

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

	x	
	:	Case No.: 4:20-cv-1186-JAR
TIMOTHY MILES, on behalf of himself and	:	
others similarly situated,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
MEDICREDIT, INC.,	:	
	:	
Defendant.	:	
	x	

**DECLARATION OF MICHAEL L. GREENWALD IN SUPPORT  
OF PLAINTIFF’S MOTION FOR AN AWARD OF ATTORNEYS’ FEES, COSTS,  
LITIGATION EXPENSES, AND A SERVICE AWARD**

I, Michael L. Greenwald, pursuant to 28 U.S.C. § 1746, declare as follows:

1. My name is Michael L. Greenwald.
2. I am over twenty-one years of age.
3. I am fully competent to make the statements contained in this declaration.
4. I graduated from the University of Virginia in 2001 and Duke University School of Law in 2004.
5. I am a partner at Greenwald Davidson Radbil PLLC (“GDR”).
6. GDR is counsel for Plaintiff Timothy Miles, and Class Counsel in this action.
7. I am admitted to practice before this Court *pro hac vice*.
8. I submit this declaration in support of Mr. Miles’s motion for an award of attorneys’ fees, costs, litigation expenses, and a service award.

### GDR's Experience

9. GDR's attorneys have extensive experience litigating consumer protection class actions, including class actions under the Telephone Consumer Protection Act ("TCPA").

10. As class counsel in TCPA class actions, GDR has helped to recover more than \$120 million for class members over the past eight years, including in the following cases:

- *Wesley v. Snap Fin. LLC*, No. 2:20-cv-00148-RJS-JCB (D. Utah);
- *Davis v. Mindshare Ventures LLC et al.*, No. 4:19-cv-1961 (S.D. Tex.);
- *Bonoan v. Adobe, Inc.*, No. 3:19-cv-01068-RS (N.D. Cal.);
- *Neal v. Wal-Mart Stores, Inc. and Synchrony Bank*, No. 3:17-cv-00022 (W.D.N.C.);
- *Jewell v. HSN, Inc.*, No. 3:19-cv-00247-jdp (W.D. Wis.);
- *Knapper v. Cox Commc'ns, Inc.*, No. 2:17-cv-00913-SPL (D. Ariz.);
- *Sheean v. Convergent Outsourcing, Inc.*, No. 2:18-cv-11532-GCS-RSW (E.D. Mich.);
- *Williams v. Bluestem Brands, Inc.*, No. 8:17-cv-01971-T-27AAS (M.D. Fla.);
- *Martinez, et al., v. Medicredit, Inc.*, No. 4:16-cv-01138 ERW (E.D. Mo.) (Webber, J.);
- *Johnson v. NPAS Solutions, LLC*, No. 9:17-cv-80393 (S.D. Fla.) (on appeal);
- *Luster v. Wells Fargo Dealer Servs., Inc.*, No. 1:15-cv-01058-TWT (N.D. Ga.);
- *Prather v. Wells Fargo Bank, N.A.*, No. 1:15-cv-04231-SCJ (N.D. Ga.);
- *Johnson v. Navient Solutions, Inc., f/k/a Sallie Mae, Inc.*, No. 1:15-cv-0716-LJM (S.D. Ind.);
- *Toure and Heard v. Navient Solutions, Inc., f/k/a Sallie Mae, Inc.*, No. 1:17-cv-00071-LJM-TAB (S.D. Ind.);
- *James v. JPMorgan Chase Bank, N.A.*, No. 8:15-cv-2424-T-23JSS (M.D. Fla.);
- *Schwyhart v. AmSher Collection Servs., Inc.*, No. 2:15-cv-1175-JEO (N.D. Ala.);
- *Cross v. Wells Fargo Bank, N.A.*, No. 2:15-cv-01270-RWS (N.D. Ga.);
- *Markos v. Wells Fargo Bank, N.A.*, No. 15-1156 (N.D. Ga.);

- *Prater v. Medicredit, Inc.*, No. 14-00159 (E.D. Mo.) (Webber, J.);
- *Jones v. I.Q. Data Int'l, Inc.*, No. 1:14-cv-00130-PJK-GBW (D.N.M.); and
- *Ritchie v. Van Ru Credit Corp.*, No. 2:12-CV-01714-PHX-SM (D. Ariz.).

