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**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

CHRISTINA CRUZ ET AL
Plaintiff

ENGLISH NANNY & GOVERNESS SCHOOL, ET AL
Defendant

Case No: CV-11-768767

Judge: BRIAN J CORRIGAN

JOURNAL ENTRY

81 DISP.JURY TRIAL - FINAL

DEFENDANTS' MOTION TO STAY PROCEEDINGS, FILED ON 02/22/19, IS DENIED.

PLAINTIFFS' MOTION IN OPPOSITION TO REMITTITUR, FILED ON 09/18/17, IS GRANTED.

PLAINTIFFS' MOTION TO MODIFY ATTORNEYS' FEES AWARD CONSISTENT WITH THE EIGHTH DISTRICT'S RULING, FILED ON 09/15/17, IS GRANTED IN PART AND DENIED IN PART.

PLAINTIFFS' MOTION FOR POST-JUDGMENT INTEREST, FILED ON 09/08/17, IS GRANTED IN PART.

CASE IS HEREBY REMOVED FROM THE COURT'S ACTIVE DOCKET. COSTS TO DEFENDANTS. O.S.J. COURT COST ASSESSED TO THE DEFENDANT(S).

OSJ 06/07/2019
Judge Signature Date

FILED
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CLERK OF COURTS
CUYAHOGA COUNTY

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

CHRISTINA CRUZ, et al.,)	CASE NO. CV-11-768767
)	
Plaintiffs,)	JUDGE BRIAN J. CORRIGAN
)	
vs.)	
)	
ENGLISH NANNY & GOVERNESS)	<u>OPINION</u>
SCHOOL, et al.,)	
)	
Defendants.)	

This case came before this Court following the Eighth District Court of Appeals' remand to reconsider defendants' motion for remittitur in light of the mandatory criteria set forth by the Ohio Supreme Court, reconsider plaintiffs' motion for attorneys' fees and to vacate the order of contempt against attorney Pattakos. The Court called this case for a hearing on March 3, 2019 to address the pending issues of remittitur and attorneys' fees. Counsel for all parties waived a hearing and consented to the Court deciding the issues on the briefs.

I. **Remittitur**

By way of background, Ms. Cruz received a \$75,000 economic damages award from the jury for her intentional infliction of emotional distress claim. The trial court granted defendants' motion for remittitur and decreased that award to \$0. The Court of Appeals reversed this decision. This Court reconsidered defendants' motion for remittitur in light of the mandatory criteria set forth by the Ohio Supreme Court and in accordance with the Court of Appeal's remand.

It is typically the duty of the jury to assess damages and it is not for the trial court to substitute its judgment for that of the trier of fact. *Villella v. Waikem Motors, Inc.*, 45 Ohio

St.3d 36, 40, 543 N.E.2d 464, 469 (1989). A trial court may grant remittitur when a damages award is excessive compared to the amount warranted by the evidence. *Larrissey v. Norwalk Truck Lines*, 155 Ohio St. 207, 219, 98 N.E.2d 419 (1951). Remittitur is appropriate when the trial court finds “unliquidated damages are assessed by a jury, the verdict is not influenced by passion or prejudice, the award is excessive, and the plaintiff agrees to the reduction in damages.” *Wightman v. Consolidated Rail Corp.*, 86 Ohio St.3d 431, 444, 715 N.E.2d 546, 557 (1999); quoting *Dardinger v. Anthem Blue Cross & Blue Shield*, 98 Ohio St.3d 77, 781 N.E.2d 121 (2002). The trial court then granted defendants’ motion for remittitur after finding that Ms. Cruz’s evidence of her economic damages due to her emotional distress was entirely speculative.

The Ohio Supreme Court established what a plaintiff must demonstrate in order to prove economic damages. *Hanna v. Stoll*, 112 Ohio St. 344,353, 147 N.E. 339 (1925). The *Hanna Court* found the measure of damages for impaired earning capacity is the difference between the amount the plaintiff was capable of earning before her injury and the amount she is capable of earning after the injury. *Id.* Ohio law requires a plaintiff prove economic damages in a tort action by substantial evidence to allow a jury to determine damages with reasonable certainty. *Id.*; see also *Andler v. Clear Channel Broad., Inc.*, 670 F.3d 717 (6th Cir.2012). Defendants argue that Ms. Cruz’s “limited speculative evidence” was insufficient to support a compensatory damages award of \$75,000. This Court initially found that Ms. Cruz’s evidence of her economic damages was entirely speculative and granted remittitur.

