

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

SARAH CONTE, JOANNE TOUCHBERRY,)	CASE NO. 5:21-CV-00190-D
TEKISHA L. NICHOLSON, TOBY)	
BELIVEAU, ALEXANDER CARLISLE, and)	<u>CLASS ACTION</u>
EARLENE N. HUNTER, Individually and on)	DECLARATION OF BRIAN L. KINSLEY
Behalf of the WakeMed 403(b) Plan and All)	FILED ON BEHALF OF CRUMLEY
Others Similarly Situated,)	ROBERTS, LLP IN SUPPORT OF
Plaintiffs,)	APPLICATION FOR AWARD OF
vs.)	ATTORNEYS' FEES AND EXPENSES
WAKEMED,)	
Defendants.)	
_____)	

I, Brian, L. Kinsley, declare as follows:

1. I am a member of the firm of Crumley Roberts, LLP. I am submitting this declaration in support of my firm's application for an award of attorneys' fees and expenses/charges ("expenses") in connection with services rendered in the above-entitled action.

2. This Firm is local counsel of record for plaintiff Sarah Conte.

3. The information in this declaration regarding the Firm's time and expenses is taken from time and expense reports and supporting documentation prepared and/or maintained by the Firm in the ordinary course of business. I am the partner who oversaw and/or conducted the day-to-day activities in the litigation and I reviewed these reports (and backup documentation where necessary or appropriate) in connection with the preparation of this declaration. The purpose of this review was to confirm both the accuracy of the entries as well as the necessity for, and reasonableness of, the time and expenses committed to the litigation. As a result of this review, reductions were made to both time and expenses in the exercise of billing judgment. Based on this review and the adjustments made, I believe that the time reflected in the Firm's lodestar calculation and the expenses for which payment is sought herein are reasonable and were necessary for the effective and efficient prosecution and resolution of the litigation.

4. After the reductions referred to above, the number of hours spent on the Litigation by my Firm is 23.10. A breakdown of the lodestar is provided in Exhibit A. The lodestar amount for attorney/paralegal time based on the Firm's 2021 rates is \$5,985.00 for attorney and \$1,960.00 for paralegal. The hourly rates shown in Exhibit A are consistent with hourly rates submitted by the Firm during 2021 in other class action litigation. The Firm's rates are set based on periodic analysis of rates charged by firms performing comparable work both on the plaintiff and defense side. For personnel who are no longer employed by the Firm, the "current rate" used for the lodestar

calculation is based upon the rate for that person in his or her final year of employment with the Firm.

5. My Firm seeks an award of \$402.00 in expenses and charges in connection with the prosecution of the litigation. Those expenses and charges are summarized by category in Exhibit B.

6. The identification and background of my Firm and its partners is attached hereto as Exhibit C.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 23 day of September, 2021, at Greensboro, North Carolina.

/s/ Brian L. Kinsley

Brian L. Kinsley

EXHIBIT A

EXHIBIT A

Sarah Conte v. WakeMed, No. 5:21-CV-00190-D
Crumley Roberts, LLP
Inception through 09/23/2021

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
Brian L. Kinsley	(P)	13.30	\$450.00	\$5,985.00
Paralegals		9.80	\$200.00	\$1,960.00
<i>TOTAL</i>		<i>23.10</i>		<i>\$7,945.00</i>

(P) Partner

EXHIBIT B

EXHIBIT B

Sarah Conte v. WakeMed, No. 5:21-CV-00190-D
Crumley Roberts, LLP
Inception through 04/26/2021

<i>CATEGORY</i>	<i>AMOUNT</i>
Filing Fees	\$402.00
<i>TOTAL</i>	<i>\$402.00</i>

EXHIBIT C

BRIAN L. KINSLEY

4004 White Hawk Lane
Winston-Salem, NC 27106
Mobile: (336)923-5483
Work: (336)333-9899
Blkinsley@crumleyroberts.com

PROFESSIONAL EXPERIENCE:

CRUMLEY ROBERTS, LLP

Greensboro, NC

2009-Present Practice Group Leader Mass Torts and Products Liability/Personal Injury Attorney

- Partner managing a large, nationwide Mass Tort and Products Liability
- Responsible for all stages of complex litigation of Mass Tort and Products Liability Cases
- Develops strategy for marketing and customer relations
- Supervised the review and classification of voluminous document production responses
- Coordinates intake and selection of all cases
- Acts as co-counsel for individual products liability, ERISA and Wage and Hour /Fair Labor Standards cases in both Federal and State Courts
- Manages attorneys, legal assistants and clerical staff within the department

ASHCRAFT & GEREL, LLP

Washington, DC

2005-2008 Negligence Practice Senior Attorney

- Senior Attorney with a thriving personal injury practice representing individuals injured as a result of the negligence of others, including motor vehicle collisions, premises liability, professional negligence, nursing home, assisted living and group home cases
- Acted as assistant general counsel for a real estate brokerage defending all actions filed in the District of Columbia and Maryland
- Responsible for all aspects of litigation from inception to resolution of case
- Represented clients at hearings, mediations, settlement conferences and administrative hearings
- Selected, hired and supervised legal support staff

2002-2005 Pharmaceutical Mass Tort Attorney

- Formulated legal and litigation strategies in a large docket of diet drug products liability cases
- Coordinated and completed claims for clients seeking recovery through the Diet Drug Global Settlement
- Lead member of a team that negotiated the successful resolution of the firm's diet drug litigation case inventory
- Conducted and defended depositions of clients, fact and expert witnesses
- Assisted the taking of expert depositions for the MDL 1203: *In Re Diet Drugs* Plaintiff's Discovery Committee

THE LAW OFFICES OF HUGO & POLLACK

Boston, Massachusetts

1998-2001

Mass Tort Attorney

- Responsible for the litigation of a large docket of breast implant and diet drug cases
- Litigation attorney specializing in mass torts, personal injury, products liability, and medical malpractice
- Drafted and filed motions, briefs, complaints, orders and discovery requests
- Conduct opposing depositions and defended clients during depositions
- Located, interviewed and prepared expert and lay witnesses for trial
- Spearheaded the completion of discovery requests

LICENSES:

Admitted to the Massachusetts Bar 1998

Admitted to the District of Columbia Bar 2005

Admitted to the Maryland Bar 2007

Admitted to the North Carolina Bar 2008

Admitted to the United States District Courts for the Districts of Massachusetts, New Mexico, the Western, Middle and Eastern Districts of North Carolina and the Southern District of Illinois

EDUCATION:

SUFFOLK UNIVERSITY LAW SCHOOL

Boston, Massachusetts

Juris Doctorate, May 1998

Honors: Cum Laude, Deans List

NORTHEASTERN UNIVERSITY

Bachelor of Science in Criminal Justice, May 1993

Boston, Massachusetts

Dean's list

AFFILIATIONS/AWARDS:

American Association for Justice 1999 - Present

North Carolina Advocates for Justice 2009 - present

National Trial Lawyers Association 2014 - present

National Trial Lawyers Top 100 Trial Lawyers 2014 - present

Guest Lecturer on Complex Litigation Elon School of Law

Guest Speaker - CJ Advertising - Wage & Hour Litigation