11. In addition, GDR has been appointed class counsel in dozens of class actions brought under consumer protection statutes other than the TCPA, including:

- *Taylor v. TimePayment Corp.*, No. 3:18-cv-00378-MHL-DJN (E.D. Va.);
- *Kausch v. Berman & Rabin, P.A.*, No. 4:25-cv-00537-AGF (E.D. Mo.) (Flessig, J.);
- *Danger v. Nextep Funding, LLC*, No. 0:18-cv-00567-SRN-LIB (D. Minn.);
- *Spencer v. #1 A LifeSafer of Ariz. LLC*, No. 18-02225-PHX-BSB (D. Ariz.);
- *Dickens v. GC Servs. Ltd. P'Ship*, No. 8:16-cv-00803-JSM-TGW (M.D. Fla.);
- *Kagno v. Bush Ross, P.A.*, No. 8:17-cv-1468-T-26AEP (M.D. Fla.);
- *Johnston v. Kass Shuler, P.A.*, No. 8:16-cv-03390-SDM-AEP (M.D. Fla.);
- *Jallo v. Resurgent Capital Servs., L.P.*, No. 4:14-cv-00449 (E.D. Tex.);
- *Macy v. GC Servs. Ltd. P'ship*, No. 3:15-cv-00819-DJH-CHL (W.D. Ky.);
- *Rhodes v. Nat'l Collection Sys., Inc.*, No. 15-cv-02049-REB-KMT (D. Colo.);
- *McCurdy v. Prof'l Credit Servs.*, No. 6:15-cv-01498-AA (D. Or.);
- *Schuchardt v. Law Office of Rory W. Clark*, No. 3:15-cv-01329-JSC (N.D. Cal.);
- *Globus v. Pioneer Credit Recovery, Inc.*, No. 15-CV-152V (W.D.N.Y.);
- *Roundtree v. Bush Ross, P.A.*, No. 8:14-cv-00357-JDW-AEP (M.D. Fla.); and
- *Gonzalez v. Germaine Law Office PLC*, No. 2:15-cv-01427 (D. Ariz.).

12. Multiple district courts have commented on GDR's useful knowledge and experience in connection with class action litigation.

13. For instance, in preliminarily approving the class action settlement in *Chapman v. Bowman, Heintz, Boscia & Vician, P.C*, Judge Jon E. DeGuilio of the Northern District of Indiana wrote:

No doubt Michael L. Greenwald of Greenwald Davidson Radbil PLLC has put extensive work into reviewing and investigating the potential claims in this case, and he and his firm have experience in handling class action litigation. Additionally, Mr. Greenwald has demonstrated his knowledge of the FDCPA and he has so far committed the resources necessary to representing the class and administrating the proposed settlement. The Court believes that Mr. Greenwald will fairly and adequately represent the interests of the class; and therefore, in compliance with Rule 23(g)(1), it is **ORDERED** that Michael Greenwald of Greenwald Davidson Radbil PLLC is appointed Class Counsel.

No. 2:15-cv-120 JD, 2015 WL 9478548, at \*6 (N.D. Ind. Dec. 29, 2016).

14. As well, in *Ritchie*, Judge Stephen M. McNamee of the District of Arizona stated upon granting final approval to the TCPA settlement at issue:

I want to thank all of you. It's been a pleasure. I hope that you will come back and see us at some time in the future. And if you don't, I have a lot of cases I would like to assign you, because you've been immensely helpful both to your clients and to the Court. And that's important. So I want to thank you all very much.

No. CIV-12-1714 (D. Ariz. July 21, 2014).

15. In *Schwychart*, Judge John E. Ott, Chief Magistrate Judge of the Northern District of Alabama, stated upon granting final approval to a TCPA settlement for which he appointed GDR as class counsel:

I cannot reiterate enough how impressed I am with both your handling of the case, both in the Court's presence as well as on the phone conferences, as well as in the written materials submitted. . . . I am very satisfied and I am very pleased with what I have seen in this case. As a judge, I don't get to say that every time, so that is quite a compliment to you all, and thank you for that.