Ohio law requires a plaintiff to prove damages with certainty; however, it permits a reasonable estimate of the amount of damages plaintiff incurred. *Gateway Consultants Group, Inc. v. Premier Physicians Ctrs., Inc.*, 8th Dist. Cuyahoga No. 104014, 2017-Ohio-1443. Ohio

law also permits an award of damages based upon lost earning power and not just lost earnings. *Andler v. Clear Channel Broad., Inc.*, 670 F.3d 717 (6th Cir.2012). The focus of Ms. Cruz's injuries under *Andler* should be on what the uninjured plaintiff would have earned over her working life versus what she will earn with her injury. *Id.* at 726. Evidence that plaintiffs' earnings remained the same or even increased between the injury and the time of the trial is not necessarily a complete bar to recovery if the plaintiff can show she would earn more over the course of her uninjured working life than she will now earn while injured. *Id.* Ms. Cruz may still recover for her economic damages claim even though she was unemployed at the time of her injury and her annual income after the injury increased to less than \$10,000 as Ms. Cruz offered an approximate and reasonable basis for a jury to calculate damages based upon her lost future earnings as a nanny. The Defendants' vocational program was intended to increase Ms. Cruz's future earnings based upon her specialized skillset and training. Upon review of defendants' motion for remittitur and plaintiff's motion in opposition to remittitur, the Court finds that Ms. Cruz did provide a reasonable estimate of damages incurred. Ms. Cruz testified that she was unable to earn more than \$10,000 per year after the tort while the average salary for a nanny placed through defendants' school was \$28,000-\$40,000 plus benefits. *Plaintiffs' motion in opposition to remittitur* at 4-5. Ms. Cruz, although unemployed at the time of her injury, was enrolled in a vocational program through the defendants that was designed to increase her future earnings.

A reasonable estimate of damages is not rendered uncertain by the inability to calculate with absolute exactness. *TJX Cos. V. Hall*, 183 Ohio App.3d 236 (8th Dist. 2009), citing to *Palmer v. Connecticut Ry. & Lighting Co.*, 311 U.S. 544, 559-560, 61 S.Ct. 379, 85 L.Ed. 336 (1941). A reasonable but approximate basis of computation to calculate damages is

sufficient. *Id.* This Court finds that Ms. Cruz presented sufficient evidence to prove her damages with certainty. Ms. Cruz, furthermore, provided a reasonable albeit approximate basis for computing damages, which permitted a jury to award \$75,000 in economic damages. A \$75,000 award in light of the evidence presented is not excessive. Defendant's motion for remitter is denied, as defendants' are unable to satisfy every element of the *Wrightman* criteria.

II. Attorneys' Fees

The Eighth District Court of Appeals found that the initial attorneys' fees award "shocked the conscience" as this Court did not award attorneys' fees or expenses incurred throughout the duration of this case by attorneys or support staff aside from Mr. Pattakos. *Cruz v. English Nanny & Governess School, Inc.*, 2017-Ohio-4176 (8th Dist. 2017). The appellate court further found this Court erred by only considering the contingency fee agreement when it deviated from the lodestar value. *Id.* This Court reconsidered Plaintiffs' motion for attorneys' fees in light of the Eighth District Court of Appeals remand.

A. Attorney Pattakos' Fees

The jury determined all defendants should pay reasonable attorneys' fees as part of the punitive damages award. A trial court determines attorneys' fees as part of a two-step process. *Turner v. Progressive Corp.*, 140 Ohio App.3d 112, 746 N.E.2d 702 (8th Dist. 2000). First, a court calculates a lodestar value based on the number of hours reasonably worked multiplied by a reasonable hourly rate. *Bittner v. Tri-County Toyota, Inc.*, 58 Ohio St.3d 143, 569 N.E.2d 464 (1991). The court may then adjust the initial value based upon the reasonableness factors listed in Prof.Cond.R. 1.5(a). *Id.*

