

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT WHEELING**

KEITH REED, LISA DOLENCE,
ELIZABETH SCHENKEL, EMILY WINES,
MARK GARAN, CHRISTINA LUCAS, and
AUGUST ULLUM, individually and on
behalf of others similarly situated,

Plaintiffs,

v.

ALECTO HEALTHCARE SERVICES LLC,
and ALECTO HEALTHCARE SERVICES
WHEELING, LLC d/b/a OHIO VALLEY
MEDICAL GROUP and d/b/a OVMC
PHYSICIANS,

Defendants.

Case No. 5:19-cv-00263-JPB

Judge John Preston Bailey

ATTORNEY FEE AFFIDAVIT

I, Laura Davidson, counsel for the Plaintiffs, affirm under penalty of perjury that I have personal knowledge that the following is a true description of my experience as an attorney and the work I have performed in representing the Plaintiffs in connection with the above captioned class action lawsuit.

1. I am an attorney admitted to the West Virginia bar. I am also admitted to practice before the United States District Court for the Northern District of West Virginia and the United States District Court for the Southern District of West Virginia. I practice law in Morgantown, West Virginia, as a staff attorney for Mountain State Justice, Inc.

2. Before attending law school, I worked for Senator Tom Udall for five years in the Washington, D.C. office. When I returned to West Virginia in 2013, I worked for West Virginia

FREE, the leading Reproductive Health, Rights, and Justice nonprofit in the state, for three years. Before graduating from West Virginia University, College of Law, I interned for Mountain State Justice and Legal Aid of West Virginia. I also participated in the West Virginia College of Law's General Practice Clinic where I represented many victims of domestic violence residing in Monongalia County seeking Protective Orders, as well as a client intervening in an abuse and neglect matter in Harrison County.

3. I received my J.D. with honors from West Virginia College of Law in 2020, after which I was awarded the competitive Fund for Law in the Public Interest Fellowship, to work with Mountain State Justice. I began my fellowship with Mountain State Justice in the fall of 2020, where I focus my practice on employment law and serve all 55 counties. Since beginning my practice, I have co-counseled on a complex multi-litigant ERISA bench trial before the United States District Court for the Northern District of West Virginia; an evidentiary hearing before the Kanawha County Circuit Court; and several other circuit court hearings throughout West Virginia, as well as carrying a caseload of between twenty and thirty cases, including both individual cases and co-counseling on class litigation.

4. During the course of this litigation, and in preparing this statement under penalty of perjury, I exercised reasonable professional billing judgment to keep to a minimum the number of billed hours.

5. No part of any fee award will inure to me personally; all fees are the property of my program.

6. Communications with other counsel with knowledge of the rates charged by attorneys with my experience inform me and Mountain State Justice that the market rate in this state for an attorney with my level and type of experience and academic background is

approximately \$200-\$300 per hour. This range of rates has been actually billed for and received by attorneys in this area with my experience level. As a result of these facts, Mountain State Justice established my billing rate for legal work performed for this program's clients at \$250.00 per hour beginning in 2020.

7. The efficient handling of civil litigation requires and allows the use of trained non-attorney staff, at a lower hourly cost, to perform many tasks necessary for proper handling of a client's legal affairs. I strive to minimize costs by utilizing paralegal support personnel whenever I can, and then pass that savings on by billing that work only at the lower paralegal rate of \$130.00 per hour which Mountain State Justice has established.

8. According to contemporary time records I regularly created and maintained documenting to the nearest tenth of an hour all the legal work I performed for Mountain State Justice and the Plaintiffs, I spent a total of 29.30 hours representing Plaintiffs in this case, as was necessary for the competent and zealous presentation of their claims and to obtain the favorable result in this matter. These hourly totals include time spent preparing this affidavit. I eliminated time spent leaving voice mail messages. After the exercise of reasonable billing judgment, my compensable time is described in the following contemporaneous records.