No. 2:15-cv-1175-JEO (N.D. Ala. Mar. 15, 2017).

16. Judge Carlton W. Reeves of the Southern District of Mississippi described GDR as follows:

More important, frankly, is the skill with which plaintiff’s counsel litigated this matter. On that point there is no disagreement. Defense counsel concedes that her opponent—a specialist in the field who has been class counsel in dozens of these matters across the country—“is to be commended for his work” for the class, “was professional at all times” ..., and used his “excellent negotiation skills” to achieve a settlement fund greater than that required by the law.

The undersigned concurs ... Counsel’s level of experience in handling cases brought under the FDCPA, other consumer protection statutes, and class actions generally cannot be overstated.

*McWilliams v. Advanced Recovery Sys., Inc.*, No. 3:15-CV-70-CWR-LRA, 2017 WL 2625118, at \*3 (S.D. Miss. June 16, 2017).

17. As well, Judge Steven D. Merryday of the Middle District of Florida wrote in appointing GDR class counsel in *James* that “Michael L. Greenwald, James L. Davidson, and Aaron D. Radbil of Greenwald Davidson Radbil PLLC, each . . . has significant experience litigating TCPA class actions.” 2016 WL 6908118, at \*1.

18. In *Bellum v. Law Offices of Frederic I. Weinberg & Assocs., P.C.*, Judge C. Darnell Jones II of the Eastern District of Pennsylvania took care to point out that GDR was appointed as class counsel “precisely because of their expertise and ability to represent the class in this matter.” 2016 WL 4766079, at \*5 (E.D. Pa. Sept. 13, 2016).

19. Similarly, Judge Robert C. Chambers of the Southern District of West Virginia described GDR as follows:

GDR is an experienced firm that has successfully litigated many complex consumer class actions. Because of its experience, GDR has been appointed class counsel in many class actions throughout the country, including several in the Fourth Circuit. GDR employed that experience here in negotiating a favorable result that avoids protracted litigation, trial, and appeals.

*Riddle v. Atkins & Ogle Law Offices, LC*, No. 3:19-cv-0249, 2020 WL 3496470, at \*3 (S.D. W. Va. June 29, 2020) (internal citation omitted).

20. Along the same lines, in *Cooper v. InvestiNet, LLC*, Chief Judge Tanya Walton Pratt of the Southern District of Indiana recently wrote:

GDR is an experienced firm that has successfully litigated many complex consumer class actions, including under the FDCPA. Because of its experience, GDR has been appointed class counsel in many class actions throughout the country, including in this district. GDR employed that experience here in negotiating a favorable result that avoids protracted litigation, trial, and appeals.

No. 1:21-cv-01562-TWP-DML, 2022 WL 1125394 (S.D. Ind. April 14, 2022)

21. And in certifying a nationwide class action under the TCPA, Judge Roslyn O. Silver of the District of Arizona wrote earlier this year:

Moreover, the quality of Plaintiff’s filings to this point, as well as the declarations submitted by the proposed class counsel, Michael Greenwald (Doc. 120-6) . . . persuade the Court that Head, Greenwald, and Wilson will continue to vigorously prosecute this action on behalf of the class.

\* \* \*

Significantly, class counsel have provided a list of well over a dozen class actions Greenwald, Wilson, and their respective firms have each litigated, including several under the TCPA. (Doc. 120-6 at 5-6; Doc. 120-7 at 2-7). These showings demonstrate counsel’s experience in handling class actions, complex litigation, and the types of claims asserted in this action. *See* Fed. R. Civ. P. 23(g)(1)(A)(ii).

*Head v. Citibank, N.A.*, 340 F.R.D. 145, 152 (D. Ariz. 2022).

22. Additional information about GDR is available at [www.gdrllawfirm.com](http://www.gdrllawfirm.com).

**Michael L. Greenwald**

23. Prior to forming GDR in 2012, I spent six years as a litigator at Robbins Geller Rudman & Dowd LLP—one of the nation’s largest plaintiff’s class action firms.

