

EXHIBIT 4

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

JENNFER J. TAYLOR)	
)	
Plaintiff,)	
)	
v.)	CA No. 1:12cv523
)	(GBL/IDD)
REPUBLIC SERVICES, INC., <i>et al.</i>)	
)	
Defendants.)	

DECLARATION OF NICHOLAS WOODFIELD

I, Nicholas Woodfield, being over the age of eighteen, make this declaration on personal knowledge of the following facts:

1. I am a principal at The Employment Law Group, PC, a Washington, D.C.-based employment litigation law firm, and I am competent to testify about the matters contained herein.

2. I graduated from the Cumberland Law School of Samford University in 1995. I clerked for the Presiding Judge of Jefferson County, Alabama for one year following graduation, and I have practiced in the field of state and federal litigation since 1996, excepting the period from September 1999 through June 2000 when I was a postgraduate law student at the University of Oxford in Oxford, England.

3. I am admitted to practice law in the state and federal courts of Alabama, Maryland, Virginia, and the District of Columbia, and I was admitted to practice law in 1995 in Alabama; in 1997 the U.S. District Court for the Southern, Northern and Middle Districts of Alabama; in 2000 in the District of Columbia; in 2002 in Virginia, the U.S. District Court for the District of Columbia, the U.S. District Court for the District of Maryland, the U.S. District Court

for the District of Virginia, and the U.S. Court of Appeals, District of Columbia; in 2003 for the U.S. Court of Appeals, Fourth Circuit; and in 2005 I was admitted to practice before the United States Supreme Court. I am a member of the Metropolitan Washington Employment Lawyers Association (MWELA), the Washington D.C. affiliate of the National Employment Lawyers Association (NELA), the United States' largest and most renowned plaintiff-side employment lawyers' association. I am also a founding Director and the current President of the Virginia Employment Lawyers Association (VELA), the Virginia affiliate of NELA and the Commonwealth's plaintiff-side employment lawyers' association.

4. I focus my practice on, *inter alia*, Fair Labor Standards Act wage non-payment and misclassification claims, and retaliation cases. In 2011 alone I secured a \$1,134, 886.86 FLSA judgment in *Young et al v. Viable Communications, Inc., et al*, 8:09-cv-02250-PJM (D. Md. Nov. 14, 2011); a \$650,000.00 jury verdict in *Donna Jackson v. Edgewood Management Corporation*, Case No. 337495-V in the Circuit Court of Montgomery County, Maryland; a \$101,000 Equal Pay Act jury verdict in *Maron, et al. v. Virginia Polytechnic Institute & State University*, 7:08-cv-00579-jct (W.D. Va. April 13, 2011); summary judgment for the plaintiffs on their FLSA retaliation claims against their employer in *Randolph, et al. v. ADT Security Services, Inc.*, Case 8:09-cv-01790-DKC (D. Md. Aug. 8, 2011); and numerous settlements exceeding \$1,000,000 in value.

5. Most recently, I served as the primary drafter of the proposed wage and hour statutes jury instructions for the D.C. Bar's Jury Instructions Task Force, a bipartisan workgroup producing form jury instructions for use in the District of Columbia's Superior Court. I was a featured speaker at the National Employment Lawyers' convention entitled "Securing Wages, Protecting Hours: Representing Workers under the FLSA" in September 2011 in Washington,

DC. Finally, I regularly speak at FLSA CLEs, including CLEs hosted by the Virginia Bar and the D.C. Bar.

6. I have had direct experience with statutory fee litigation with respect to my own rates and those of other employment law attorneys, representing employees and/or employers, and I am reasonably well acquainted with the prevailing market rates in Virginia and the District of Columbia for complex litigation.

7. Over the years I have endeavored to remain familiar with the then-current market rates for complex litigation in the Commonwealth of Virginia and the greater Washington, D.C. metropolitan area. I have done this through reading other attorneys' fee applications and supporting affidavits and discussing current rates with other attorneys in large and small firms in the Commonwealth of Virginia, the District of Columbia and the greater Washington, D.C. metropolitan area. I have done this for purposes of pursuing and obtaining statutory fees in the employment cases that our firm has handled.

8. It has been necessary to apply for court-ordered fees in many of the cases I have litigated during my career. I am very familiar with the *Laffey* Matrix, which certain jurisdictions I practice in use in cases in which a "fee-shifting" statute permits the prevailing party to recover "reasonable" attorney's fees. Certain Courts adopt the *Laffey* Matrix as setting out the market rate per hour prevailing in metropolitan Washington, D.C./Virginia legal communities for similar work based on the number of years an attorney has been practicing law, (<http://laffeymatrix.com/history.html>), and, in my experience the *Laffey* Matrix and Adjusted *Laffey* Matrix (<http://laffeymatrix.com/see.html>) are appropriate starting points to evaluate the fees of counsel given the firm's location in Reston, Virginia, a suburb/legal community of Washington, DC.

