

**IN THE CIRCUIT COURT FOR THE NINTH JUDICIAL CIRCUIT  
IN AND FOR ORANGE COUNTY, FLORIDA  
CIVIL ACTION**

**JESSICA KOHL and MATTHEW  
KOHL, individually, and on behalf of  
a class of persons similarly situated,**

**Case No.: 2020-CA-004390-O**

**Plaintiffs,**

**vs.**

**PLURIS WEDGEFIELD, LLC,  
PLURIS HOLDINGS, LLC, and  
PLURIS WEDGEFIELD, INC.,**

**Defendants.**

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**PLAINTIFFS' UNOPPOSED MOTION FOR ATTORNEYS' FEES AND  
COSTS AND PLAINTIFFS' SERVICE AWARD**

Plaintiffs, Jessica Kohl and Matthew Kohl, individually, and on behalf of the Settlement Class, respectfully request that the Court award attorneys' fees of \$1,100,000.00 and costs of \$257,230.46 to Class Counsel, and an Incentive Award of \$10,000 each to the named Plaintiffs, in accordance with the terms of the Settlement Agreement. Class Counsels' loadstar fee amount before any multiplier is \$1,075,794.45. Accordingly, Class Counsel seeks its costs and its loadstar fees with a multiplier of less than 1.03 or 3%.

**I. STATEMENT OF THE BASIS FOR THE REQUEST**

Defendants operate a potable water plant that provides service to residential customers in Wedgefield, Florida. Utilities that provide potable water are regulated on

both the state and federal level. Such utilities are required to disinfect the water provided to its customers, so as to remove microbial contaminants (such as viruses and other microbes) and render the water “safe” to drink. This process of disinfecting the water can introduce byproduct contaminants into the water, the levels of which are also regulated. These contaminants are called disinfection byproducts or (“DBPs”). Common DBPs include trihalomethanes (“TTHM”), haloacetic acids (“HAA5”) and chlorite. Each of these DBPs have maximum contaminant levels (or, “MCLs”), which the EPA describes as the highest level of a contaminant that is allowed in drinking water. The quality and price of potable water is regulated by state and federal regulations.<sup>1</sup>

On April 25, 2020, Plaintiffs filed their initial Complaint, alleging that Defendants provided their customers with water that exceeded the MCLs for DBPs throughout the Class Period.<sup>2</sup> The Plaintiffs brought several causes of action against the Defendants based upon these allegations: breach of contract, negligence, gross negligence, violations of the Florida Deceptive and Unfair Trade Practices Act, and trespass. Compl. ¶¶ 73-123. Defendants deny the allegations made by Plaintiffs in this

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<sup>1</sup> The Federal Safe Drinking Water Act was established in 1974 to protect the quality of drinking water in the United States. *See* 42 U.S.C. § 300(f) *et seq.* The act authorizes the Environmental Protection Agency (“EPA”) to establish minimum standards to protect tap water and requires all owners or operators of public water systems to comply with these standards. While the EPA sets the drinking water quality standards, the Federal Government delegates primary responsibility for regulating public drinking water supplies and public water systems to the states. *See* 42 U.S.C.S. § 300h-1. The Florida Department of Environmental Protection (“FDEP”) regulates public water systems in the state of Florida. *See* 62-550 F.A.C.

<sup>2</sup> *See* Compl., ECF Filing No. 113344907. The case was subsequently removed to the United States District Court for the Middle District of Florida, Orlando Division and litigated in federal court prior to being remanded and reopened in this Court on March 28, 2022. The federal case is titled *Kohl v. Pluris Wedgefield, LLC, et al.*, Case No. 6:20-cv-01683-Orl-41 GJK (M.D. Fla.). It is cited herein as “*Pluris II*.”

lawsuit, and specifically deny the factual, scientific, or other bases asserted in support of the Plaintiffs' claims.

As set forth in the Motion for Preliminary Approval filed December 19, 2022, the Parties reached a Settlement Agreement for the purpose of providing to members of a Settlement Class both compensation for money paid to Defendants for potable water during the Class Period, as well as a prospective relief program in which Defendants will pay for independent testing of the potable water for a minimum of three years.<sup>3</sup>

This settlement was the culmination of more than five years of effort and litigation by three firms representing the Plaintiffs – The Maher Law Firm, P.A., Heninger Garrison Davis, LLC, and Normand PLLC. As described herein, the amount in fees and costs sought by Class Counsel are reasonable under the standard prescribed in *Kuhnlein v. Dep't of Revenue*, 662 So. 2d 309 (Fla. 1995).

## **II. MEMORANDUM OF LEGAL AUTHORITY**

### **A. The Attorneys' Fees Requested Are Reasonable**

As a result of this settlement agreement, Class Counsel has secured both a common fund to compensate Class Members to reimburse them on a pro rata basis for money they paid to Defendants for drinking water for approximately a six year time period, *and* a prospective relief program by which Defendants will pay for a minimum of three years of independent testing (with community oversight) of the potable water

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<sup>3</sup> ECF Filing No. 163311124.

it provides to the Wedgefield community.

It is a generally accepted rule under Florida law that pursuant to the “common fund doctrine,” lawyers who recover a common fund for the benefit of others are entitled to reasonable attorneys’ fees to be paid out of that fund. *Kuhnlein*, 662 So.2d at 314 (citing *Tenney v. City of Miami Beach*, 152 Fla. 126 (Fla. 1942)). (“In *Tenney*, this Court recognized those who received the benefit of the common fund through a class action should share equitably in the burden of paying attorney fees and costs necessary to the creation of the common fund.”)).

To evaluate the reasonableness of an attorney’s fee award, a court is to apply the factors outlined in *Florida Patient’s Compensation Fund v. Rowe*, 472 So. 2d 1145 (Fla. 1985) and *Standard Guarantee Insurance Co. v. Quanstrom*, 555 So. 2d 828 (Fla. 1990). According to *Rowe* and *Quanstrom*, the Court is first to calculate lodestar, taking into account the factors as outlined in Rule 4-1.5 of the Rules Regulating the Florida Bar. *Quanstrom*, 555 So. 2d at 830.

Lodestar is calculated by the court determining the number of hours reasonably expended and then multiplying that amount by a reasonable hourly rate for the professionals providing the legal services. *Rowe*, 472 So.2d at 1151. After calculating lodestar, the court is thereafter to consider any potential adjustment to the lodestar amount. This two-step process has been affirmed and applied to attorneys’ fees in class actions by the Supreme Court in *Kuhnlein* (attorneys’ fees were calculated first by determination of the lodestar by applying all factors from Rule 4-1.5 of the Rules Regulating the Florida Bar except for the contingency risk factor and results obtained,

and second, determination of the multiplier adjustment to the lodestar amount, which includes analysis of contingency risk factor and results obtained). *Kuhnlein*, 662 So.2d at 315. As described below, the fees sought here are reasonable under the guidance of the Florida Supreme Court for analysis of fee petitions in class actions.

The factors to be considered as guides in determining a reasonable fee under Rule 4-1.5 of the Rules Regulating the Florida Bar include: (1) The time and labor required, the novelty, complexity, difficulty of the questions involved, and the skill requisite to perform the legal service properly; (2) the likelihood that the acceptance of the particular employment will preclude other employment by the lawyer; (3) the fee, or rate of fee, customarily charged in the locality for legal services of a comparable or similar nature; (4) the significance of, or amount involved in, the subject matter of the representation, the responsibility involved in the representation, and the results obtained; (5) the time limitations imposed by the client or by the circumstances and, as between attorney and client, any additional or special time demands or requests of the attorney by the client; (6) the nature and length of the professional relationship with the client; (7) the experience, reputation, diligence, and ability of the lawyer or lawyers performing the service and the skill, expertise, or efficiency of effort reflected in the actual providing of such services; and (8) whether the fee is fixed or contingent, and, if fixed as to amount or rate, then whether the client's ability to pay rested to any significant degree on the outcome of the representation.

Here, Class Counsel worked on behalf of Plaintiffs for more than five years, advanced \$257,230.46 in costs to prosecute the case, and expended more than 1,707

hours investigating and litigating this case. *See* Declaration of Matthew S. Mokwa dated February 19, 2023 (“Mokwa Decl.”) at ¶5-7, attached hereto as Exhibit A. This includes 867.91 hours by The Maher Law Firm, P.A., 628.5 hours by Heninger Garrison Davis, LLC, and 211.30 hours by Normand PLLC. *Id.* ¶7. Class Counsel has significant experience in complex civil litigation cases, mass tort actions and class actions. *Id.* ¶12-19. This experience and requisite skill were necessary to effectively litigate this complex case against very accomplished opposing counsel, which includes Dean Mead, who are specialists in local utility law, as well as the international litigation firms of Alston & Bird, LLP, and Greenberg Traurig, P.A.