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

25. While at Robbins Geller, I 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.).

26. I started my career as an attorney in the Fort Lauderdale, Florida office of Holland & Knight LLP.

27. Other GDR attorneys also contributed to the successful prosecution of this case, including partners Aaron D. Radbil, James L. Davidson, and Jesse S. Johnson.

#### **Aaron D. Radbil**

28. Mr. Radbil graduated from the University of Arizona in 2002 and from the University of Miami School of Law in 2006.

29. Mr. Radbil is admitted to practice before this Court *pro hac vice*.

30. Mr. Radbil has extensive experience litigating consumer protection class actions, including those under the TCPA.

31. In addition to his experience litigating consumer protection class actions, Mr. Radbil has briefed, argued, and prevailed on a variety of issues of significant consumer interest before federal courts of appeals, including, for instance:

- *Dickens v. GC Servs. Ltd. P'ship*, 706 F. App'x 529 (11th Cir. 2017);
- *Hernandez v. Williams, Zinman & Parham PC*, 829 F.3d 1068 (9th Cir. 2016);

- *Lea v. Buy Direct, L.L.C.*, 755 F.3d 250 (5th Cir. 2014);
- *Payne v. Progressive Fin. Servs., Inc.*, 748 F.3d 605 (5th Cir. 2014);
- *Stout v. FreeScore, LLC*, 743 F.3d 680 (9th Cir. 2014);
- *Yunker v. Allianceone Receivables Mgmt., Inc.*, 701 F.3d 369 (11th Cir. 2012);
- *Guajardo v. GC Servs., LP*, 498 F. App'x 349 (5th Cir. 2012);
- *Sorensen v. Credit Int'l Corp.*, 475 F. App'x 244 (9th Cir. 2012);
- *Ponce v. BCA Fin. Serv., Inc.*, 467 F. App'x 806 (11th Cir. 2012);
- *Talley v. U.S. Dep't of Agric.*, 595 F. 3d 754 (7th Cir. 2010), *reh'g en banc granted, opinion vacated* (June 10, 2010), *on rehearing en banc* (September 24, 2010), *decision affirmed*, No. 09-2123, 2010 WL 5887796 (7th Cir. Oct. 1, 2010); and
- *Oppenheim v. I.C. Sys., Inc.*, 627 F.3d 833 (11th Cir. 2010).

**James L. Davidson**

32. Mr. Davidson graduated from the University of Florida in 2000 and the University of Florida Fredric G. Levin College of Law in 2003.

33. He has been appointed class counsel in a host of consumer protection class actions.

34. Prior to forming GDR, Mr. Davidson spent five years as a litigator at Robbins Geller, where he focused on complex class actions, including securities and consumer protection litigation.

**Jesse S. Johnson**

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

36. 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.



37. Mr. Johnson is admitted to practice before this Court *pro hac vice*.

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

39. 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.).

#### **GDR Expended Significant Time and Resources Prosecuting this Action**

40. This case has been pending for more than two years.

41. Mr. Miles filed his class action complaint on September 1, 2020, asserting claims under the TCPA. ECF No. 1.

42. On October 20, 2020, Mr. Miles served a subpoena on his wireless carrier to obtain records of calls from Mediacredit to his cellular telephone.

43. On December 14, 2020, Mr. Miles filed his amended class action complaint. ECF No. 18.

44. On January 21, 2021, Mediacredit moved to dismiss the amended class action complaint. ECF No. 23.

45. To that end, Mediacredit asserted that dismissal was warranted because the Court lacked subject matter jurisdiction over Mr. Miles's claims in light of a recent Supreme Court decision. *Id.*

46. Mediacredit separately suggested that this Court should dismiss Mr. Miles's class allegations. *Id.*

47. On February 4, 2021, Mr. Miles filed his opposition to Mediacredit's motion to dismiss. ECF No. 25.

48. On March 9, 2021, this Court denied Mediacredit's motion to dismiss and sustained Mr. Miles's class allegations. ECF No. 28.

49. On March 25, 2021, Mr. Miles served his initial written discovery requests.

50. On April 6, 2021, Mediacredit filed its answer and affirmative defenses to the amended class action complaint. ECF No. 34.