9. The attached is my time incurred in the above-styled litigation, based upon contemporaneously kept time records.

/s/ Laura Davidson
Laura Davidson

REED v. ALECTO HEALTHCARE - ATTY LAURA DAVIDSON (TIME ENTRIES)

<u>Date</u>	<u>Amount</u>	<u>Billable Time</u>	<u>Task</u>	<u>User</u>	<u>Description</u>
08/05/2021	\$50.00	12 Minutes	Revise	Davidson, Laura	Revise NOA
02/02/2022	\$25.00	6 Minutes	Discussion	Davidson, Laura	Discussion with Bren re status and taking a role in the case.
02/03/2022	\$150.00	36 Minutes	Draft	Davidson, Laura	Draft Dismissal of Lucas as Named Plaintiff.
02/03/2022	\$50.00	12 Minutes	Draft	Davidson, Laura	draft NOA for Davidson.
02/04/2022	\$25.00	6 Minutes	Email	Davidson, Laura	Email Krissy to file NOD for Plaintiff Lucas.
03/03/2022	\$250.00	1 Hour	Draft	Davidson, Laura	Draft declarations and review discovery responses.
03/03/2022	\$25.00	6 Minutes	Phone Client	Davidson, Laura	Call with client - Ullum.
03/03/2022	\$150.00	36 Minutes	Review	Davidson, Laura	Review pleadings.
03/04/2022	\$50.00	12 Minutes	Phone Client	Davidson, Laura	Call with Bob Ullman re declaration.
03/08/2022	\$50.00	12 Minutes	Email	Davidson, Laura	Email with declarations to cocounsel.
03/08/2022	\$50.00	12 Minutes	Draft	Davidson, Laura	Draft cover letter with declaration.
03/09/2022	\$150.00	36 Minutes	Phone Call	Davidson, Laura	Phone call with Maureen and email follow-up.
03/09/2022	\$75.00	18 Minutes	Draft	Davidson, Laura	Begin drafting attorney declaration for class cert motion.
03/13/2022	\$175.00	42 Minutes	Draft	Davidson, Laura	Draft Tim Cogan declaration.
03/13/2022	\$75.00	18 Minutes	Draft	Davidson, Laura	Laura Davidson Declaration for class cert.
03/13/2022	\$75.00	18 Minutes	Draft	Davidson, Laura	Draft class cert motion
03/14/2022	\$150.00	36 Minutes	Review	Davidson, Laura	Review and upload draft declarations and send to Maureen.
03/14/2022	\$50.00	12 Minutes	Phone Client	Davidson, Laura	Call to Bob Ullum.
03/14/2022	\$25.00	6 Minutes	Email	Davidson, Laura	Email to Alex R for class cert declaration
03/14/2022	\$50.00	12 Minutes	Finalize	Davidson, Laura	Finalize two declarations and send to Molly.
03/15/2022	\$25.00	6 Minutes	Email	Davidson, Laura	Email to Alex with drafted declarations.
04/05/2022	\$50.00	12 Minutes	Phone Call	Davidson, Laura	Call with Bren and Molly re next steps for cert motion and discovery.
04/07/2022	\$175.00	42 Minutes	Review	Davidson, Laura	Check cites in Memo for cert motion.
04/07/2022	\$450.00	1 Hours 48 Minutes	Revise	Davidson, Laura	Review citations in memo for cert motion.
04/07/2022	\$50.00	12 Minutes	Phone Call	Davidson, Laura	Phone call with Molly re brief.
04/21/2022	\$300.00	1 Hours 12 Minutes	Phone Call	Davidson, Laura	Call re 30b6 notice, depo.s & joint motion to extend the sch. order
05/04/2022	\$150.00	36 Minutes	Phone Call	Davidson, Laura	Call with counsel re deposition schedule and prep.
05/10/2022	\$50.00	12 Minutes	Phone Client	Davidson, Laura	Call to client (Ullum) re depo.
05/10/2022	\$150.00	36 Minutes	Preparation	Davidson, Laura	Review case documents in preparation for depo with Ullum.
05/10/2022	\$225.00	54 Minutes	Meeting	Davidson, Laura	Meeting with Mr. Ullum re depo.
05/11/2022	\$650.00	2 Hours 36 Minutes	Deposition	Davidson, Laura	Ullum Depo.
05/11/2022	\$350.00	1 Hours 24 Minutes	Preparation	Davidson, Laura	Depo prep with Keith Reed.
05/11/2022	\$125.00	30 Minutes	Discussion	Davidson, Laura	Discussion with Molly re depositions and strategy.
05/20/2022	\$100.00	24 Minutes	Draft	Davidson, Laura	Draft 3rd RFP.
05/20/2022	\$75.00	18 Minutes	Draft	Davidson, Laura	Draft 3rd RFP - add benefit costs.
05/20/2022	\$25.00	6 Minutes	Email	Davidson, Laura	Email instructions to Krissy to file the 3rd RFP.
05/27/2022	\$25.00	6 Minutes	Review	Davidson, Laura	Review atty notes.
05/31/2022	\$525.00	2 Hours 6 Minutes	Deposition	Davidson, Laura	Attend Lex Reddy Depo
06/10/2022	\$50.00	12 Minutes	Review	Davidson, Laura	Review file - ask Gabe to add pleading to LF.
06/10/2022	\$100.00	24 Minutes	Draft	Davidson, Laura	Draft motion to extend time for reply to Ds' opposition to class cert.
06/10/2022	\$25.00	6 Minutes	Revise	Davidson, Laura	Revise motion to extend time to reply to opp in class cert.
06/13/2022	\$25.00	6 Minutes	Email	Davidson, Laura	Email to Molly re motion to extend time.
06/14/2022	\$25.00	6 Minutes	Revise	Davidson, Laura	Revise motion to extend time.
06/14/2022	\$25.00	6 Minutes	Email	Davidson, Laura	Email draft motion to Molly.
06/14/2022	\$100.00	24 Minutes	Phone Call	Davidson, Laura	Call with Molly re consent/join motion to extend reply.
06/14/2022	\$25.00	6 Minutes	Draft	Davidson, Laura	Draft Chelsea namecard.
06/14/2022	\$50.00	12 Minutes	Phone Call	Davidson, Laura	Call with Molly re motion and dates for 30b6 depo.
06/14/2022	\$25.00	6 Minutes	Revise	Davidson, Laura	Revise motion to extend deadlines.
06/15/2022	\$25.00	6 Minutes	Email	Davidson, Laura	Email to Molly.
06/15/2022	\$25.00	6 Minutes	Email	Davidson, Laura	Email to Molly with proposed order to extend time.
06/15/2022	\$100.00	24 Minutes	Finalize	Davidson, Laura	Finalize motion & prop. order, email Chelsea, ask Krissy to file.
06/29/2022	\$25.00	6 Minutes	Review	Davidson, Laura	Review file for transcript (Reddy) and email KD & PB re transcript.
06/29/2022	\$50.00	12 Minutes	Email	Davidson, Laura	Email to KD and BP re transcript - review transcript exhibits
07/22/2022	\$400.00	1 Hours 36 Minutes	Draft	Davidson, Laura	Draft good faith exception argument.
07/25/2022	\$50.00	12 Minutes	Review	Davidson, Laura	Review briefs for reply