Class Counsel spent the hours described above on numerous issues, including investigating the potential claim and relevant legal and factual issues, drafting the Complaint, responding to a Motion to Dismiss, researching legal issues, discovery-related issues, document review, data analysis, depositions, expert discovery, class certification briefing and mediation. Mokwa Decl. ¶8. Class Counsel performed these services for Plaintiffs and the Class to the best of their ability, and used their experience, expertise and financial resources to obtain significant and meaningful relief for the Class. *Id.* ¶8-10.

This was a highly complex and novel case, which from a legal standpoint spanned across administrative, contract and tort law. From a factual standpoint, it included analysis of public water treatment systems, water chemistry testing and analysis, exposure toxicology, discovery from the Florida Public Service Commission, the Florida Department of Environmental Protection, and water utility records.

Mokwa Decl. ¶12; *Pluris II*, FAC, ECF No. 21. During discovery, well over 100,000 documents relating to complicated scientific and regulatory concepts were produced, then meticulously reviewed and distilled into digestible formats to prosecute the claims. Mokwa Decl. ¶8. Extensive expert work and discovery was performed and ten depositions were taken. *Id.* Water sampling and analysis were performed on the water from Plaintiffs' home and at locations around the Wedgefield community. *Id.* ¶¶8, 20 Numerous complex motions were briefed including a motion regarding jurisdiction pursuant to the Class Action Fairness Act, motion for class certification, and motions to dismiss. Under the Supreme Court's analysis in *Rowe*, such hours are reasonable. *Rowe*, 472 So.2d at 1150 (time required, novelty and complexity of legal issue, and legal skill required are relevant to determination of reasonable hours).

In addition, the hourly rates Class Counsel seek in this petition are customary and typical for attorneys who perform this type of work in this marketplace. Mokwa Decl. ¶9-10. Accordingly, the factors for reasonableness pursuant to Rule 4-1.5 of the Rules Regulating the Florida Bar have been met. The total Lodestar amount for all attorneys and staff involved equals \$1,075,794.45. Mokwa Decl. ¶9.

Florida Courts also regularly apply multipliers of the Lodestar rate in class actions like this. The instant case is a common fund case, and as recognized by *Kuhnlein*, common fund class action cases are an additional class of cases from those identified by the court in *Quanstrom* in which a multiplier is available. *Kuhnlein*, 662 So.2d at 315. As opposed to the cases identified in *Quanstrom*, which capped the maximum multiplier at 2.5, *Kuhnlein* recognizes that common fund cases are subject

to a maximum multiplier of 5 to place a greater emphasis on the results achieved, alleviate the contingency risk factor involved and attract high level counsel to common fund cases. *Id.*

Here, members of the Settlement Class had voiced concern relating to the allegations in this case since at least 2016. *See* FAC ¶¶10-15, *Phuris II*. In addition, members of the Settlement Class had reached out to State and Local regulators for help. *Id.* ¶¶57-59. In October 2017, Jessica and Matthew Kohl contacted and retained Class Counsel on a contingency basis. Mokwa Decl. ¶19. Class Counsel spent the time and expenses to prosecute this case as described above on a contingency basis, despite this case being highly complex with a less than 50% estimated probability of success at the outset. *Id.* ¶12. Class Counsel will receive compensation from this litigation and recover the significant expenses expended on behalf of the Class only if this litigation is successfully concluded. From the time Class Counsel began investigating this case, there has existed a real possibility that it would achieve no recovery for the Class and receive no compensation. As a result of this risk, Class Counsel asserts that a contingency fee multiplier is appropriate. Class Counsel seeks a modest multiplier of approximately 1.0225, much less than allowed under Florida law and awarded in similar cases.

Even under the more restrictive analysis of *Quanstrom*, which was not a class action case nor a common fund case, the Court noted, in analyzing the level of risk as applied to the amount of a multiplier, “if the trial court determines that success was more likely than not at the outset, it may apply a multiplier of 1 to 1.5; if the trial court



determines that the likelihood of success was approximately even at the outset, the trial judge may apply a multiplier of 1.5 to 2.0, and if the trial court determines that success was unlikely at the outset of the case, it may apply a multiplier of 2.0 to 2.5.” *Quanstrom*, 555 So. 2d 828, 834. Thus, even under the *Quanstrom* opinion, a multiplier of at least 1.5 – 2.0 is reasonable in this case.

As detailed by the Settlement Agreement, the results obtained for the benefit of the Class are significant in that they not only include a common monetary fund, but also the future benefit that Defendants will pay for at least three additional years of independent water testing and reporting with community oversight.<sup>4</sup> Thus, under these circumstances, Class Counsel could reasonably seek the lodestar rate plus a significant multiplier under Florida law which would result in a far higher fee than Class Counsel seeks. However, due to the size of the common fund and the amount of costs incurred by counsel in obtaining this settlement, Class Counsel respectfully requests an attorney fee award of \$1,100,000.00, which is less than a 1.03 multiplier and effectively limits the fee to 1/3 of the monetary relief common fund.

This is also consistent with fees typically considered reasonable in the 11th circuit,<sup>5</sup> where class counsel is awarded a percentage of the funds generated through a class action on settlement. *See Waters v. International Precious Corp.*, 190 F.3d 1291 (11th

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<sup>4</sup> The total water sales to all Wedgefield Residential and Commercial Customers during the Class Period was approximately \$8,308,172. The total water sold for inside the home use was estimated to be \$5,815,720. The total water sold for “faucet” use was estimated to be \$1,104,987. Accordingly, the \$3,300,000 monetary relief being paid is significant and will result in meaningful monetary awards to the individual Class Members.

<sup>5</sup> The vast majority of this case was litigated while pending in the Middle District of Florida. The case was not remanded until March of 2022.

Circuit 1999). (Approving fee award where the District Court determined the benchmark should be 30 percent and then adjusted higher based on circumstances of the case).

Accordingly, the requested attorneys' fees of \$1,100,000.00 represents a reasonable sum. The reasonableness of these amounts is further supported by the fact that the Class Counsel are obligated to continue representing the Class following the submission of this Motion to the Court and will invest even more time and expenses in representing the Plaintiffs and the Class by the time the Court holds the final approval hearing on the proposed Class Settlement in this action.

#### **B. The Incentive Award to the Named Plaintiffs is Reasonable**

As explained by the Third District Court of Appeals, being a putative class representative "is less an honor than a headache" because he or she is "identified as a class litigant in public records (potentially affecting credit reports and disclosures for financing), is subject to fiduciary duties...may be deposed and required to produce records [and] meet with counsel and appear in court." *Altamonte Springs Imaging, L.C. v. State Farm Mut. Auto. Ins. Co.*, 12 So. 3d 850, 857 (Fla. 3d DCA 2009). Thus, "incentive awards are appropriate to recognize the efforts of the representative plaintiffs to obtain recovery for the class." *In re Domestic Air Transp. Litig.*, 148 F.R.D. 297, 358 (N.D. Ga. 1993).

Here, Class Counsels' Proposed Plan of Allocation (Exhibit 4 to the Settlement Agreement) contemplates payment of the Incentive award of \$10,000.00 each to the Named Plaintiffs, Jessica Kohl and Matthew Kohl, which is consistent with amounts

regularly approved by courts. *See e.g. Altamonte Springs Imaging*, 12 So. 3d at 857 (approving incentive award of \$10,000); *Bastian v. United Servs. Auto. Ass'n*, 2017 U.S. Dist. LEXIS 180757, \*37 (M.D. Fla 2017) (\$10,000 service awards in class action settlement).

Jessica and Matthew Kohl researched and retained counsel to investigate the potential claim, provided significant information and support over the last five years of investigation and litigation, were subjected to burdensome discovery requests and lengthy depositions, volunteered their house for multiple rounds of water testing by both Plaintiffs' counsel and counsel for Defendants, assisted in the coordination of other water testing sites, and were at all times fully cooperative in assisting with the prosecution of this litigation. Mokwa Decl. ¶20. These efforts unquestionably conferred a substantial benefit for the Class. *Id.*

## **CONCLUSION**

Plaintiffs respectfully request that the Court approve the requested amounts in attorneys' fees and costs and for the Incentive Award to the Named Plaintiffs, and enter an order:

1. Approving Plaintiffs' request for attorneys' fees and costs, and directing payment of attorneys' fees of \$1,100,000.00 and costs of \$257,230.46;
2. Approving payment of the Incentive Award and directing payment of the Incentive Award of \$10,000.00 each to the Named Plaintiffs.

Dated: February 20, 2023

/s/ Matthew S. Mokwa

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***Counsel for Plaintiffs***

# EXHIBIT A

**IN THE CIRCUIT COURT FOR THE NINTH JUDICIAL CIRCUIT  
IN AND FOR ORANGE COUNTY, FLORIDA  
CIVIL ACTION**

**JESSICA KOHL and MATTHEW  
KOHL, individually, and on behalf of  
a class of persons similarly situated,**

**Case No.: 2020-CA-004390-O**

**Plaintiffs,**

**vs.**

**PLURIS WEDGEFIELD, LLC,  
PLURIS HOLDINGS, LLC, and  
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**Defendants.**

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**DECLARATION OF MATTHEW S. MOKWA**

The undersigned, Matthew S. Mokwa, declares as follows:

1. My name is Matthew S. Mokwa. I am over the age of majority, provide this declaration voluntarily, and it is based on personal knowledge. I have reviewed all time sheets submitted by each individual referenced herein.