This Court initially found attorney Pattakos' 1,120 hours spent on this case to be a conservative estimate. The Court deducted the hours spent on the initial mistrial, issues related to the newspaper article and hours spent on non-prevailing claims. This Court determined that the 1,000 hours attorney Pattakos spent on this case were reasonable but found his proposed \$300 hourly rate unreasonable. This court set attorney Pattakos' hourly rate at \$150 in 2011 and increased it by \$25 annually. The Court's initial lodestar value for attorney Pattakos' pre-appellate work was \$191,000 (1,000 hours at a rate of \$150-\$250 per hour depending upon the year). Plaintiffs did not appeal this Court's evaluation of attorney Pattakos' hourly rate. This Court is therefore constrained to accept the aforementioned hourly rate for attorney Pattakos. The Court again finds 1,000 hours to be a reasonable estimate of attorney Pattakos' hours by excluding issues related to the newspaper article, time spent on non-prevailing claims and the initial mistrial. The initial lodestar value for attorney Pattakos' pre-appellate work before applying the Prof. Cond.R. 1.5 factors, is \$191,000.

Plaintiffs are entitled to attorneys' fees for representation during the appellate process. *Turner v. Progressive Corp.*, 140 Ohio App.3d 112, 746 N.E.2d 702 (8th Dist. 2000). This Court considered plaintiffs' motions for post-trial work attorneys' fees. Upon consideration of plaintiffs' motion to modify attorneys' fees award, filed on 09/15/17, defendants' brief in opposition, filed on 09/22/17, and plaintiffs' reply brief, filed on 10/02/17, this court finds attorney Pattakos reasonably expended 480.40 hours on post-trial work through 09/15/17. This Court used attorney Pattakos' previously determined hourly rate to calculate this award. This Court finds the initial lodestar value for attorneys' fees, before applying the factors from Prof.Cond.R. 1.5, for the time from 07/08/15 to 09/14/17 to be \$131,595.00.

A party seeking an award of attorney fees has the burden of demonstrating the reasonable value of those services. *Stonehenge Land Co. v. Beazer Homes Invests., L.L.C.*, 177 Ohio App.3d 7, 893 N.E.2d 855 (10th Dist.). Upon consideration of attorney Pattakos' Supplement to Plaintiffs' Motion to Modify Attorneys' Fees Award Consistent with the Eighth District's Ruling, filed on 03/04/19, this court finds insufficient documentation to award attorneys' fees for The Pattakos Law Firm's work from 09/15/17 to the present. A court may deviate from the lodestar value and reduce claimed hours for excessiveness, duplication, and inadequate documentation. *Simmons v. BVM*, 8th Dist. Cuyahoga No. 68502, 1995 Ohio App. LEXIS 3796 (August 31, 1995). This Court finds attorney Pattakos' documentation in the 03/04/19 motion to be insufficient. A movant must show how the requested fees were incurred in order to succeed on a claim for attorneys' fees. *Ohio State Univ. v. Alexander*, 8th Dist. No. 87983, 2007-Ohio-264 ¶ 13. Attorney Pattakos' supplement does not explain the various hourly rates listed, who at the Pattakos Law Firm provided these services, or what professional experience they have to merit the requested hourly rate. The parties' declined a hearing before this Court and instead rested upon their briefs. This Court cannot determine the reasonableness of the requested attorneys' fees in attorney Pattakos's 03/04/19 supplement. Attorney Pattakos' Supplement to Plaintiffs' Motion to Modify Attorneys' Fees Award, filed on 03/04/19, is denied due to insufficient documentation.

The initial lodestar calculation for attorney Pattakos' work is \$322,595.00. This Court declines to award attorneys' fees for time spent on attorney Pattakos' sanctions as that time was not spent in furtherance of plaintiffs' claims or for time spent on the initial trial.

