Practices Act and Ohio Deceptive Trade Practices Act." (Complaint, Prayer for Relief, subparagraph G. at p. 22) (emphasis added).

40. Plaintiffs further pray for "[a]n award of an amount to be determined at trial for any **other compensatory damages** that will fairly represent the injuries that Plaintiffs and members of the class suffered as proven at trial." (Complaint, Prayer for Relief, subparagraph E. at p. 21) (emphasis added).

41. Plaintiffs also ask for "[a]n award of an amount to be determined at trial for all **attorneys' fees** and costs incurred by Plaintiffs in the prosecution of these claims." (Complaint, Prayer for Relief, subparagraph H. at p. 22) (emphasis added).

42. Plaintiffs also seek "[a]n award of an amount to be determined at trial for **punitive damages**. . . . " (Complaint, Prayer for Relief, subparagraph F. at p. 21) (emphasis added).

43. It is well settled law that "[i]n calculating the amount in controversy, the court may consider compensatory damages, punitive damages, statutorily authorized attorneys fees, and economic value of the rights the plaintiff seeks to protect through injunctive relief." *Curry v. Applebee's Int'l, Inc.*, 2009 U.S. Dist. Lexis 114143, at *14-15 (S.D. Ohio 2009), *citing Williamson v. Aetna Life Ins. Co.*, 481 F.3d 369, 376 (6th Cir. 2007) ("As a general rule, attorneys' fees are excludable in determining the amount in controversy for purposes of diversity, unless the fees are provided for by contract or where a statute mandates or expressly allows the payment of such fees."); *Smith v. Nationwide Property and Cas. Ins. Co.*, 505 F.3d 401, 407 (6th Cir. 2007) (value of injunctive relief based on economic value of rights the plaintiff seeks to protect); *Buckeye Recyclers v. Chep USA*, 228 F. Supp. 2d 818, 822 (S.D. Ohio 2002) (injunctive relief); *Brown v. Jackson Hewitt, Inc.*, No. 1:06-cv-2632, 2007 U.S. Dist. LEXIS 13328

TOY-TQ002-06-3D-00003583