2. I am an attorney at The Maher Law Firm, P.A., and am one of the counsel of record representing Plaintiffs in the above-styled lawsuit. This declaration is submitted in support of the Motion for Attorneys' Fees and Costs and Plaintiffs' Service Award.

3. Pursuant to the Settlement Agreement in this case, Defendant has agreed to pay \$3,300,000.00 into a Settlement Fund. In accordance with the terms of the Settlement Agreement, the Settlement Fund shall be used to pay monetary relief to the

Class Members, the award of attorneys' fees and costs, and costs to administer the settlement.

4. In addition to the monetary relief, Defendants have agreed to a Prospective Relief Plan in which Defendants will retain a mutually agreeable laboratory to provide independent sampling and testing of Total Trihalomethanes, Haloacetic Acids, and Chlorite at the Wedgefield water facility for a three year period. This testing will be done under the observation of a Wedgefield community representative. All expenses incurred by Defendants in providing the Prospective Relief Plan are separate and apart from the Defendants' obligations to pay the Settlement Fund and will be borne exclusively by the Defendants.

5. Class Counsel is comprised of myself, Timothy Davis from Henninger Garrison Davis, LLC, and Ed Normand from Normand PLLC. We have collectively represented the Class Representatives since October 2017.

6. Combined, Class Counsel is seeking a fee of \$1,100,000, which amounts to 1/3 of the \$3,300,000 financial benefit derived for the Class in this case. Class Counsel and their respective law firms have expended approximately 1707 hours thus far in the litigation. This includes 867.91 hours by The Maher Law Firm, P.A., 628.5 hours by Henninger Garrison Davis, LLC, and 211.30 hours by Normand PLLC.

7. The hours of work performed on behalf of the Class by the Class Counsel attorneys, the years of experience of each attorney, and the commensurate hourly rate are set forth in the following Tables:

**The Maher Law Firm, P.A.**

<b>Attorney</b>	<b>Hours</b>	<b>Experience (years)</b>	<b>Hourly Rate</b>	<b>Fees</b>
Steven Maher	12.40	35	\$800	\$9,920.00
Matthew Mokwa	475.01	19	\$695	\$330,131.95
Jason Fraxedas	380.50	13	\$600	\$228,300.00
<b>Total:</b>	<b>867.91</b>		<b>Total:</b>	<b>568,351.95</b>

**Heninger Garrison Davis, LLC**

<b>Attorney</b>	<b>Hours</b>	<b>Experience (years)</b>	<b>Hourly Rate</b>	<b>Fees</b>
Tim Davis	60.00	38	\$800	\$48,000.00
Chris Hood	207.65	15	\$600	\$124,590.00
Mark Ekonen	360.85	12	\$600	\$216,510.00
<b>Total:</b>	<b>628.50</b>		<b>Total:</b>	<b>\$389,100.00</b>

**Normand PLLC**

<b>Attorney</b>	<b>Hours</b>	<b>Experience (years)</b>	<b>Hourly Rate</b>	<b>Fees</b>
Ed Normand	42.20	32	\$800	\$33,760.00
Jake Phillips	125.30	7	\$600	\$75,180.00
Paralegal	43.80		\$150 - \$225	\$9,402.50
<b>Total:</b>	<b>211.30</b>		<b>Total:</b>	<b>\$118,342.50</b>

8. These hours were spent on a range of issues, including investigating the potential claim and relevant legal and factual issues, drafting the Complaint and Amended Complaint, responding to a Motion to Dismiss, drafting and responding to written discovery, reviewing over 100,000 documents produced during the course of discovery, preparing for and attending ten depositions, expert discovery and depositions, Drafting a Motion for Class Certification, a Reply to the Opposition to Class Certification, mediation and hearings.



9. I have reviewed the time records and work performed by Class Counsel on behalf of the Class. All of the work performed by Class Counsel was necessary, and the work efficiently and powerfully advanced the case and the interests of the Class, leading to the Settlement.

10. The hourly rates for each attorney who performed work on behalf of the class are reasonable and reflect the years of experience and skill of the attorneys. They are comparable to the rates Class Counsel has received for work on behalf of classes in Florida class action litigation which have been approved by other courts. *See, e.g. Lomascolo v. Metropolitan Casualty Insurance Company*, 2020 10748 CIDL (Fla. 7th Circ. Ct. 2022).

11. In addition, Class Counsel has expended approximately \$257,230.46 in costs during this litigation, including filing fees, document retention software vendors, expert fees, water sampling and analysis. Of these expenses, the vast majority were for expert witness fees and water testing (\$91,523.13), and document storage and review for over 100,000 documents (\$89,733.27). Class Counsel's expenses are attached to this Declaration as composite Exhibit 1.

12. This was an incredibly difficult case due to the regulatory framework governing potable water and utility companies. It was also difficult due to the inherent complexities associated with toxic tort matters especially in the context of a class action. Nevertheless, Class Counsel believed this was an important case that warranted prosecution. I was personally involved in selecting the team of lawyers that prosecuted

this case. Each attorney brought a particular skillset which was integral to the success of this litigation.

13. I am a partner and shareholder of The Maher Law Firm. The Maher Law Firm has been practicing law throughout the United States since its inception in 1969. The firm is best known for its leadership role in the Florida tobacco litigation, which resulted in an \$11.3 billion dollar settlement and paved the way for ground-breaking education and reforms in the field of tobacco. The Maher Law Firm has recovered billions of dollars of compensation for its clients and maintains a diverse legal practice focused solely on plaintiff litigation.

14. I am a graduate of The University of Texas School of Law where I was an Endowed Presential Scholar. I am licensed in Texas and Florida and maintain a national practice. Over the past 19 years, my practice has focused on complex litigation, including commercial litigation matters, consumer class actions, and products liability claims arising out of the use of prescription drugs, implantable medical devices, and other consumer products. I am recognized in Best Lawyers in America® issued by U.S. News and World Report in the practice area of Mass Torts and Class Actions. I have been appointed to the law and briefing committees of several national multidistrict litigation cases, including MDL 2100 – In Re: Yasmin and Yaz (Drospirenone) Marketing, Sales Practices and Products Liability Litigation, and MDL 2740 – In Re: Taxotere (Docetaxel) Products Liability Litigation. I am currently co-lead counsel in *Watson, et al. v. Kingdom of Saudi*

*Arabia*, Case No. 3:21-cv-329-MCR-EMT, pending in the United States District Court for the N.D. of Florida. I represent Navy sailors and their families injured or killed in the terrorist attack at Naval Air Station Pensacola on December 6, 2019. I am also co-lead counsel in a number of actions arising out of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act. Pub. L. NO. 116-260 § 324. These cases are pending in the United States District Court for the District of Columbia against the Small Business Administration and its Administrator Isabella Casillas Guzman. *See Creation Entertainment, Inc. v. SBA, et al.*, Case No. 1:22-cv-00684-ABJ. A copy of my curriculum vitae is attached hereto as composite Exhibit 2.

15. Tim Davis is a founding partner of Heninger Garrison Davis, LLC and has served as the firm's Managing Partner since it was founded in 2006. The firm is headquartered in Birmingham, AL and has offices in Atlanta, GA and New York, NY. The firm has grown from 9 lawyers at its inception to 28 lawyers currently.

16. Mr. Davis and his firm maintain a national practice. A major focus of the firm's practice is in complex litigation. They have a deep history in class action and environmental cases. Mr. Davis' personal experience in class action and environmental cases includes (but is not limited to) representing a class of residential water utility customers and other household residents in *Lindsey v. 3M Company, et al.*, No 5:15-cv-01750-AKK, pending in the U.S.D.C. for the N.D. of Alabama.

17. In addition, Mr. Davis was appointed to the Plaintiffs' Steering Committee in *In re Factor VIII or IX Blood Products Litigation*, MDL-986, in the Northern District of Illinois. The case involved representing thousands of individuals with hemophilia who contracted HIV through contaminated blood products. The case resulted in a \$640,000,000 class settlement. Mr. Davis has also represented plaintiffs in several environmental tort cases. These cases have involved property contamination by a cement manufacturer, water pollution by a commercial construction company, and discharge of toxic waste (PCBs) by a major corporation. Each of these cases were brought on behalf of large numbers of residents of the affected communities. The cases involved either class relief or individual recoveries. Each of the cases resolved favorably for the plaintiffs.

18. Mr. Davis has been a trial attorney for the entirety of his 36 years in practice. He is barred in the State of Florida and has been since 1985. A copy of Mr. Davis' curriculum vitae is attached hereto as composite Exhibit 2.