B. Attorneys' Fees for The Chandra Law Firm and Cohen Rosenthal & Kramer Firm

The Court of Appeals found this Court abused its discretion by awarding attorneys' fees only for attorney Pattakos' work despite documentation demonstrating that other members of Plaintiffs' team incurred fees. *Cruz, supra*, at ¶ 105. A court calculates a reasonable hourly rate according to the prevailing market rates in the relevant community. *Turner v. Progressive Corp.*, 140 Ohio App.3d 112 (8th Dist. 2000). This Court considered the fees incurred by other attorneys and support staff at the Chandra Law Firm based upon the affidavits submitted to the Court.¹ The hourly rates for the attorneys and law clerks at the Chandra Law Firm are reasonable in light of the evidence presented. The hourly rate of paralegal Suzanne Zaranko, however, is unreasonable in light of the evidence submitted. The Cohen Rosenthal & Kramer paralegal billed at half Ms. Zaranko's rate for the same case and in the same legal market.² The Court finds \$60/hour to be a reasonable hourly rate for Ms. Zaranko. The Court finds the number of hours Ms. Zaranko spent on the case was reasonable. This Court specifically declines to award the Chandra Law Firm attorneys' fees for time spent on attorney Pattakos' sanctions, as that time was not in furtherance of plaintiffs' claims.

The Court considered plaintiff's motion for attorneys' fees and expenses, filed on 07/08/15, and defendants' opposition to plaintiffs' motion for attorneys' fees and expenses, filed on 07/22/15. The Court finds that the attorneys and support staff at the Chandra Law Firm reasonably expended 509.26 hours from 04/24/15 through 07/08/15. The Court excluded time spent on attorney Pattakos' sanctions. The Court awards attorney fees for the time period of 04/24/15 through 07/08/15 as follows:

¹ The attorneys' fees for the Chandra Law Firm do not include fees for attorney Pattakos. This Court listed attorney Pattakos' fees separately from those of the Chandra Law Firm and those of Cohen Rosenthal & Kramer.

² Plaintiffs' motion for attorneys' fees and expenses, filed on 07/08/15, showed that paralegal Zaranko billed at \$120/hour while paralegal Defer with Cohen Rosenthal & Kramer billed at \$60/hour.

1. Attorney Chandra, 48 minutes, rate of \$440/hour, award of \$351.84
2. Attorney Gupta, 247.96 hours, \$315/ hour, award of \$78,309.00
3. Attorney Haney, 179.90 hours, rate of \$225/hour, award of \$40, 612.50
4. Paralegal Zaranko, 12.84 hours, rate of \$60/hour, award of \$804.00
5. Law clerk Brown, 18.08 hours, rate of \$100/hour, award \$1,813.36
6. Attorney Screen, 2.48 hours, rate of \$465/hour, award of \$1,302.00

Therefore, the total initial lodestar value for the Chandra Law Firm from 04/24/15- 07/08/15 is \$123,192.70.

Plaintiffs' filed a supplement to plaintiffs' motion for attorneys' fees and expenses on 08/10/15 for attorneys' fees and expenses incurred between 07/08/15 and 08/10/15. The Court did not separately award fees and expenses for this motion. Plaintiffs' included their request for these exact fees and expenses in a subsequent motion to modify attorneys' fees award consistent with the eighth district's ruling, filed on 09/15/19. The Court considered plaintiffs' 09/15/19 motion to modify attorneys' fees, defendants' brief in opposition to plaintiffs' motion to modify attorneys' fee award, filed on 09/22/17, and plaintiffs' reply in support of plaintiffs' motion to modify attorney's fee award, filed on 10/02/17. The Court awards the Chandra Law Firm the following fees and expenses for work performed from 07/08/15 through 09/14/17:

1. Attorney Haney, 6.90 hours worked, rate of \$225/hour, award of \$1,687.50
2. Attorney Gupta, 31.40 hours worked, rate of \$315/hour, award of \$9,975.00
3. Attorney Chandra, 27.1 hours worked, rate of \$440/hour, award of \$11,953.30
4. Paralegal Zaranko, 21 hours worked, rate of \$60/hour, award of \$1,260.00
5. Attorney Svetold, 13.50 hours worked, rate of \$360/hour, award of \$4,980.00

The initial lodestar value for the Chandra Law Firm from 07/08/15 through 09/14/17 is \$29,855.80. The Court excluded hours spent on attorney Pattakos sanctions as that time was spent for the benefit of attorney Pattakos as well as anytime spent on the initial trial.

