

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

ALLECIA SINKFIELD, on behalf of herself and others similarly situated,	:	Civil Action No.: 9:21-cv-80338-RKA
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
PERSOLVE RECOVERIES, LLC,	:	
	:	
Defendant.	:	
	:	

**DECLARATION OF JAMES L. DAVIDSON IN SUPPORT OF PLAINTIFF’S MOTION
FOR APPROVAL OF AN AWARD OF ATTORNEYS’ FEES AND REIMBURSEMENT
OF LITIGATION COSTS AND EXPENSES**

I, James L. Davidson, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. My name is James L. Davidson.
2. I am over twenty-one years of age and am fully competent to make the statements contained in this declaration.
3. I have personal knowledge of the matters stated herein, and, if called upon, I could and would competently testify thereto.
4. I am admitted to practice before this Court.
5. I am a partner at the law firm of Greenwald Davidson Radbil PLLC (“GDR”), counsel for Allecia Sinkfield (“Plaintiff”), and court-appointed Class Counsel in the above-titled action. I make this declaration in support of Plaintiff’s motion for an award of attorneys’ fees and expenses.
6. The purpose of this declaration is to set forth the factual basis for why the application for attorneys’ fees and expenses is reasonable and should be approved by this Court.

Class Counsel

7. GDR has been appointed class counsel in a host of class actions throughout the country, including many brought under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (“FDCPA”). *See, e.g., Acuna v. Medical-Commercial Audit, Inc.*, No.: 9:21-cv-81256-WPD, 2022 WL 1617992 (S.D. Fla. May 20, 2022) (Dimitrouleas, J.); *Newman v. Eduardo Meloni, P.A.*, No. 0:20-cv-60027-UU, 2020 WL 3052801 (S.D. Fla. June 5, 2020) (Ungaro, J.); *Claxton v. Alliance CAS, LLC*, No. 19-61002, 2020 WL 2759826 (S.D. Fla. May 27, 2020) (Altman, J.); *Riddle v. Atkins & Ogle Law Offices, LC*, No. 19-249, 2020 WL 1303939 (S.D. W. Va. Feb. 26, 2020); *Taylor v. TimePayment Corp.*, No. 18-378, 2020 WL 906319 (E.D. Va. Feb. 24, 2020); *Sullivan v. Marinosci Law Grp., P.C., P.A.*, No. 18-81368, 2019 WL 6709575 (S.D. Fla. Nov. 22, 2019) (Middlebrooks, J.); *Spencer v. #1 A LifeSafer of Ariz., LLC*, No. CV-18-02225-PHX-BSB, 2019 WL 1034451 (D. Ariz. Mar. 4, 2019); *Knapper v. Cox Commc’ns, Inc.*, 329 F.R.D. 238 (D. Ariz. 2019); *Dickens v. GC Servs. Ltd. P’ship*, 336 F. Supp. 3d 1369 (M.D. Fla. 2018); *Kagno v. Bush Ross, P.A.*, No. 8:17-cv-1468-T-26AEP, 2017 WL 6026494 (M.D. Fla. Dec. 4, 2017); *Beck v. Thomason Law Firm, LLC*, No. 1:16-cv-00570-WJ-KK, 2017 WL 3267751 (D.N.M. July 27, 2017); *Brown v. Hunt & Henriques*, No. 15-1111, ECF No. 55 (N.D. Cal. Nov. 18, 2016); *Jallo v. Resurgent Capital Servs., L.P.*, No. 14-449, 2016 WL 6610322 (E.D. Tex. Nov. 8, 2016); *Rhodes v. Nat’l Collection Sys., Inc.*, 317 F.R.D. 579 (D. Colo. 2016); *Gonzalez v. Germaine Law Office PLC*, No. 15-1427, 2016 WL 5844605 (D. Ariz. Oct. 3, 2016); *McCurdy v. Prof’l Credit Serv.*, No. 15-1498, 2016 WL 5853721 (D. Or. Oct. 3, 2016); *Markos v. Wells Fargo Bank, N.A.*, No. 15-1156, 2016 WL 4708028 (N.D. Ga. Sept. 7, 2016); *Cross v. Wells Fargo Bank, N.A.*, No. 15-1270, 2016 WL 4432723 (N.D. Ga. Aug. 18, 2016); *Lehmeyer v. Messerli & Kramer, P.A.*, No. 15-2419, ECF No. 61 (D. Minn. Aug. 10, 2016); *Johnson v. Navient Sols., Inc.*, 315

