

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

STEPHANIE WOZNICKI,)	
)	
Plaintiff,)	Civil Action No. 6:18-cv-02090-WWB-
)	GJK
v.)	
)	
RAYDON CORPORATION, et al.,)	
)	
Defendants.)	
)	

**DECLARATION OF LOREN B. DONNELL IN SUPPORT OF
MOTION FOR ATTORNEYS' FEES, COSTS, AND EXPENSES**

I, Loren B. Donnell, am over the age of 18, am competent to testify to the following from my personal experience and knowledge, and declare as follows:

1. I am a partner at Burr & Smith, LLP in St. Petersburg, Florida. Burr & Smith, LLP has a national practice of representing employees in wage and hour class and collective actions under the FLSA and state statutes and in class actions involving employment discrimination and public accommodations. The firm has substantial experience litigating small, medium, and large-scale class and collective actions and has secured precedential appellate victories in such cases. Burr & Smith, LLP has been recognized as a Tier 1 firm for a number of years by the Best Lawyers in America, which is the highest level recognized for law firms. Burr & Smith has served as local counsel in this case.

2. I am not aware of attorneys located in the Middle District of Florida who represent employee or retirees in ERISA class actions.

3. I have personal knowledge of the experience, reputation, skills, and legal abilities of the attorneys and paralegals who worked on this case. I also have personal knowledge of the customary rates of the attorneys and paralegals at Burr & Smith who worked on this case.

4. In regards to my personal experience and qualifications, I have 16 years of experience litigating wage and hour collective and class actions. I graduated from the University of Florida with a B.S. in Decision and Information Sciences and a juris doctor's degree from Stetson College of Law, *cum laude*. At Stetson, I was a member of Stetson *Law Review*, a teaching assistant for Legal Research in Writing I & II, and federal court judicial intern. I am a former President of the Florida Chapter of the National Employment Lawyers Association ("Florida NELA") and have been a member of its Executive Board for 14 consecutive years. I have been a Contributing Author to Ellen C. Kearns' Treatise, The Fair Labor Standards Act and am presently a Senior Editor and Contributing Author for the Treatise Wage and Hour Laws: A State-by-State Survey, Editor-in-Chief, Gregory K. McGillivray. I also regularly present at American Bar Association conferences and employment related conferences on the Fair Labor Standards Act and wage and hour topics. I have been co-lead counsel in numerous conditionally certified class and collective

actions in wage and hour law in various jurisdictions. Throughout my legal practice, I have focused exclusively on collective and class actions on behalf of plaintiffs. I expended 252 hours on this case. My work on this case included, but is not limited to, interviewing witnesses, advising clients, preparing for and attending mediation and hearings, attending depositions, and drafting and editing pleadings. My customary rate is \$550 per hour.

5. Sam J. Smith is the managing partner of Burr & Smith, LLP. Mr. Smith has practiced law for 32 years, litigated class and collective actions for more than 30 years, and acted as lead or co-lead counsel in over 50 certified and putative class and collective actions under the FLSA, FMWA, EPA, and Title VII. He was lead counsel and argued three appeals that resulted in precedent-setting cases in FLSA law: *Freixa v. Prestige Cruise Services, LLC*, 853 F.3d 1344 (11th Cir. 2017) (established that for the Retail Sales or Service Establishment Exemption of the FLSA, 29 U.S.C. § 217(i)(1), to apply the regular rate paid to the employee must exceed one and one-half times the federal minimum wage on a workweek basis versus averaging of this calculation over the entire employment tenure); *Polycarpe v. E & S Landscaping, Inc.*, 616 F.3d 1217 (11th Cir. 2010) (reversing five summary judgment orders of five courts and establishing broad interpretation of enterprise coverage under the FLSA); and *Bailey, et al. v. Gulf Coast Transportation, et al.*, 280 F.3d 1333 (11th Cir. 2002) (establishing right to injunctive relief in FLSA

retaliation cases). He regularly presents on class and collective actions, FLSA issues, the use of expert witnesses, class arbitration, mediation, and other legal issues for the ABA, National Employment Lawyers Association (“NELA”), ACI, Florida Bar, Hillsborough County Bar, Clearwater Bar Association, and Florida NELA. Mr. Smith received a Foot Soldier Award from the National Association for the Advancement of Colored People and an Outstanding Service in Public Accommodations Law award from the Washington Lawyers’ Committee for Civil Rights and Urban Affairs for his work in public accommodations and was recognized by the Trial Lawyer’s for Public Justice for work on the *Haynes v. Shoney’s* class action. During his legal career, he has have received several additional prestigious recognitions such as being named a Florida Super Lawyer every year since 2009; a member of the Florida Legal Elite (2010); a member of the Best Lawyers in America for the specialty of Labor and Employment Law since 2009; the Best Lawyers 2012 Tampa Employment Law – Individuals “Lawyer of the Year”; and the Best Lawyers 2018-2021 St. Petersburg, Litigation – Labor and Employment Law “Lawyer of the Year.” In addition, he has have been a member of various professional labor and employment associations and has authored or edited various publications on labor and employment law, including acting as a senior editor and contributing author of Ellen C. Kearns’ treatise, The Fair Labor Standards Act, for over ten years. In 2010, along with a management attorney, he