51. Through its answer and affirmative defenses, Mediacredit asserted eight separate defenses. *Id.*

52. On April 29, 2021, Mediacredit moved for partial judgment on the pleadings. ECF No. 35.

53. On May 5, 2021, Mediacredit served written discovery requests on Mr. Miles.

54. On May 13, 2021, Mr. Miles responded in opposition to Mediacredit's motion for partial judgment on the pleadings. ECF No. 39.

55. Thereafter, Mr. Miles submitted several notices of supplemental authority in support of his opposition to Mediacredit's motion for partial judgment on the pleadings. *See* ECF Nos. 48, 51, 52.

56. On May 19, 2021, Mr. Miles served a third-party subpoena on Noble Systems Corporation.

57. On June 7, 2021, to facilitate the exchange of discovery, the parties jointly moved for the entry of an agreed protective order. ECF No. 45.

58. Medicredit produced, and counsel for Mr. Miles reviewed, over 1,000 pages of documents.

59. On June 18, 2021, Mr. Miles served his responses and objections to Medicredit's written discovery requests.

60. On July 14, 2021, this Court denied Medicredit's motion for partial judgment on the pleadings. ECF No. 53.

61. On August 8, 2021, the parties jointly moved for an extension of time to complete discovery. ECF No. 54.

62. On August 30, 2021, Mr. Miles took the deposition of Medicredit pursuant to Rule 30(b)(6).

63. On October 7, 2021, Mr. Miles moved for leave to file a second amended class action complaint. ECF No. 56.

64. On October 13, 2021, Medicredit took Mr. Miles's deposition.

65. Medicredit answered Mr. Miles's second amended class action complaint on October 22, 2021. ECF No. 59.

66. On November 15, 2021, Medicredit took the deposition of Patricia Hall, a third party witness.

67. On June 29, 2022, Mr. Miles served a detailed mediation brief to Hon. Diane M. Welsh (Ret.) of JAMS, who served as the parties' jointly selected mediator.

68. The parties attended a full-day mediation on July 6, 2022, where they ultimately reached an agreement in principle.

69. Thereafter, on July 13, 2022, the parties filed a Notice of Class Action Settlement. ECF No. 62.

70. Mr. Miles filed his motion for preliminary approval of the parties' class action settlement on August 19, 2022. ECF No. 69.

71. This Court preliminarily approved the settlement on August 23, 2022. ECF No. 71.

72. Since this Court preliminarily approved the settlement, counsel for Mr. Miles have worked diligently with the class administrator to oversee the notice and claims process.

### **The Settlement**

73. The settlement requires Medcredit to create a non-reversionary common fund of \$1.95 million.

74. The parties reached an agreement to resolve this matter only after the close of discovery on Mr. Miles's claims, after party and third-party depositions, and after extensive motion practice, including a motion to dismiss and a motion for partial judgment on the pleadings.

75. The parties reached their agreement to settle this matter with the assistance and supervision of Judge Welsh.

76. A true and correct copy of the parties' settlement agreement and its exhibits were previously filed with this Court. *See* ECF No. 70-1.

77. This Court will hold a final fairness hearing on February 7, 2023 to make its final determination concerning the fairness, reasonableness, and adequacy of the parties' class settlement.

### **Attorneys' Fees**

78. The requested attorneys' fees of one-third of the common fund is both fair and reasonable, and in line with awards in similar class actions.

79. The case has been pending for more than two years and, during that time, GDR devoted significant time and resources to this case, including: (a) conducting an investigation into