F.R.D. 501 (S.D. Ind. 2016); *Globus v. Pioneer Credit Recovery, Inc.*, No. 15-152, 2016 WL 4069285 (W.D.N.Y. July 27, 2016); *Kausch v. Berman & Rabin, P.A.*, No. 15-537, 2016 WL 3944685 (E.D. Mo. July 8, 2016); *Schell v. Frederick J. Hanna & Assocs., P.C.*, No. 15-418, 2016 WL 3654472 (S.D. Ohio July 8, 2016); *Chamberlin v. Mullooly, Jeffrey, Rooney & Flynn, LLP*, No. 15-2361, ECF No. 44 (D.N.J. June 2, 2016); *Schuchardt v. Law Office of Rory W. Clark*, 314 F.R.D. 673 (N.D. Cal. 2016); *Garza v. Mitchell Rubenstein & Assocs., P.C.*, No. 15-1572, ECF No. 22 (D. Md. Apr. 26, 2016); *Baldwin v. Glasser & Glasser, P.L.C.*, No. 15-490, ECF No. 20 (E.D. Va. Mar. 24, 2016); *Whitford v. Weber & Olcese, P.L.C.*, No. 15-400, 2016 WL 122393 (W.D. Mich. Jan. 11, 2016); *Prater v. Medcredit, Inc.*, No. 14-159, 2015 WL 8331602 (E.D. Mo. Dec. 7, 2015); *McWilliams v. Advanced Recovery Sys., Inc.*, 310 F.R.D. 337 (S.D. Miss. 2015); *Oaks v. Parker L. Moss, P.C.*, No. 15-196, 2015 WL 5737595 (N.D. Ind. Sept. 29, 2015); *Jones v. I.Q. Data Int'l, Inc.*, No. 14-130, 2015 WL 5704016 (D.N.M. Sept. 23, 2015); *Lambeth v. Advantage Fin. Servs., LLC*, No. 15-33, 2015 WL 4624008 (D. Idaho Aug. 3, 2015); *Rhodes v. Olson Assocs., P.C.*, 83 F. Supp. 3d 1096 (D. Colo. 2015); *Roundtree v. Bush Ross, P.A.*, 304 F.R.D. 644 (M.D. Fla. 2015); *Gonzalez v. Dynamic Recovery Sols., LLC*, Nos. 14-24502, 14-20933, 2015 WL 738329 (S.D. Fla. Feb. 23, 2015) (Bloom, J.).

James L. Davidson

8. I graduated from the University of Florida in 2000 and the University of Florida Fredric G. Levin College of Law in 2003.

9. I have been appointed class counsel in a host of consumer protection class actions.

10. Prior to forming GDR, I spent five years as a litigator at Robbins Geller Rudman & Dowd LLP—one of the nation’s largest plaintiff’s class action firms. At Robbins Geller, I focused on complex class actions, including securities and consumer protection litigation.

Michael L. Greenwald

11. Prior to forming GDR in 2012, Mr. Greenwald spent six years as a litigator at Robbins Geller.

12. His practice at Robbins Geller focused on complex class actions, including securities and consumer protection litigation.

13. While at Robbins Geller, he served on the litigation teams responsible for the successful prosecution of numerous class actions, including: *In re Evergreen Ultra Short Opportunities Fund Sec. Litig.* (D. Mass.); *In re Red Hat, Inc. Sec. Litig.* (E.D.N.C.); *City of Ann Arbor Emps.' Ret. Sys. v. Sonoco Prods. Co., et al.* (D.S.C.); *Norfolk Cnty. Ret. Sys., et al. v. Ustian* (N.D. Ill.); *Romero v. U.S. Unwired, Inc.* (E.D. La.); *Lefkoe v. Jos. A. Bank Clothiers, Inc.* (D. Md.); and *In re Odimo, Inc. Sec. Litig.* (Fla.).

Jesse S. Johnson

14. Mr. Johnson earned his Bachelor of Science degree in Business Administration from the University of Florida, where he graduated *magna cum laude* in 2005.

15. He earned his Juris Doctor degree with honors from the University of Florida Fredric G. Levin College of Law in 2009, along with his Master of Arts in Business Administration from the University of Florida Hough Graduate School of Business the same year.

16. While an attorney at GDR, Mr. Johnson has been appointed class counsel in more than a dozen consumer protection class actions.

17. Mr. Johnson started his legal career as an associate at Robbins Geller, where he served on the litigation teams responsible for the successful prosecution of numerous class actions, including: *Sterling Heights Gen. Emps.' Ret. Sys. v. Hospira, Inc.*, No. 1:11-cv-08332 (N.D. Ill.); *Eshe Fund v. Fifth Third Bancorp*, No. 1:08-cv-00421 (S.D. Ohio); *City of St. Clair Shores Gen.*

Emps.' Ret. Sys. v. Lender Processing Servs., Inc., No. 3:10-cv-01073 (M.D. Fla.); and *In re Synovus Fin. Corp.*, No. 1:09-cv-01811 (N.D. Ga.).