08/10/2022	\$25.00	6 Minutes	Phone Client	Davidson, Laura	Call w/ Bob Ullum re facebook posting & email to team re the same.
08/11/2022	\$100.00	24 Minutes	Draft	Davidson, Laura	Draft fee affidavit and time report.
08/12/2022	\$25.00	6 Minutes	Email	Davidson, Laura	Email affidavit sample to Alex R.
10/05/2022	\$50.00	12 Minutes	Email	Davidson, Laura	Email to Krissy for help getting fee affidavits.
10/05/2022	\$175.00	42 Minutes	Email	Davidson, Laura	Email to peer attorneys requesting fee affidavits.
10/05/2022	\$225.00	54 Minutes	Draft	Davidson, Laura	Draft memo in support of attorney fees.
10/10/2022	\$75.00	18 Minutes	Draft	Davidson, Laura	Draft memo of law for fees.
10/10/2022	\$225.00	54 Minutes	Draft	Davidson, Laura	Draft memo for the attorney fees and affidavits.
10/10/2022	\$100.00	24 Minutes	Draft	Davidson, Laura	Draft peer affidavit and send to Walt, Amy, Lonnie, and Sam.
10/11/2022	\$50.00	12 Minutes	Email	Davidson, Laura	Email re peer affidavits.
TOTAL:	\$7,375.00	29 Hours 30 Minutes			