19. Normand PLLC are experienced and successful class action litigators at the trial and appellate level. Ed Normand is the sole shareholder/partner and founder of Normand PLLC. Mr. Normand graduated from the University of Texas School of Law cum laude and has been a member of the Florida Bar since 1990. Mr. Normand previously was elected shareholder in 1996 at Wooten, Honeywell & Kest (which is one of the oldest personal injury firms in Central Florida, with previous

partners that include a Mayor of Orlando, a Senator, and numerous Orange County judges) and the firm was re-named Wooten, Kimbrough & Normand P.A. Mr. Normand was honored with the highest Tier One ranking for Orlando in the Best Law Firms Report issued by U.S. News & World Report Magazine for four consecutive years, has been selected to Super Lawyers along with numerous other publications, and was Director and President of the Central Florida Trial Lawyers Association (2012). Mr. Normand has been a Florida Bar Board Certified Civil Trial Lawyer for over 20 years. A copy of Normand PLLC's Resume is attached hereto as composite Exhibit 2.


20. The Named Plaintiffs in this case, Jessica and Matthew Kohl, first retained our firm in October of 2017 on a contingency basis. Since that time, they have provided significant information and support, of investigation and litigation, were subjected to burdensome discovery requests and lengthy depositions, volunteered their house for multiple rounds of water testing by both Plaintiffs' counsel and counsel for Defendants, assisted in the coordination of other water testing sites, and were at all times fully cooperative in assisting with the prosecution of this litigation.

21. The settlement in this case was the result of arm's length negotiations between the parties, with the assistance of Rodney Max, a mediator with extensive experience in complex class action cases. In addition, the parties reached substantial agreement on all material terms of the settlement prior to seeking either attorneys' fees or class representative service awards.

22. I believe this settlement is fair and in the best interest of the Class. In litigating this case, Class Counsel not only secured a \$3,300,000 financial benefit for the Class but, importantly, negotiated an agreement to provide members of the Class with oversight of the Defendants' testing of their water supply for the next three years. This prospective relief guarantees that the Class will have confidence that the testing is done in accordance with the applicable laws and regulations, and that it accurately reflects the quality of the water which they are paying for.

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

Dated this 20<sup>th</sup> day of February, 2023.



Matthew S. Mokwa

# **Composite Exhibit 1**

## **Itemized Case Costs**

The Maher Law Firm PA  
5170182 KOHL, JESSICA  
CASE COST REPORT - ALL DATES

THE MAHER LAW FIRM, P.A.

CASE COSTS EXPENSES

TOTAL
\$ 94,030.63

Date	Source Name	Memo	Paid Amount
2023-02-01	U.S. LEGAL SUPPORT, INC.	MSM AMEX CHARGE - 12/29/2022	\$ 120.00
2022-10-21	Southern Research Laboratories, Inc.	5170182 KOHL- INV #25570 - MX - MISCELLANEOUS - WATER SAMPLING	\$ 792.96
2022-06-19	Pacer Service Center	INV 6237929-Q12022 - LEGAL RESEARCH	\$ 1.00
2022-05-19	LexisNexis	MARCH 2022	\$ 307.88
2022-04-19	LexisNexis	INV 3093728874 - IV - INVESTIGATION - FEB 2022	\$ 134.16
2022-03-19	U.S. Legal Support	CC1043 - 5170182 KOHL - INV 20210008083-12	\$ 7,973.72
2022-03-19	HUSEBY GLOBAL LITIGATION	5170182 KOHL- INV# 705444	\$ 308.76
2022-03-19	LexisNexis	INV 3093681599	\$ 377.09
2022-03-19	LexisNexis	INV 3093681599	\$ 533.81
2022-02-19	LexisNexis	INV 3093654233 - DEC 2021	\$ 331.95
2022-02-19	LexisNexis	INV 3093654233 - DEC 2021	\$ 19.17
2022-02-03	Alston & Bird LLP	5170182 KOHL- Cogency INV #5994	\$ 3,600.00
2022-02-03	Dixon Hughes Goodman LLP	5170182 KOHL - INV # 001218639	\$ 1,680.00
2022-02-03	Brian L. Ramaley	5170182 KOHL- INV # 6A	\$ 1,500.00
2022-01-01	LexisNexis	INV 3093602986 - NOV 2021	\$ 50.46
2021-12-08	HUSEBY GLOBAL LITIGATION	5170182 KOHL- Invoice #705366	\$ 341.25
2021-12-08	Lewis, Longman & Walker, P.A.	5170182- KOHL Inv. No: 144019 - LLW INVOICE 144019	\$ 2,763.50
2021-12-02	HUSEBY GLOBAL LITIGATION	5170182 KOHL- Invoice #703628	\$ 1,119.50
2021-11-23	Raffa Consulting Economists, Inc.	5170182 Kohl- File # FRA13-KOHLJES	\$ 900.00
2021-11-16	Stephen A. Craig, P.A.	5170182- KOHL- Invoice # 21-033	\$ 789.00
2021-11-16	U.S. LEGAL SUPPORT, INC.	5170182 KOHL- Invoice #120672118	\$ 943.00
2021-11-10	Pacer Service Center	INV 6237929-Q32021	\$ 2.60
2021-11-08	LexisNexis	INV 3093529014	\$ 215.42
2021-11-08	LexisNexis	INV 3093529014	\$ 626.57
2021-11-03	Raffa Consulting Economists, Inc.	File # FRA13-KOHLJES 5170182- KOHL	\$ 2,840.00
2021-10-07	LexisNexis	INV 3093479647	\$ 112.73
2021-10-07	LexisNexis	INV 3093479647	\$ 87.45
2021-10-06	HUSEBY GLOBAL LITIGATION	Invoice #s 689969 and 693529; 5170182- Kohl	\$ 3,024.00
2021-09-26	Raffa Consulting Economists, Inc.	5170182 KOHL - RETAINER	\$ 4,000.00
2021-09-16	HUSEBY GLOBAL LITIGATION	5170182 KOHL- INV. # 690675	\$ 553.50
2021-09-07	LexisNexis	INV 3093432360	\$ 76.55
2021-09-07	LexisNexis	INV 3093432360	\$ 232.45
2021-08-31	Southern Research Laboratories, Inc.	5170182 KOHL- INV # 24935	\$ 984.50
2021-08-27	Eminent Valuations, PLLC	5170182 KOHL0 Invoice #1634	\$ 1,600.00
2021-08-07	LexisNexis	INV 3093371560	\$ 39.86
2021-08-07	LexisNexis	INV 3093371560	\$ 183.28
2021-07-13	The DEP/Office of the Ombudsman	Public records case #113794 attn: Tommy Moore	\$ 4,455.61
2021-07-07	LexisNexis	INV 3093319470	\$ 62.32
2021-07-01	LexisNexis	INV # 3093274846	\$ 91.25
2021-05-01	LexisNexis	INV 3093176401 - MARCH 2021	\$ 94.47
2021-05-01	LexisNexis	INV 3093176401 - MARCH 2021	\$ 42.32
2021-04-01	LexisNexis	INV 3093149103 - FEB 2021	\$ 74.93
2021-04-01	THE EXPERT INSTITUTE	Expert Search	\$ 1,428.57
2021-03-08	Orange County	5170182/Kohl, Jessica/ORANGE CTY PUBLIC RECORDS REQUEST	\$ 1,674.80
2021-03-01	LexisNexis	INV 3093089268	\$ 380.30
2021-03-01	Pacer Service Center	INV 6237929-Q42020	\$ 222.10
2021-02-01	LexisNexis	JRF	\$ 215.44
2021-02-01	LexisNexis	MSM	\$ 432.31
2021-01-01	LexisNexis	TRISHA ALZATE-71043-0JTU\$6\$N309 INFORMATION	\$ 60.28
2021-01-01	LexisNexis	TRISHA ALZATE-71043-0JTU\$6\$N309 INFORMATION	\$ 827.62
2020-12-31	COPIES	SOFT COSTS - COPIES	\$ 13.25
2020-12-22	HILLSBOROUGH COUNTY BOARD OF COUN	PUBLIC RECORDS REQUEST FOR THE ESTIMATED COST OF THE EMAIL SEARCH POR	\$ 3,219.04
2020-12-22	HILLSBOROUGH COUNTY BOARD OF COUN	PUBLIC RECORDS REQUEST FOR THE ESTIMATED COST OF THE DOCUMENTATION P	\$ 698.00
2020-12-16	Matthew S. Mokwa	5170182 KOHL - REIMB FOR ORANGE CTY INV PRR-63572	\$ 57.25
2020-11-24	AMERICAN EXPRESS	11/05/2020 - PACER - INV 6237929-Q32020	\$ 64.10
2020-11-24	AMERICAN EXPRESS	2020.11.24 SRM AMEX STMT - LEXIS INV 3092907712	\$ 999.64
2020-11-11	FLORIDA PUBLIC SERVICE COMMISSION	INV 11672	\$ 54.87
2020-11-06	ORANGE COUNTY BD OF CTY COMMISSION	INV DATED 2020.11.05	\$ 287.67
2020-10-25	AMERICAN EXPRESS	2020.10.25 SRM AMEX STMT - LEXIS INV 3092889076	\$ 446.08
2020-10-07	POSTAGE	SOFT COST POSTAGE	\$ 27.60
2020-10-07	POSTAGE	SOFT COST POSTAGE	\$ 27.60