the underlying facts regarding Mr. Miles's claims and class members' claims; (b) preparing a class action complaint; (c) researching the law pertinent to class members' claims and Medicredit's defenses; (d) negotiating a protective order; (e) preparing and serving written discovery requests to Medicredit; (f) reviewing documents produced by Medicredit; (g) researching and preparing Mr. Miles's opposition to Medicredit's motion to dismiss; (h) researching and preparing Mr. Miles's opposition to Medicredit's motion for partial judgment on the pleadings; (i) serving a subpoena on Mr. Miles's wireless carrier and reviewing the resulting document production; (j) serving a third-party subpoena on Noble Systems Corporation and negotiating with its counsel; (k) preparing for and taking the corporate representative deposition of Medicredit pursuant to Rule 30(b)(6); (l) preparing for and attending the deposition of Patricia Hall; (m) preparing for and defending Mr. Miles's deposition; (n) preparing for and attending mediation with Judge Welsh, including preparing a detailed mediation statement; (o) preparing the parties' class action settlement agreement, along with the proposed class notices and claim form; (p) negotiating with class administration companies to secure the best notice plan practicable; (q) researching and preparing Mr. Miles's motion for preliminary approval of the class action settlement, and counsel's detailed declaration in support; (r) closely monitoring evolving TCPA case law and its potential impacts on this case; (s) closely monitoring decisions from the FCC and their potential impacts on this case; (t) conferring with the class administrator to oversee the notice, claims, and administration process; (u) repeatedly conferring with Mr. Miles throughout this case; and (v) conferring with class members to answer questions about the claims process.

80. In short, GDR spent a considerable amount of time and devoted significant resources to effectively litigate this case in the best interests of class members, and then guide this case through the settlement approval process.

81. In light of the excellent results achieved in this case, together with counsel's considerable efforts in achieving those results, the novelty and difficulty of the legal questions involved, that GDR litigated this matter on a contingent basis, the experience, reputation, and ability of GDR, and the public service provided by way of GDR's and Mr. Miles's role as private attorneys general with respect to the TCPA, I firmly believe the attorneys' fee requested as a percentage of the common fund is fair and reasonable.

82. Additionally, the requested attorneys' fees were not negotiated as part of the settlement, and Medcredit is free to oppose the attorneys' fees sought by GDR.

#### **Service Award**

83. Mr. Miles has been a model class representative.

84. Mr. Miles is legally blind and serves as an advocate for the rights of people with disabilities in his community of Chapel Hill, North Carolina. As he explained during his deposition, Medcredit's wrong-number calls "cause emotional stress to me because in the class of people with disabilities and seniors who are subject to scams and other types of calls that we would consider[] to be harassing when we know it's not us. So it causes a lot of harassment and fatigue and especially in this time of COVID when you are home more and get all these calls and things like that it makes it more stressful just carrying the day-to-day coping."

85. Mr. Miles remained actively involved in this case throughout the proceedings, including regularly conferring with his counsel and making himself available to consult on all strategic case decisions.

86. In addition, Mr. Miles responded to written discovery requests from Medcredit and searched for documents relevant to his claims.

87. Mr. Miles also sat for a deposition, where he was asked a multitude of questions by Mediacredit, some of which were sensitive.

88. Mr. Miles was also actively involved in settlement efforts, including attending the mediation.

89. Without Mr. Miles's considerable efforts and dedication to this case, the class settlement would not have been possible.

90. Given this, and considering the time and effort Mr. Miles devoted to this case as well as the results achieved for the class, I firmly believe a service award in the amount of \$10,000 is fair and reasonable.

#### **Reimbursement of Litigation Costs and Expenses**

91. GDR separately requests the reimbursement of costs and litigation expenses reasonably incurred in connection with the prosecution of this action.

92. Such expenses are reflected in the books and records maintained by undersigned counsel, which are an accurate recording of the expenses incurred.

93. To date, GDR has incurred reimbursable costs and litigation expenses in the total amount of \$10,477.62.

94. These expenses include the filing fee for the complaint (\$400); process server fees (\$137.79); mediation fees for Judge Welsh (\$6,400); deposition transcripts (\$1,696.35); court admission and *pro hac vice* fees, and related costs (\$445); PACER and Westlaw research costs (\$372); postage, UPS, copying, and mailing costs (\$78.39); and travel-related costs (\$948.09).

95. As well, GDR incurred additional reimbursable expenses, such as for other computerized legal research. Those expenses are not separately itemized herein, and GDR does not seek separate reimbursement for them.

96. For the reasons set forth herein and in the accompanying motion and memorandum of law, I respectfully request that this Court grant Mr. Miles's motion for an award of attorneys' fees, costs, litigation expenses, and an incentive award.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on November 1, 2022

By: *s/Michael L. Greenwald*  
Michael L. Greenwald