was responsible for drafting and editing Chapter 19, Collective Actions, and Chapter 20, “Hybrid FLSA/State Law Actions,” of The Fair Labor Standards Act. These chapters provided a comprehensive review and analysis of collective actions under the FLSA and class actions under state wage & hour laws. Mr. Smith also served as the Employee Co-Chair of the FLSA Subcommittee of the American Bar Association from 2004 to 2007 and the Employee Co-Chair of the Federal Labor Standards Legislation Committee from 2007 to 2010. He is a member of the Wage and Hour Committee of the National Employment Lawyers Association (“NELA”) and has served as the Committee’s Legislation Liaison for NELA. He lobbied Congress and helped draft changes to the Motor Carrier Act Exemption to the FLSA. Mr. Smith has also trained law clerks for the Middle District of Florida in wage & hour law. Mr. Smith has expended 25 hours working on this case. His work included, but is not limited to, determining case strategy with co-counsel, advising clients and witnesses, and reviewing and editing pleadings. Mr. Smith’s customary rate is \$700 per hour.

6. Iris Connie Lowe, was a paralegal at Burr & Smith until November 2019, and has more than 30 years of experience working as a paralegal. Patricia Smith, a paralegal at Burr & Smith, has more than five years of experience as a paralegal and data analyst. Among other tasks, Ms. Lowe and Ms. Smith corresponded with witnesses, drafted correspondence, managed the client and witnesses database, and

prepared documents for Court filings. Ms. Lowe expended 42.4 hours on this case and Ms. Smith expended 42.2 hours on this case.

7. Burr & Smith is a small law firm and work on this case precluded work on other fee generating cases and the ability to retain new clients.

8. Attorneys and paralegals at Burr & Smith maintain their time in .6 minute increments in electronic timekeeping software. I reviewed the time entries and removed time for duplicative or unnecessary work. The hours summarized below reflect my billing judgment and reduce Burr & Smith's billed hours by 33.4.

9. Burr & Smith's customary rates have been used by courts in this District performing a Lodestar cross-check. They are also used by Burr & Smith in co-counsel arrangements with attorneys with whom we work on cases outside and within the Middle District of Florida. Recently, attorneys for Burr & Smith received a judgment awarding attorneys' fees at their customary rates for their class action wage and hour work. *E.g. Boyd et al. v. SFS Communications, LLC*, No. 8:15-cv-03068-PJM, Doc. 195-8 (D. Md. Aug. 5, 2021) (finding Burr & Smith's attorneys' customary hourly rates reasonable for a class and collective action). Furthermore, the local market rates set forth in the Declarations of Daniel Feinberg and R. Joseph Barton filed in support of Class Counsel's Motion for Attorneys' Fees and Costs are customary rates for attorneys of their experience and caliber in the Middle District of Florida.

Summary of Burr & Smith, LLP's Hours and Customary Hourly Rates

Timekeeper	Rate	Hours	Reduced Hours Billing Judgment	Amount
S Smith	\$700	25.0	25.0	\$17,500.00
L Donnell	\$550	252.0	227.8	\$125,290.00
C Lowe	\$150	42.4	38.2	\$5,730.00
P Smith	\$150	44.4	39.4	\$5,910.00
Totals		363.8	330.4	\$154,430.00

10. Burr & Smith has incurred costs and litigation expenses of \$5,231.13 in this case for postage, photocopies, Federal Express, legal research, Pacer fees, data storage fees, notice administration fees, lodging and meals for attendance at hearings, court reporter costs, service of process, and Court filing fees.

Summary of Burr & Smith, LLP's Costs and Expenses

Expenses	Amount
Postage	\$147.44
Photocopies	\$33.45
Reimbursed Expenses	\$1,375.38
Federal Express	\$295.84
Westlaw	\$879.41
Filing Fee	\$400.00
Pacer	\$21.80
Service Fee	\$355.00
Meal Expenses	\$75.92
Casepoint Data Storage	\$551.85
Lodging	\$265.24
Court Reporter	\$70.20

Lexis-Nexis	\$193.25
Notice Admin	\$566.35
Total	\$5,231.13

I HEREBY DECLARE, under the penalty of perjury that the foregoing is true and correct.

Executed this 15th day of December 2021.

/s/ Loren B. Donnell
Loren B. Donnell