The Maher Law Firm PA  
5170182 KOHL, JESSICA  
CASE COST REPORT - ALL DATES

2020-09-24	AMERICAN EXPRESS	2020.09.24 SRM AMEX STMT - LEXIS INV 3092819991	\$	25.80
2020-09-21	COURTS/USDC-FL	PRO HAC VICE FOR CHRIS HOOD	\$	150.00
2020-09-15	THE EXPERT INSTITUTE	Expert Search	\$	1,428.57
2020-09-02	EUROFINS EATON ANALYTICAL	INV S369802 - WATER TESTING	\$	755.00
2020-08-25	PACER SERVICE CENTER	2020.08.25 SRM AMEX STMT - PACER INV 6237929-Q22020	\$	0.10
2020-08-18	AMIC PROCESS SERVICES, LLC	CORPORATE SERVICE TO R.A. OF PLURIS WEDGEFIELD, LLC ON 8/7/2020	\$	50.00
2020-08-13	ON TIME COURIERS	JASON R FRAXEDAS-71035-SERVICE-OF- LOCAL COURIE	\$	125.40
2020-08-11	EPTL	FILING FEE	\$	10.35
2020-08-11	ON TIME COURIERS	JASON R FRAXEDAS-71035-2020003584 LOCAL COURIE	\$	125.40
2020-07-30	EUROFINS EATON ANALYTICAL	INV S369179 - WATER TESTING	\$	1,475.00
2020-07-17	EPTL	ORANGE COUNTY FILING 2 SUMMONS	\$	20.70
2020-06-07	LexisNexis	INV # 3092660977 - 5170182.JRF	\$	649.27
2020-05-07	LexisNexis	INV 3092613207 - APRIL 2020 - LEGAL RESEARCH	\$	811.76
2020-05-01	EPTL	COMPLAINT FILING FEE - ORANGE COUNTY	\$	414.00
2020-03-07	LexisNexis	INV 3092528931 - INVESTIGATION	\$	22.64
2019-05-01	AMEC FOSTER WHEELER ENVIRONMENT	POST DATE:04/02/2019STMT DATE:04/24/19AMEX PMT DATE:05/21/195 - TAW71043RECE	\$	2,166.31
2019-05-01	AMEC FOSTER WHEELER ENVIRONMENT	POST DATE:04/02/2019STMT DATE:04/24/19AMEX PMT DATE:05/21/195 - TAW71043RECE	\$	1,141.56
2019-02-16	WOOD ENVIRONMENT & INFRASTRUCTURE	INV F04126382	\$	155.80
2019-02-16	WOOD ENVIRONMENT & INFRASTRUCTURE	INV F04126509	\$	7,297.93
2019-01-01	LexisNexis	INVESTIGATION 2018.10 - OCTOBER 2018 - INV # 3091704549	\$	281.06
2018-10-25	AMERICAN EXPRESS	WOOD ENVIRONMENT & INFRASTRUCTURE SOL	\$	4,710.60
2018-08-13	AMERICAN EXPRESS	WOOD ENVIRONMENT & INFRASTRUCTURE SOL	\$	2,897.70
2018-07-25	AMEC FOSTER WHEELER ENVIRONMENT	FOR WATER TESTING ON PLURIS WATER CASES FOR JESSICA KOHL	\$	7,015.30
2018-07-17	AMERICAN EXPRESS	LEXIS NEXIS - INVESTIGATION	\$	83.26
2018-05-23	WOOD ENVIRONMENT & INFRASTRUCTURE	#5170182 KOHL INV F04125862 EW	\$	1,614.65
2018-04-13	AMEC FOSTER WHEELER ENVIRONMENT	#5170182 KOHL EW	\$	2,564.88
2018-01-24	AMEC FOSTER WHEELER ENVIRONMENT	#5170182 KOHL EW	\$	1,798.00
2017-12-14	AMEC FOSTER WHEELER ENVIRONMENT	#5170182 KOHL EW	\$	1,052.50
2017-11-15	Law Office of Daniel W. Cotter, PC	#5170182 KOHL TRAVEL P.S.C. MEETING 11/02/2017	\$	63.55
			<b>\$</b>	<b>94,030.63</b>

**Heninger, Garrison & Davis, LLC**  
**Job Ledger Report**  
**For the Period From Feb 1, 2019 to Feb 28, 2023**

Filter Criteria includes: 1) IDs from 20104010 to 20104010. Report order is by ID. Report is printed including Balance Forward and including Retainage.

Job ID	Phase ID	GL Acct ID	Trx Date	Trans Description	Amount	Totals
20104010	Copies	11000-AD	9/30/21	Copies	0.30	
			10/3/21	Copies	328.80	
			12/15/21	Copies	34.20	
						<b>363.30</b>
	Depo	11000-AD	10/8/21	Birmingham Reporting Service, - Transcript of Joseph Kuhns Taken on 10/04/21	2,925.80	
			12/7/21	Birmingham Reporting Service, - Video Depo of Joseph Kuhns Taken on 10/04/21	723.75	
			12/13/21	Huseby Global Litigation - Transcript of Howard Weinberg, Ph D, Taken on 12/02/21	1,220.00	
			12/13/21	Huseby Global Litigation - Transcript of Howard Weinberg, Ph D, Taken on 12/03/21	1,568.50	
			1/20/22	Birmingham Reporting Service, - Transcript of Dr. Hung Cheung Taken on 01/14/22	1,344.79	
			1/20/22	Birmingham Reporting Service, - Transcript of Alexander Rey Taken on 01/13/22	932.77	
			2/15/22	Huseby Global Litigation - Transcripts of Ben Hoffman, Volumes 1 and 2 Taken on 12/06/21	2,759.00	
			9/8/22	Birmingham Reporting Service, - Transcript of Brian L. Ramaley Taken on 01/10/22	1,265.34	
						<b>12,739.95</b>
	Expert	11000-AD	5/3/21	Page One, LLC - REL-ONE Data Hosting: Review (March)	503.40	
			5/3/21	Page One, LLC - REL-ONE User License	100.00	
			5/3/21	Page One, LLC - Professional Services - Production	618.75	
			5/3/21	Page One, LLC - Professional Services - Data Processing	337.50	
			5/3/21	Page One, LLC - REL-ONE Data Processing	1,593.00	
			5/3/21	Page One, LLC - Professional Services - Workspace Creation	168.75	
			6/11/21	Page One, LLC - REL-ONE User License	100.00	
			6/11/21	Page One, LLC - REL-ONE Data Storage: Negotiated Rate (May 2021)	677.28	
			6/11/21	Page One, LLC - REL-ONE Data Processing	2,253.00	

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**Job Ledger Report**  
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Job ID	Phase ID	GL Acct ID	Trx Date	Trans Description	Amount	Totals
			6/11/21	Page One, LLC - Professional Services - Project Management	1,068.75	
			7/1/21	Expert Institute-Expert Review	2,500.00	
			7/2/21	Howard Weinberg - Expert Retainer	1,320.00	
			7/15/21	Page One, LLC - REL-ONE User License	200.00	
			7/15/21	Page One, LLC - REL-ONE Data Storage: Negotiated Rate (June 2021)	1,120.68	
			7/15/21	Page One, LLC - REL-ONE Data Processing	2,498.00	
			8/6/21	Page One, LLC - REL-ONE Data Hosting: Review (April 2021)	481.56	
			8/6/21	Page One, LLC - REL-ONE User License	100.00	
			8/13/21	Page One, LLC - REL-ONE User License	300.00	
			8/13/21	Page One, LLC - Professional Services - Projection Management	2,418.75	
			8/13/21	Page One, LLC - REL-ONE Data Storage: Negotiated Rate (July 2021)	9,980.40	
			8/13/21	Page One, LLC - REL-ONE Data Processing	1,569.00	
			9/15/21	Page One, LLC - Rel-One User License	300.00	
			9/15/21	Page One, LLC - Rel-One Data Storage: Negotiated Rate (Aug 2021)	10,019.76	
			9/15/21	Page One, LLC - Rel-One Data Processing	502.00	
			9/15/21	Page One, LLC - Professional Services: Project Management	618.75	
			9/20/21	Howard Weinberg - Expert Retainer	1,650.00	
			9/24/21	Benjamin H. Hoffman & Associat - Expert Fees	5,000.00	
			9/30/21	Genesis Project, Inc. - Expert Fees	7,485.00	
			10/1/21	Genesis Project, Inc. - Expert Fees	682.50	
			10/15/21	Page One, LLC - Rel-One User License	300.00	
			10/15/21	Page One, LLC - Rel-One Data Storage: Negotiated Rate (Aug 2021)	6,952.08	
			10/15/21	Page One, LLC - Rel-One Data Processing	281.25	
			10/22/21	Howard Weinberg - Expert Retainer	2,750.00	
			11/11/21	Page One, LLC - Rel-One User License	300.00	
			11/11/21	Page One, LLC - Rel-One Data Storage: Negotiated Rate (Aug 2021)	6,971.28	
			11/11/21	Page One, LLC - Rel-One Data Processing	48.00	
			11/11/21	Page One, LLC - Professional Services	506.25	
			11/11/21	Page One, LLC - Professional Services	450.00	

