

**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, F. Alex Risovich, 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 practice law in Weirton, West Virginia, as a partner at Risovich Law Offices, PLLC. I have been a member of the West Virginia State Bar since October of 2008. I am also admitted to practice before the Northern District of West Virginia (admitted January of 2020) and Southern District of West Virginia (admitted October of 2008).

2. At WVU College of Law, I was the President of the West Virginia Trial Lawyers Association and received the CALI Award in health care law. After graduation, I served as Law Clerk to the Honorable Thomas H. Keadle, Judge of the Twenty-Sixth Judicial Circuit. Since 2009, I have been an attorney at Risovich Law Offices, PLLC.

3. I have extensive experience in litigation, and I currently carry a caseload of nearly seventy-five cases in numerous practice areas, including but not limited to, family law, labor and employment law, property law, criminal law, personal injury and general litigation. I have also represented a teachers' union (WVEA) in the northern panhandle and negotiated a \$2.3 million settlement for over 120 member-teachers.

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. Communications with other counsel with knowledge of the rates charged by attorneys with my experience inform me that the market rate in this state for an attorney with my level and type of experience and academic background is approximately \$300 per hour. As such, I bill hourly clients at a rate of \$300.00 per hour.

6. 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 \$100.00 per hour.

7. 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 Risovich Law

Offices, PLLC and the Plaintiffs, I spent a total of 44.53 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. After the exercise of reasonable billing judgment, my compensable time is described in the following contemporaneous records.

8. The attached is my time incurred in the above-styled litigation, based upon contemporaneously kept time records. (*See* Exhibit A.)

/s/ F. Alex Risovich
F. Alex Risovich

	A	B	C	D	E
1	Date	Task	Description	Billable Hours	Total Amount
2	3/12/2020	Draft	Scan intake documents; Email to Aubrey	0.25	\$75.00
3	3/12/2020	Meeting	Meet with Christina Lucas and Robert Ullman; Teleconference with Christina Lucas, Robert Ullman and Aubrey Sparks	1.67	\$501.00
4	3/12/2020	Photocopies			\$2.00
5	4/2/2020	Review	Review complaint and 1st interrogatories	1.17	\$351.00
6	4/6/2020	Phone Call	Phone call with Aubrey Sparks and Clint Corke re: filing of complaint	0.5	\$150.00
7	4/13/2020	Photocopies			\$2.50
8	4/13/2020	Postage			\$0.65
9	4/13/2020	Phone Call	Phone calls with OVMC employees Brandi Martin, Otey Livingstone, Tammi Schreiner and Martha Conners; Phone call with Atty. Sparks; Prepare letter to Mr. Ullum	1.25	\$375.00
10	4/13/2020	Phone Call	Phone call with NY Times and Atty. Sparks; Phone call with Atty Sparks	1	\$300.00
11	4/14/2020	Phone Call	Phone call with OVMC employee Kassy Edge	0.25	\$75.00
12	4/20/2020	Draft	Draft correspondence to Atty. Sparks	0.17	\$51.00
13	4/22/2020	Phone Call	Phone call with Atty. Sparks re: class cert.	0.58	\$174.00
14	4/29/2020	Phone Call	Phone call with OVMC employee Linda Davison	0.42	\$126.00
15	5/12/2020	Phone Call	Phone call with Atty. Corke discussing class cert.; Response to email from Atty. Pomponio	1.58	\$474.00
16	7/14/2020	Review	Review Answer, MTD and memo	2.5	\$750.00
17	7/24/2020	Review	Review Motion to Dismiss, email with Atty. Sparks	1.17	\$351.00
18	7/27/2020	Phone Call	Phone call with Atty. Sparks	0.17	\$51.00
19	7/30/2020	Draft	Review and draft correspondence with Attys. Pomponio and Sparks	0.25	\$75.00
20	7/31/2020	Phone Call	Conference call with Attys. Sparks, Pomponio and Sparks	0.25	\$75.00
21	8/6/2020	Phone Call	Phone call with Christina Lucas	0.92	\$276.00
22	8/12/2020	Phone Call	Phone call with Bob Ullum re: dismissal of consolidation	0.25	\$75.00
23	8/13/2020	Phone Call	Call with Christina Lucas	0.17	\$51.00
24	8/18/2020	Draft	Review Stipulation & Joint Motion & Leave to Amend; Draft correspondence to co-counsel	0.17	\$51.00
25	8/19/2020	Review	Review Final First Amended Complaint, Stipulation & Joint Motion & Revised Scheduling Order	0.67	\$201.00
26	9/14/2020	Review	Review correspondence from Atty. Mersich; Draft correspondence to Atty. Mersich	0.17	\$51.00

	A	B	C	D	E
27	9/16/2020	Phone Call	Conference call with co-counsel	0.17	\$51.00
28	10/2/2020	Review	Review and respond to correspondence from co-counsel	0.25	\$75.00
29	10/5/2020	Phone Call	Conference call with co-counsel and plaintiffs	1.75	\$525.00
30	10/6/2020	Mediation		3	\$900.00
31	10/12/2020	Phone Call	Conference call with co-counsel	0.75	\$225.00
32	2/18/2021	Phone Call	Conference call with co-counsel	0.75	\$225.00
33	3/29/2021	Phone Call	Conference call with Attys. Carr, Thompson, Mersich, Davidson, Welling and Cogan re: discovery	0.42	\$126.00
34	6/16/2021	Photocopies			\$20.00
35	6/16/2021	Prepare	Prepare for hearing	1.5	\$450.00
36	6/16/2021	Travel	Travel time to Federal Court and return	1.67	\$501.00
37	6/16/2021	Milage	66 miles		\$36.96
38	6/16/2021	Hearing	Attend hearing on Motion to Compel	0.5	\$150.00
39	3/15/2022	Draft	Draft Declaration in Support of Class Counsel	1	\$300.00
40	4/21/2022	Phone Call	Phone call with Ullim; Draft and review emails with counsel; Conference call with Attys. Carr, Thompson, Pomponio, Davidson and Welling	2	\$600.00
41	5/10/2022	Deposition	Conference call with Attys. Davidson-Welling & Pomponio; Prepare for deposition; Attend deposition of Emily Wines	3.83	\$1,149.00
42	5/10/2022	Photocopies			\$21.50
43	5/12/2022	Deposition	Conference call with Reed and Atty. Davidson; Attend Garan deposition; Call with Atty. Davidson; Attend Reed deposition; Call with Schenkel and Atty. Davidson	3.58	\$1,074.00
44	5/13/2022	Deposition	Attend deposition of Schenkel; Phone call with Schenkel and Atty. Davidson	3.5	\$1,050.00
45	6/29/2020	Photocopies			\$0.50
46	6/14/2022	Photocopies			\$10.50
47	6/25/2022	Photocopies			\$8.25
48	6/27/2022	Photocopies			\$6.50
49	8/1/2022	Photocopies			\$8.75
50	8/2/2022	Photocopies			\$9.50
51	8/12/2022	Draft	Draft Attorney Fee Affidavit and time report	1	\$300.00
52	8/25/2022	Hearing	Travel time to Federal Court and return; Attend damages hearing	2.5	\$750.00
53	8/25/2022	Mileage	68 miles		\$40.00
54	8/26/2022	Phone Call	Conference call with co-counsel	0.83	\$249.00
55					
56			Total:	44.53	\$12,487.61