Alexander D. Kruzyk

18. Mr. Kruzyk earned his Juris Doctor degree with honors from the University of Florida Fredric G. Levin College of Law in 2014.

19. While an attorney at GDR, Mr. Kruzyk worked on numerous consumer protection class actions.

20. Prior to joining GDR, Mr. Kruzyk was a litigator at Robbins Geller, where his practice focused on complex class actions, including consumer protection, merger & acquisition, and professional sports litigation.

21. More information about GDR is available on the firm's website at www.gdrlawfirm.com.

Class Counsel's Reasonable Attorneys' Fees

22. Plaintiff seeks a total of \$68,692 in attorneys' fees.

23. Defendant has agreed to pay any award of attorneys' fees and expenses separate and apart from the class settlement fund.

24. The requested attorneys' fees and expenses are fair and reasonable given the work completed in this matter. More specifically, GDR has devoted a significant amount of time to this matter, which included (a) researching and preparing the class action complaint, ECF No. 1; (b) opposing, and prevailing on, Defendant's motion to dismiss, ECF No. 17; (c) preparing the joint scheduling report, ECF No. 14; (d) preparing Plaintiff's initial disclosures; (e) opposing Defendant's request for judicial notice, ECF No. 26; (f) researching and preparing the class certification motion, and reply in support, ECF Nos. 36, 45; (g) opposing, and prevailing, on,

Defendant's motion to strike Plaintiff's reply in support of class certification, ECF No. 47; (h) researching and preparing a second class certification motion, and reply in support, ECF Nos. 59, 65; (i) propounding written discovery to Defendant; (j) preparing a Rule 30(b)(6) deposition notice for Defendant and taking the deposition of Defendant's corporate representative; (k) drafting and negotiating the parties' class action settlement agreement, including the proposed preliminary and final approval orders and the class notice; (l) preparing Plaintiff's initial and renewed motions for preliminary approval of the settlement; and (m) preparing this fee and expense petition, among other tasks.

25. Based on the quality of GDR's work, the reasonable hours expended, and the benefits obtained for Plaintiff and the members of the class considering the risks of litigation, the requested fee and expense award is reasonable and should be approved.

26. As of the date of this Declaration, GDR has spent a total of 179.90 hours litigating this case. I, as the lead attorney on this case, have spent a total of 150.8 hours. Mr. Greenwald, Mr. Johnson and Mr. Kruzyk spent a total of 29.1 hours.

27. The hours spent by Mr. Greenwald, Mr. Johnson and Mr. Kruzyk largely entailed legal research, reviewing and revising pleadings and engaging in litigation and settlement strategy.

28. The time included herein is evidenced by my firm's electronically stored time records which were entered contemporaneously with the respective task to which they relate. These time records accurately reflect the work performed.

29. Mr. Greenwald and I billed on this matter at a rate of \$500 per hour, while Mr. Johnson billed at a rate of \$450 per hour and Mr. Kruzyk billed at a rate of \$400 per hour.

30. Thus, as of the date of this declaration, GDR's lodestar is \$88,265.

31. In addition, I conservatively estimate that this case will require an additional 15-25 hours of work to complete. That time will be spent coordinating with the settlement administrator; finalizing the class notice; researching and preparing the motion for final approval of the class action settlement; preparing for, and attending, the final fairness hearing; communicating with class members; and any other related matters necessary to conclude this case.

32. Including the estimated 15-25 hours of additional time necessary to bring this case to its conclusion yields a total expected lodestar of between \$95,765 and \$100,765.

Reimbursement of Costs and Litigation Expenses Incurred

33. Plaintiff seeks a total of \$1,308 in litigation costs and expenses. These costs and expenses were reasonably incurred in connection with the prosecution of this action and are reflected in the books and records maintained by undersigned counsel, which are an accurate recording of the expenses incurred.

34. The reimbursable costs and expenses include the filing fee for the complaint, the fee for service of process on Defendant, and costs for the court reporter and transcript from the deposition of Defendant's corporate representative

35. I respectfully submit that the request of \$68,692 in attorneys' fees and \$1,308 in litigation costs and expenses—which will likely be less than my firm's combined lodestar and expenses at the conclusion of this case—is reasonable for a class action, particularly one where class members will receive meaningful cash benefits.

Conclusion

For the reasons stated above and in the accompanying motion, I respectfully submit that Plaintiff's motion for approval of an award of attorneys' fees and reimbursement of litigation costs and expenses should be granted in its entirety.

Executed on October 24, 2022

By: s/James L. Davidson
James L. Davidson