**Heninger, Garrison & Davis, LLC**  
**Job Ledger Report**  
**For the Period From Feb 1, 2019 to Feb 28, 2023**

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Job ID	Phase ID	GL Acct ID	Trx Date	Trans Description	Amount	Totals
			12/20/21	Page One, LLC - Rel-One User License	300.00	
			12/20/21	Page One, LLC - Rel-One Data Storage: Negotiated Rate (Aug 2021)	6,923.76	
			12/30/21	Benjamin H. Hoffman & Associat - Expert Fees 12/06/21	10,125.00	
			1/6/22	Howard Weinberg - Expert Fees 10/22 - 12/30/21	13,011.90	
			1/6/22	Howard Weinberg - Expert Fees for Deposition 12/2 - 12/3/21	2,100.00	
			1/17/22	Page One, LLC - Rel-One User License	300.00	
			1/17/22	Page One, LLC - Rel-One Data Storage: Negotiated Rate (May 2021)	6,917.76	
			2/15/22	Page One, LLC - Rel-One User License	300.00	
			2/15/22	Page One, LLC - Rel-One Data Storage: Negotiated Rate (May 2021)	6,914.52	
			3/11/22	Genesis Project, Inc. - Expert Fees	1,620.00	
			3/21/22	Pluris Holdings, LLC - Dr. Hoffman Deposition Fees	-4,500.00	
			3/21/22	Pluris Holdings, LLC - Dr. Weinberg Deposition Fees	-2,100.00	
			3/21/22	Pluris Holdings, LLC - Amount to Be Refunded to Alston & Bird for Overpayment	-3,525.00	
			3/22/22	Page One, LLC - Rel-One User License	300.00	
			3/22/22	Page One, LLC - Rel-One Data Storage: Negotiated Rate (May 2021)	6,914.52	
			3/30/22	Alston & Bird LLP - Refund for Overpayment of Expert Deposition Fees	3,525.00	
			4/27/22	Page One, LLC - Rel-One User License	300.00	
			4/27/22	Page One, LLC - Rel-One Data Storage: Negotiated Rate (May 2021)	6,914.52	
			4/27/22	Page One, LLC - Professional Services: Project Mangement	450.00	
			4/27/22	Page One, LLC - Hard Drive	220.00	
						<b>131,737.67</b>
	Fedex	11000-AD	10/12/21	FedEx - Package to Phil Sandick 09/30/21	49.13	
						<b>49.13</b>
	Mediation	11000-AD	3/18/22	Upchurch Watson White & Max - Mediation Fees	14,250.00	
						<b>14,250.00</b>

**Heninger, Garrison & Davis, LLC**  
**Job Ledger Report**  
**For the Period From Feb 1, 2019 to Feb 28, 2023**

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Job ID	Phase ID	GL Acct ID	Trx Date	Trans Description	Amount	Totals
	Mileage	11000-AD	10/11/21	Paycom Payroll, LLC Expense - Mileage to Fedex to ship documents	1.12	
			2/25/22	Paycom Payroll, LLC Expense - Mileage to Durham, NC for expert deposition	618.93	
						<b>620.05</b>
	Pacer	11000-AD	11/17/20	PACER Service Center - Pacer - FLMD	2.50	
			1/14/21	PACER Service Center - Pacer - FLMD	0.20	
			4/14/21	PACER Service Center - Pacer - FLMD	1.80	
			11/1/21	PACER Service Center - Pacer - FLMD	0.40	
			11/1/21	PACER Service Center - Pacer - FLMD	1.40	
			12/1/21	PACER Service Center - Pacer - FLMD	3.40	
			5/13/22	PACER Service Center - Pacer - FLMD	0.30	
						<b>10.00</b>
	Parking	11000-AD	3/14/22	Paycom Payroll, LLC Expense - Parking at Bham Airport	24.00	
						<b>24.00</b>
	Postage	11000-AD	4/27/22	Page One, LLC - Postage	13.48	
						<b>13.48</b>
	Research	11000-AD	7/2/21	RELX Inc DBA LexisNexis - Research	30.87	
			8/2/21	RELX Inc DBA LexisNexis - Research	11.56	
			9/2/21	RELX Inc DBA LexisNexis - Research	1.45	
			10/4/21	RELX Inc DBA LexisNexis - Research	74.34	
			11/2/21	RELX Inc DBA LexisNexis - Research	202.37	
			11/2/21	RELX Inc DBA LexisNexis - Research	37.48	
			11/2/21	RELX Inc DBA LexisNexis - Research	109.05	
			1/3/22	RELX Inc DBA LexisNexis - Research	95.00	
			2/2/22	RELX Inc DBA LexisNexis - Research	122.81	
			2/2/22	RELX Inc DBA LexisNexis - Research	15.15	
			3/4/22	RELX Inc DBA LexisNexis - Research	16.67	
			3/4/22	RELX Inc DBA LexisNexis - Research	6.36	
			4/4/22	RELX Inc DBA LexisNexis - Research	186.71	

**Heninger, Garrison & Davis, LLC**  
**Job Ledger Report**  
**For the Period From Feb 1, 2019 to Feb 28, 2023**

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Job ID	Phase ID	GL Acct ID	Trx Date	Trans Description	Amount	Totals
			4/4/22	Research RELX Inc DBA LexisNexis - Research	552.02	
			5/2/22	RELX Inc DBA LexisNexis - Research	0.35	
			8/2/22	RELX Inc DBA LexisNexis - Research	1.77	
			8/2/22	RELX Inc DBA LexisNexis - Research	9.65	
			11/3/22	RELX Inc DBA LexisNexis - Research	2.08	
			11/3/22	RELX Inc DBA LexisNexis - Research	86.13	
			1/3/23	RELX Inc DBA LexisNexis - Research	13.19	
						<b>1,575.01</b>
	Travel	11000-AD	2/25/22	Paycom Payroll, LLC Expense - Airfare to Orlando for mediation	489.20	
			2/25/22	Paycom Payroll, LLC Expense - Hotel Expense in Durham, NC	576.04	
			2/25/22	Paycom Payroll, LLC Expense - Food Expenses in Durham, NC	40.68	
			3/14/22	Paycom Payroll, LLC Expense - Hotel for mediation in Orlando	355.58	
			3/14/22	Paycom Payroll, LLC Expense - Meals	53.51	
			3/14/22	Paycom Payroll, LLC Expense - Uber	124.53	
						<b>1,639.54</b>
<b>20104010</b>	<b>Total</b>					<b>163,022.13</b>
<b>Report</b>	<b>Total</b>					<b>163,022.13</b>

Activities Export

2023-02-16  
2:04 PM

Date	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
2022-01-13		JLP Depo Lunch Witness: Alexander Rey	Kohl-v Pluris Wedgefield, LLC-12283	Lily Chin	1.00	\$25.08	-	\$25.08
	● Unbilled		v Pluris Wedgefield, LLC					
2023-02-16		Papercut Printing & Postage (To Date)	Kohl-v Pluris Wedgefield, LLC-12283	Julia Corbett	1.00	\$150.45	-	\$150.45
	● Unbilled		v Pluris Wedgefield, LLC					
2023-02-16		LexisAdvance (To Date)	Kohl-v Pluris Wedgefield, LLC-12283	Julia Corbett	1.00	\$2.17	-	\$2.17
	● Unbilled		v Pluris Wedgefield, LLC					
2023-02-16		PLACEHOLDER: Mediation Fees & Costs a. Class/Mass Actions. The fees for mediation services where class/ mass actions are alleged and/or asserted will be invoiced at a day rate of \$20,000 to encompass all time and expenses including airfare, hotel, ground transportation, and meals. Mass actions are those mediations having ten (10) or more claimants/plaintiffs and/or respondents/defendants. The day rate will include all services rendered by Mr. Max including coordination, pre-mediation caucuses, preparation, travel, and conduct of the mediation. Post mediation services will be invoiced at the hourly rate of \$850 to be divided equally between the parties.	Kohl-v Pluris Wedgefield, LLC-12283	Julia Corbett	1.00	\$0.00	-	\$0.00
	● Unbilled		v Pluris Wedgefield, LLC					

\$0.00 \$177.70  
0.00h 0.00h

Activities Export

2023-02-16  
2:04 PM

Date	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
2023-02-16		PLACEHOLDER: Deposition of Alexander Rey, Birmingham Reporting Service	Kohl-v Pluris Wedgefield, LLC-12283 v Pluris Wedgefield, LLC	Julia Corbett	1.00	\$0.00	-	\$0.00
● Unbilled								
							\$0.00	\$177.70
							0.00h	0.00h



**Composite Exhibit 2**  
**Class Counsel CVs**

## **Matthew S. Mokwa**

**THE MAHER LAW FIRM, P.A.**  
**398 W. Morse Blvd., Suite 200**  
**Winter Park, FL 32789**

**mmokwa@maherlawfirm.com**  
**Main: 407-839-0866**  
**Fax: 321-304-6039**

Matt Mokwa is a partner and shareholder of The Maher Law Firm. Matt concentrates his practice on product liability claims arising out of the use of prescription drugs, implantable medical devices and consumer products in state and federal courts throughout the country. Matt also handles consumer class actions and commercial litigation matters.