The Court considered Plaintiffs' supplement for the Chandra law Firm LLC to fee petition, filed on 03/03/19 and notes that defendants failed to file any opposition to the supplement.

The Court awards as an initial lodestar value \$5,605.00 in attorneys' fees from 03/15/18 through 03/03/19 based upon the hourly rates and hours worked that are listed in the supplement.

Upon reconsideration, this Court declines to award attorneys' fees to the Cohen Rosenthal & Kramer Firm for time spent on the original trial. The original trial resulted in a mistrial. A Court is to award reasonable attorneys' fees based upon work "reasonably performed." *Bittner v. Tri-County Toyota, Inc.*, 58 Ohio St.3d 143, 569 N.E.2d 463 (1991). It would be unreasonable to award attorneys' fees for a case that resulted in a mistrial at no fault of the defendants. Therefore, this Court declines to award attorneys' fees for the original mistrial.

C. Adjusting the Lodestar Value

A Court may adjust the initial lodestar value based upon the reasonableness factors listed in Ohio Prof. Con. R. 1.5(a). *Bittner v. Tri-County Toyota, Inc.*, 58 Ohio St.3d 143, 569 N.E.2d 463 (1991). These factors are as follows:

"(1) the time and labor required, the novelty and difficulty of the questions, the skill requisite to perform the legal service properly;

(2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;

(3) the fee customarily charged in the locality for similar legal services;
(4) the amount involved and the results obtained;
(5) the time limitations imposed by the client or by the circumstances;
(6) the nature and length of the professional relationship with the client;
(7) the experience, reputation, and ability of the lawyer or lawyers performing the services;

(8) and whether the fee is fixed or contingent.” Ohio Prof. Con. R. 1.5.

At times, the reasonableness factors listed in Ohio Prof. Con. R. 1.5(a) and the initial lodestar calculation overlap and do not provide an independent basis for adjusting the fee award.

Miller v. Grimsley, 197 Ohio App.3d 167, 2011-Ohio-6049, 966 N.E.2d 932 ¶ 14 (10th Dist.).

The first seven factors listed within Ohio Prof. Con. R. 1.5(a) favor maintaining the lodestar value. This case resulted in over four years of litigation that culminated in a twenty-six day jury trial. Plaintiffs’ participated in seventeen depositions and defended against six summary judgment motions. Plaintiffs’ motion for attorneys’ fees and expenses at 3. The facts in the case are novel as they relate to employment retaliation over child abuse allegations; however, the legal issues within this case are not novel which would decrease the lodestar value. The other factors listed within Ohio Prof. Con. R. 1.5(a)(1) favor maintaining the lodestar value and outweigh this part of the first factor. This Court granted Ms. Cruz’s motion for reconsideration on after the Court granted summary judgment in favor of defendants on her claim for intentional infliction of emotional distress. Defendants’ opposition to plaintiffs’ motion for attorneys’ fees and expenses at 5. The length and complexity of the litigation required skilled counsel and a significant amount of time spent on this case to receive a jury verdict for the plaintiffs. The jury award of \$329, 750 was substantial as the parties engaged

in settlement negotiations prior to trial on the day of trial. Defendants' opposition to plaintiffs' motion for attorneys' fees and expenses at 6; Plaintiffs' motion for attorneys' fees and expenses at 4. Ms. Cruz's compensatory damages award was nearly double what counsel asked for in closing arguments. Plaintiffs' motion for attorneys' fees and expenses at 3. Ms. Kaiser received the full \$20,000 in compensatory damages from the jury. Furthermore, both plaintiffs' received punitive damages. *Id.*

The results plaintiffs' counsel obtained were significant. Plaintiffs' employed skilled attorneys with significant legal experience in their fields to work on novel questions of law in this case. *Id.* at 15. Plaintiffs' professional relationships with their attorneys have spanned years due to the length of the litigation. Attorney Pattakos spent an estimated 1122 hours on this case, which when broken down amounts to about 24 hours per month since the case was initially filed. *Defendants' opposition to plaintiffs' motion for attorneys' fees and expenses* at 16. This Court previously acknowledged that attorney Pattakos submitted a conservative estimate of hours worked as he failed to keep contemporaneous time records. Defendants did not show that attorney Pattakos worked less than 1122 hours on this case. Indeed, attorney Pattakos' 07/08/15 affidavit reveals that at times he was unable to take on other cases due to the amount of work required for this case. *Pattakos' affidavit in plaintiffs' motion for attorneys' fees and expenses* at ¶ 9. It is not unusual under a contingency contract to not maintain contemporaneous time records. After considering all factors listed in Ohio Prof. Con. R. 1.5(a), this Court finds that the first seven factors weigh in favor of maintaining the initial lodestar value.

