 10 and July 23. This effort was no doubt important to employees who were confronted with the general release at a time of enormous upheaval in their personal and financial life. The Girard Firm will be awarded \$75,000 in attorney's fees for their efforts in obtaining the release.

The Court declines to award attorney's fees to either the Stueve Firm or the Finkelstein Firm. The latter was local counsel and performed little substantive work in the litigation. From their time records, it appears that the Stueve Firm assisted in the briefing on the notice issue, but that it played a more minor role in that effort than the Girard Firm. The size of the project does not appear to have required a second law firm. Since it is difficult to isolate duplicative efforts and since inefficiencies necessarily accompany work on a single project by more than one firm, the award will be made to the Girard Firm alone.

There will be no further award of attorney's fees to Emanuele Counsel. The Court has considered in particular whether there was any significant benefit conferred on the class by Emanuele Counsel's petition to the Judicial Panel on Multi-District Litigation that the WorldCom ERISA litigation be

consolidated in a single federal district. While Emanuele Counsel were apparently the first to make that application, it was inevitable that such an application would be made by plaintiffs and defendants. In such circumstances, an award of attorney's fees is not warranted.

The October 18 decision awarded over \$26,000 in expenses to Emanuele Counsel. Having reviewed again the request for expenses, and analyzing that request in light of the entirety of the work reflected on the time sheets, the award of expenses is revised as follows. The Girard Firm is awarded for its costs for the period July 10 to July 23, 2002. The award of costs to Emanuele Counsel in the October 18 decision is vacated.

Conclusion

The Emanuele Counsel's application for an award of fees and expenses to be paid from the WorldCom ERISA Settlement Fund is granted to the following extent. Girard Gibbs is awarded \$75,000 in attorney's fees and its expenses for the period July 10 to July 23, 2002. The Girard Firm shall submit an order within ten days.

SO ORDERED:

Dated: New York, New York  
November 15, 2004

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DENISE COTE  
United States District Judge