In Matt's 19-year legal career, he has been selected to national bellwether trial teams and served leadership roles in drafting and arguing cutting edge legal issues. He is recognized by *Best Lawyers in America*® in the practice area of Mass Torts and Class Actions.

### **EDUCATION**

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#### **The University of Texas School of Law, Austin TX**

Juris Doctor

- Endowed Presidential Scholar
- Texas Journal of Business Law

#### **University of Arizona, Eller College of Business, Tucson, AZ**

Bachelor of Science in Business Administration, *summa cum laude*

- Outstanding Marketing Student
- Award for Highest Academic Distinction

### **LAW LICENSES AND ADMISSIONS**

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- Texas (2004)
- Florida (2007)
- U.S. District Court, Middle District of Florida (2009)
- U.S. District Court, Southern District of Florida (2012)
- U.S. District Court, Northern District of Florida (2020)
- U.S. Court of Appeals, Eleventh Circuit (2009)

### **PUBLICATIONS**

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- Matthew S. Mokwa, *Enron, Sarbanes-Oxley, and the End of Earnings Management*, Texas Journal of Business Law, Winter 2004.
- Matthew S. Mokwa, *Valuation of Assets to Determine Insolvency*, Texas Journal of Business Law, Winter 2003.

### **REPRESENTATIVE CASES**

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- MDL 1964 - In Re: Nuvaring Products Liability Litigation
- MDL 1871 – In Re: Avandia Marketing, Sales Practices and Products Liability Litigation
- MDL 2100 – In Re: Yasmin and Yaz (Drospirenone) Marketing, Sales Practices and Products Liability Litigation
- MDL 2187 – In Re: C.R. Bard, Inc., Pelvic Repair System Products Liability Litigation

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- MDL 2325 – In Re: American Medical Systems, Inc., Pelvic Repair System Products Liability Litigation
  - MDL 2326 – In Re: Boston Scientific Corp., Pelvic Repair System Liability Litigation
  - MDL 2327 – In Re: Ethicon, Inc., Pelvic Repair System Liability Litigation
  - MDL 2387- In Re: Coloplast Corp. Pelvic Support Systems Products Liability Litigation
  - MDL 2502 – In Re: Lipitor (Atorvastatin Calcium) Products Liability Litigation
  - MDL 2545 – In Re: Testosterone Replacement Therapy Products Liability Litigation
  - MDL 2570 – In Re: Cook Medical, Inc. IVC Filters Marketing Sales Practices and Products Liability Litigation
  - MDL 2606 – In Re: Benicar (Olmesartan) Products Liability Litigation
  - MDL 2641 – In Re: Bard IVC Filters Products Liability Litigation
  - MDL 2672 – In Re: Volkswagen “Clean Diesel” Marketing Sales Practices and Products Liability Litigation
  - MDL 2737 – In Re: 21st Century Oncology Customer Data Security Breach Litigation
  - MDL 2740 – In Re: Taxotere (Docetaxel) Products Liability Litigation
  - MDL 2804 – In Re: National Prescription Opiate Litigation
  - MDL 2913 – In Re: Juul Labs, Inc. Marketing, Sales Practices and Products Liability Litigation
  - *Benjamin Watson, Jr., et al v. Kingdom of Saudi Arabia*, Case No. 3:21-cv-329-MCR-EMT (N.D. of Fla. – Naval Air Station Pensacola 12/6/2019 Terrorism Litigation)

## Timothy C. Davis

### PROFESSIONAL EXPERIENCE SUMMARY

For 35 years, Tim Davis has focused his law practice on complex civil litigation. During this time, his practice has broadened from an initial focus on individual personal injury and wrongful death actions to advocating on behalf of entire communities harmed by toxic waste and to protecting the rights of businesses and owners of intellectual property. He has represented individuals or businesses in courtrooms throughout the southeast, as well as in the states of New York, Pennsylvania, Illinois, Delaware, Texas, Minnesota and California.

### EMPLOYMENT

2006-present: *Heninger Garrison Davis LLC* – One of the founding partners and has served as Managing Partner since the firm's formation. The litigation firm has 27 lawyers. It is headquartered in Birmingham, AL, and in addition to its Birmingham location, has offices in Atlanta, Ga., Westfield, New Jersey and New York, N.Y.

1993-2006: *Heninger, Burge, Vargo and Davis* – Litigation firm in Birmingham, AL.; partner.

1987-1993: *Gathings and Davis* – Litigation firm in Birmingham, AL.; partner.

1984-1987: *Emond and Vines* – Litigation firm in Birmingham, AL.; associate.

### EDUCATION

Cumberland School of Law, J.D., 1984

Florida State University, B.S., 1981

### BAR ADMISSIONS

Alabama, 1984; Florida, 1985; United States District Court for the Northern, Middle and Southern Districts of Alabama; United States District Court for the Middle District of Florida; United States Court of Appeals for the 11<sup>th</sup> Circuit and the Federal Circuit.

### PROFESSIONAL SOCIETIES AND ASSOCIATIONS

Alabama State Bar

Florida State Bar

Birmingham Bar Association

American Association for Justice

Alabama Association for Justice

American Board of Trial Advocates

### PROFESSIONAL RATINGS

Martindale-Hubbell AV rated

Super Lawyers, 2008 to present

### COURT APPOINTMENTS

*In re Factor VIII or IX Concentrate Blood Products Litigation, MDL-986, No.93 C 7452* – Appointed to the Plaintiffs' Steering Committee by the Honorable John F. Grady, U.S. District Judge for the Northern District of Illinois, to represent individuals with hemophilia who contracted HIV through contaminated blood products. The case resulted in a \$640,000,000 settlement.

## TRIAL EXPERIENCE

Represented the plaintiff at trial in the following cases, all of which proceeded to jury verdict unless indicated otherwise:

*B. DeWayne Williams v. Arrow International, Inc.*; Circuit Court of Calhoun County, Al. Lead counsel in wrongful death action against medical device manufacturer.

*Gardner v. James Weems, M.D.*; Circuit Court of Talladega County, Al. Lead counsel in wrongful death action arising from medication prescribed to young child.

*Gary Albright v. Merck & Company*; Circuit Court of Jefferson County, Al. Co-counsel in one of the few Vioxx cases tried to a jury verdict.

*Mable McCoy v. Columbus Regional Medical Center*; Circuit Court of Russell County, Al. Lead counsel in wrongful death action against hospital.

*Betty Turley v. Southern Intermodal, et al.*; Circuit Court of Calhoun County, Al. Lead counsel in wrongful death action which settled after 5 days of trial.

*Flora Mae Purvis v. Gerald Sweeney, M.D.*; Circuit Court of Montgomery County, Al. Lead counsel in wrongful death action against treating physician.

*W. Marvin Robbins v. National Security Insurance Company*; Circuit Court of Jefferson County, Al. Lead counsel in fraud action arising from wrongful termination of employment contract.

*Timothy Gossett v. BMC Montclair*; Circuit Court of Jefferson County, Al. Lead counsel in personal injury action against treating hospital.

*Katherine Eltahir v. David Franklin, M.D.*; Circuit Court of Jefferson County, Al. Lead counsel in personal injury action against healthcare provider.

*Paula Cooper v. Brookwood Medical Center*; Circuit Court of Jefferson County, Al. Lead counsel in wrongful death action against healthcare provider.

*Gail Williamson v. Rollins Leasing*; Circuit Court of Morgan County, Al. Lead counsel in personal injury action arising from automobile accident.

*Dorthea Pogue v. Grove Hill Hospital*; U.S. District Court for the Southern District of Alabama. Lead counsel in wrongful death action.

*Kathleen Burdette v. Montgomery Cardiovascular Associates*; Circuit Court of Montgomery County, Al. Lead counsel in wrongful death action.

*Haisten v. Kubota America Corp.*; Circuit Court of Talladega County, Al. Co-counsel in product liability action.