The final factor to consider under Ohio Prof. Con. R. 1.5(a) is if the fee is fixed or contingent. Ohio Prof. Con. R. 1.5(a)(8). Plaintiffs' counsel accepted this case on a

contingency fee basis. A full lodestar award would be unreasonable, as it would ignore that counsel accepted this case on a contingency fee basis. Therefore, this Court decreases the previously calculated lodestar values by one-eighth as it considers all factors listed within Ohio Prof. Con. R. 1.5 to weigh equally. Attorney Pattakos' is awarded \$282,270.63 in attorneys' fees.³ The Chandra Law Firm is awarded \$138,821.81 in attorneys' fees.⁴

Litigation Expenses

Plaintiffs' motion for attorneys' fees and expenses, filed on July 8, 2015, seeks \$33,754.61 in litigation expenses. Litigation expenses may be awarded as part of punitive damages. *Caraman v. Bailey*, 8th Dist. Cuyahoga No. 94986, 2011-Ohio-481. In *Caraman*, the jury found the Defendant acted with actual malice when he caused Plaintiff's injuries. *Id.* There, the jury awarded both attorneys' fees and litigation expenses as part of the punitive damages award. *Id.* The Court of Appeals affirmed the Caraman award, finding that not only was this permissible but it was warranted. *Id.* Here, Plaintiffs' attempt to tax as litigation expenses the flights and hotel lodgings that were used for the original mistrial. The mistrial resulted due to attorney Pattakos' illness. It would be unfair to charge as litigation expenses lodging and flights for a mistrial that did not result from defendants' conduct. Therefore, the Court declines to award \$3,323.34 in litigation expenses for airfare and lodging for the original mistrial. The Court awards Plaintiffs' \$30,431.27 in litigation expenses through July 8, 2015.

This Court awards \$12,098.19 to Plaintiffs in litigation expenses from July 8, 2015 through July 31, 2017 after considering Plaintiffs' Motion to Modify Attorneys' Fees Award

³ This is a total of the initial lodestar values for both pre-appellate and post-appellate work after the application of Ohio Prof. Con. R. 1.5(a) factors.

⁴ This is a total of the initial lodestar values for both pre-appellate and post-appellate work after the application of Ohio Prof. Con. R. 1.5(a) factors.

Consistent with the Eighth District's Ruling, filed on September 15, 2017, Defendants' Brief in Opposition to Plaintiffs' Motion to Modify Attorneys' Fee Award, filed on September 22, 2017, and Plaintiffs' Reply in Support of Plaintiffs' Motion to Modify Attorneys' Fees Award, filed on October 2, 2017.

After considering Plaintiffs' Supplement for The Chandra Law Firm LLC to Fee Petition, filed on March 3, 2019, the Court awards Plaintiffs an additional \$55.18 in litigation expenses. Plaintiffs' Supplement to Plaintiffs' Motion to Modify Attorneys' Fees Award Consistent with the Eighth District's Ruling, filed on March 4, 2019, did not seek additional litigation expenses for The Pattakos Law Firm LLC.

Therefore, Plaintiffs are awarded a total of \$42,584.64 in litigation expenses in addition to attorneys' fees.

III. Order of Contempt

The sanctions issued against Attorney Pattakos, including the stipulated order requiring him to pay defendants' attorney fees, are vacated in accordance with the Eighth District Court of Appeals mandate.