*Joanna Davis v. Seth Rayburn M.D.*; Circuit Court of Limestone County, Al. Lead counsel in wrongful death action.

*Judith Harrison v. Sheldon Starr*; Circuit Court of Jefferson County, Al. Lead counsel in personal injury action.

*Randall Parris v. Northeast Alabama Regional Medical Center and David Boles, M.D.*; Circuit Court of Calhoun County, Al. Co-counsel in wrongful death action.

*Combs v. Tallassee Community Hospital*; U.S. District Court for the Middle District of Alabama; Co-counsel in wrongful death action.

*Marlon and Diane Norwood v. Sir State Machine Co.*; U.S. District Court for the Middle District of Alabama. Lead counsel in product liability action which settled after 4 days of trial.

#### SETTLEMENTS

Represented individuals or companies in the following states in cases which were resolved by way of settlement: Alabama, Florida, Georgia, Mississippi, Tennessee, Pennsylvania, New York, Minnesota, Texas, and California. The subject matter of these cases generally involved automobile crashworthiness, toxic tort litigation, patent infringement or contract disputes. A representative listing can be provided upon request.

#### PUBLICATIONS

Contributing Author, "Legislative and Judicial Changes Pose New Challenges for Patent Holders and Their Counsel," *Recent Trends in Patent Infringement Lawsuits*, Aspatore Books, 2016.

"Preparation of the Construction Accident Case," ATLA Journal, 1991.

"Recent Civil Decisions," Birmingham Bar Bulletin, 1986-1997

"Distinguishing and Proving Wantonness in Alabama," Alabama Trial Lawyers Journal, Summer, 1988.

#### CONTINUING LEGAL EDUCATION

Has spoken at CLE seminars on the local, state and national level. Most recent presentations include the following:

"Using Unfair Deceptive Acts and Practices Claims in Your B2B Litigation." 2019 AAJ Annual Convention. San Diego Convention Center, San Diego. July 2019.

"How the Changing Winds of Patent Law May Impact the Landscape of Your Business Torts Practice." 2018 AAJ Annual Convention. Colorado Convention Center, Denver. July 2018.

"A Patent Law Update: New Challenges for the Plaintiff." 2016 AAJ Annual Convention. Los Angeles Convention Center, Los Angeles. July 2016.

## **NORMAND PLLC FIRM RESUME**

NORMAND PLLC is a consumer litigation and trial law firm with offices in Orlando, Florida. Founded by Edmund A. Normand, the focus of the firm is complex consumer class action and complex tort litigation.

Mr. Normand has been a member of the Florida Bar since 1990. He gained invaluable, early experience in general tort and medical malpractice cases at his first job working under the tutelage of the late Al Cone, a founder of the Florida Justice Association and one of the preeminent trial lawyers in the history of Florida Civil Trial Law. In 1991, Butch Wooten offered Ed a position to work for the firm of Wooten, Honeywell and Kest, a firm with long history of trial excellence in Orlando since it began in 1966. Mr. Normand then joined the ranks of storied firm alumni that include a former Mayor of Orlando, a former Mayor of Orange County, a United States Senator and eminent sitting Judges in Orange County, Florida. He was elected a shareholder of the firm in 1996. The firm was named Wooten, Kimbrough and Normand P.A. With that firm, Mr. Normand has been honored with the highest Tier One ranking for Orlando in the Best Law Firms Report issued by U.S. News & World Report Magazine for four consecutive years. Ed is now the founder of Normand Law PLLC d/b/a Normand PLLC.

Mr. Normand has been honored for many accomplishments in consumer and personal injury litigation. His current and past professional memberships, court memberships and awards include:

- Florida Justice Association
- The American Association of Justice
- Board Certified Civil Trial Lawyer 2002 (re-certification in 2007, 2012, 2017)
- Orange County Bar Association
- Central Florida Trial Lawyers Association, President 2011

- American Mensa Member
- AVVO (Highest rating)
- AV Preeminent Rated by Martindale-Hubbell
- Certified Public Accountant, Maryland, 1990
- Lexis Counsel Connect, Leader Florida Torts Group
- United States District Court for the Middle District of Florida
- United States District Court for the Southern District of Florida
- United States 11th Circuit Court of Appeals
- Federal Court of Claims
- ABOTA
- High score recognition Florida Bar Exam
- Chancellor at University of Texas Law School. Since 1912, Chancellors has recognized the law students who have achieved the highest grade point averages in their class through their second year of school

Mr. Normand has won many significant jury verdicts and settlements in past and present matters including cases involving: Daimler Chrysler, Ford, General Motors, Emeritus Corporation, Disney, Universal, Ace American Insurance Company, Allstate, Covidien, Lasko Manufacturers, Nationwide, State Farm, Orlando Regional Healthcare, Florida Hospital, HCA, The United States of America, The State of Florida, most of the leading insurance companies in the U.S., Wal-Mart, Target, BCBS of Florida, Royal Caribbean and numerous other large corporations.

Jacob Phillips is an attorney at Normand PLLC and helps lead the class action and appellate practice groups. Mr. Phillips has been a member of the Florida Bar since 2015 and graduate *cum laude* from the University of Florida Levin School of Law. He is admitted to numerous state and federal courts, including the Fifth, Seventh, and Eleventh Circuits. Mr. Phillips has handled appeals in numerous state and federal courts, and is counsel on class actions throughout the country.



Normand PLLC is or has been counsel in a number of past and present putative class actions including:

- Lead class counsel in *Roth v. Geico Gen. Ins. Co.*, No. 16-62942-Civ-DIMITROULEAS, a certified class of thousands of GEICO insureds who were not paid sales tax or tag and title fees for their total loss leased vehicles. Summary judgment was awarded to the class for all of the damages sought in the case;
  - Lead counsel in *Venerus v. Avis Budget*, Case No. 6:13-CV-921-CEM-GJK class action concerning breach of contract and FDUTPA claims for the failure to procure rental car insurance to hundreds of thousands of car-renters, in which Mr. Normand and Mr. Phillips successfully overturned a denial of class certification, as well as summary judgment for the named Plaintiff. *Venerus v. Avis Budget Car Rental, LLC*, 723 F. App'x 807, 809 (11th Cir. 2018);
  - *Resnick v. AvMed, Inc.*, a certified and settled class action which made important law in the data breach jurisprudence in the 11th Circuit. *Resnick v. AvMed, Inc.*, 693 F.3d 1317, 1325 (11th Cir. 2012);
  - *Sos v. State Farm Mutual Insurance Company*, Case No. 6:17-cv-890-orl-18KRS, a putative class action involving an alleged breach of insurance obligation to pay sales tax or tag and title fees owed to State Farm insureds for their total loss leased vehicles;
  - *Sullivan v. Geico*, Case No.: 6:17-cv-891-Orl-40KRS (M.D. Fla.), a putative class action involving an alleged breach of insurance obligation to pay tag and title fees owed to Geico insureds for their total loss vehicles across the United States;
  - *Parker v. Universal*, Case No. 6:16-CV-01193-CEM-DAB (M.D. Fla.), a TCPA case against Universal Pictures and other defendants in which Mr. Normand secure a settlement for over \$19 million for class members;
  - Dozens of total-loss cases in more than ten states throughout the country, including several cases which successfully settled with full damages provided to claimants, including, for example, a settlement pending approval of over \$22 million in *Junior v. Infinity Ins. Co.*, Case No. 6:18-cv-1598-ORL- 40-TBS (M.D. Fla.);
  - Numerous other class actions involving insurance breach of contract, the rental car industry, TCPA, FDUTPA, electronic telemarketing, and consumer fraud.
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- *Spielman v. United Services Automobile Assoc.*, Case No. 2:19-cv-01359-AB-MAA (C.D. Ca. filed Feb. 22, 2019);
  - *Junior v. Infinity Ins. Co.*, Case No. 6:18-cv-01598 (M.D. Fl. filed September 25, 2018) (settlement for full damages for certified class of approximately 20,000 insureds pending Court approval);
  - *Joffe v. GEICO*, Case No. 0:18-cv-61361-WPD (S.D. Fl. Filed June 15, 2018) (class of likely approximately 5,000 leased-vehicle insureds certified July 31, 2019);
  - *Jones v. Gov't Employees Ins. Co.*, Case No. 6:17-cv-00891-Orl-40LRH (M.D. Fla. filed May 17, 2017) (judgment entered in favor of a certified class of over 200,000 members for \$79.35 plus interest, fees, and costs);
  - *Sos v. State Farm Mutual Automobile Ins. Co.*, Case No. 6:17-00-890-PGB-LRH (M.D. Fl. filed May 17, 2017) (summary judgment granted in favor certified class of approximately 3,000 insureds);
  - *Roth v. GEICO*, Case No. 16-cv-62942-WPD (S.D. Fl. removed Dec. 14, 2016) (judgment of nearly \$7,000,000 entered in favor of certified class of approximately 3,500 insureds).