IV. Motion for Post Judgment Interest

Plaintiffs' motion for post-judgment interest, filed on 09/08/17, is granted. Post-judgment interest is designed to ensure that a successful plaintiff is promptly paid and prevents a judgment debtor from profiting by withholding money that belongs to the plaintiff. *Tabbaa v. Kogelman*, 2005-Ohio-1498, Cuyahoga No. 84539 (2005). The *Tabbaa* defendants argued that posting a supersedeas bond with the clerk of courts tolled the accrual of post-judgment interest. *Id.* The court of appeals held that posting a supersedeas bond does not toll post-judgment interest as this would discourage appeals if parties lost interest on their

judgment. *Id.* Additionally, the *Tabbaa* defendants could have avoided post-judgment interest by directly tendering payment to plaintiffs rather than the Court. *Id.* The judgment debtor bears the burden of stopping post judgment interest from accruing during the pendency of appeal, which can only be stopped by payment in full of the judgment against the debtor absent estoppel or waiver. *Id.* Here, defendants posted a superseades bond with the clerk of courts. As in *Tabbaa*, the defendants could have avoided post judgment interest by tendering payment directly to the plaintiffs rather than to the clerk of courts. Plaintiffs' motion for post-judgment interest is well taken and is granted. Post judgment interest is applied at the annual statutory rate from the date of the original judgment for the amount of the original judgment. All additional judgments listed within this opinion are subject to post-judgment interest from the date of this opinion.

V. Conclusion

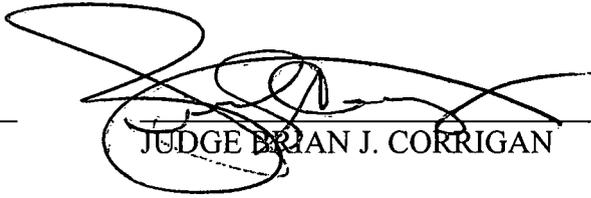
In conclusion, Plaintiffs are awarded the following amounts for the issues currently pending before this Court on remand from the 8th District Court of Appeals:

1. Defendants' motion for remittitur is denied and Ms. Cruz's \$75,000 jury award for economic damages is reinstated;
2. \$282,270.63 in attorneys' fees for attorney Pattakos' work after applying the factors listed within Ohio Prof. Con. R. 1.5;
3. \$ 138,821.81 in attorneys' fees for pre-appellate and post-appellate work performed by the Chandra Law Firm LLC;
4. \$42,584.64 in litigation expenses in addition to attorneys' fees.
5. Post-judgment interest at the statutorily set rate from the date of the original judgment on the original award;

6. Post-judgment interest at the statutorily set rate for awards issued with this opinion based upon the Eight District Court of Appeals remand from the date of this entry;
7. The sanctions against Attorney Pattakos are vacated.

The superseades bond Defendants previously deposited with this Court to be deducted from the amount awarded to Plaintiffs.

Dated: June 7, 2019


JUDGE BRIAN J. CORRIGAN

CERTIFICATE OF SERVICE

A true copy of the foregoing Opinion was served via email and regular U.S. Mail by the Clerk of Court of the Cuyahoga County Court of Common Pleas upon the following this 7th day of June, 2019:

Peter G. Pattakos, Esq.
Rachel Hazelet, Esq.
Pattakos Law Firm LLC
101 Ghent Road
Fairlawn, OH 44333

Subodh Chandra, Esq.
Patrick Haney, Esq.
Sandhya Gupta, Esq.
Chandra Law Firm LLC
1265 West Sixth Street
Cleveland, OH 44113

Daniel Frech, Esq.
1001 Lakeside Ave. East, Suite 1700
Cleveland, OH 44114

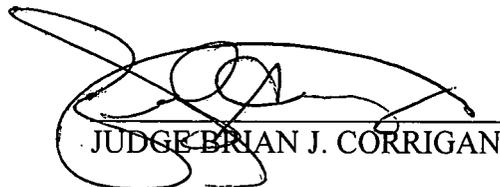
Jeffrey Moyle, Esq.
Nilges Draher LLC
1100 Superior Ave., 20th Fl.
Cleveland, OH 44114

Joshua R. Cohen, Esq.
James B. Rosenthal, Esq.
Cohen, Rosenthal & Kramer LP
3208 Clinton Avenue
Cleveland, OH 44113

Attorneys for Plaintiffs

Mark A. Novak, Esq.
4154 Ardmore Road
South Euclid, OH 44121

Attorney for Defendants


JUDGE BRIAN J. CORRIGAN