9. I have known Elaine Charlson Bredehoft and Carla D. Brown, partners in the law firm of Charlson Bredehoft Cohen Brown & Sakata, P.C. (“Charlson Bredehoft”), for many years. I am familiar with their individual reputations and the reputation of Charlson Bredehoft Cohen Brown & Sakata within the employment bar.

10. Ms. Bredehoft has been practicing for 29 years, and she therefore falls into the category entitled “very experienced federal court litigators.” I concur with this definition. The *Laffey* Matrix sets for the billable rate at \$495-\$505 for the relevant time period and the Adjusted *Laffey* Matrix dictates that the billable rate for lawyers with the same level of experience as Ms. Bredehoft can be as high as \$734-753 per hour for the relevant time period. Ms. Bredehoft seeks a billable rate of \$550-\$600 (rate change effective 4/1/13) for work on this case – in between the two *Laffey* rates, and closer to the original (not Adjusted) rate.

11. Ms. Brown has been practicing for more than 14 years, and thus falls in to the “11-19” years of experience rate on the *Laffey* matrix. Ms. Brown was lead counsel on this matter, from its inception, through trial, and is an experienced federal court litigator. The *Laffey* Matrix sets for the prevailing market rate at \$435-\$445 for the years at issue, and the Adjusted *Laffey* Matrix dictates that the billable rate for lawyers with the same level of experience as Ms. Brown can be \$609-625 per hour. Ms. Brown seeks a billable rate of \$475 for work on this case – in between the two *Laffey* rates, and significantly closer to the original (not Adjusted) rate.

12. Charlson Bredehoft seeks \$425 per hour for the time of Brian A. Scotti, an associate of the firm, and trial counsel for this case. Mr. Scotti had nine years of experience when working on Ms. Taylor’s case. This hourly rate is consistent with the presumptively reasonable prevailing market rate established for attorneys with 8-10 years of experience in the *Laffey* Matrix. The *Laffey* Matrix sets for the prevailing market rate at \$350-355 for the years at

issue, and the Adjusted *Laffey* Matrix dictates that the billable rate for lawyers with the same level of experience as Mr. Scotti can be \$540-554 per hour. Mr. Scotti seeks a billable rate of \$450 for work on this case – directly between the two *Laffey* rates.

13. Charlson Bredehoft seeks \$450 per hour for the time of Heather Austin Jones, who had 11 years of experience when working on Ms. Taylor's case. This hourly rate is consistent with the presumptively reasonable prevailing market rate established for attorneys with 11-19 years of experience in the *Laffey* Matrix. The *Laffey* Matrix sets for the prevailing market rate at \$435-455 for the years at issue, and the Adjusted *Laffey* Matrix dictates that the billable rate for lawyers with the same level of experience as Ms. Jones can be \$609-625. Ms. Jones seeks a billable rate of \$450 for work on this case, which is within the original, non-Adjusted *Laffey* rates.

14. Charlson Bredehoft seeks \$400 per hour for the time of Kathleen Z. Quill, who had 17 years of experience when she worked on Ms. Taylor's case. This hourly rate is consistent with the presumptively reasonable prevailing market rate established for attorneys with 11-19 years of experience in the *Laffey* Matrix. The *Laffey* Matrix sets for the prevailing market rate at \$435-455 for the years at issue, and the Adjusted *Laffey* Matrix dictates that the billable rate for lawyers with the same level of experience as Ms. Quill can be \$609-625. Ms. Quill seeks a billable rate of \$400 for work on this case, which is below the original, non-Adjusted *Laffey* rates. The Firm charges a lower rate for Ms. Quill since she is employed on a part-time, remote basis, is utilized for special projects, and has not increased her rate for several years.

15. Charlson Bredehoft seeks \$375-\$400 per hour (rate change effective 11/5/12) for the time of Daphne Shih Gebauer, who had 6 years of experience when she worked on Ms. Taylor's case. This hourly rate is consistent with the presumptively reasonable prevailing market

rate established for attorneys with 4-7 years of experience in the *Laffey* Matrix. The *Laffey* Matrix sets for the prevailing market rate at \$285-290 for the years at issue, and the Adjusted *Laffey* Matrix dictates that the billable rate for lawyers with the same level of experience as Ms. Gebauer can be \$374-383.

16. Overall, the rates sought by Charlson Bredehoft for attorneys who worked on this matter are within the rates charged by experienced employment counsel in the Commonwealth of Virginia and the greater Washington, D.C. metropolitan area in employment discrimination cases. Experienced lawyers who regularly defend complex employment and other civil matters bill in this range, and I would expect that almost all of the corporate law firms that regularly defend employment discrimination actions bill their clients in this range for this type of work.

17. The reputation of Charlson Bredehoft dictates that the firm executed the litigation of this case with organized efficiency, researched the claims carefully, prepared and served the summons and complaint, and worked to avoid disputes wherever possible.

18. Charlson Bredehoft has an impressive reputation in the employment law arena, and the firm concentrates its practice in employment law and related matters. The firm prevailed in this case largely because of its specialization and focused preparation. The firm's knowledge of employment law trial practice made Charlson Bredehoft uniquely situated to provide the Plaintiff with the best possible representation.


19. Through discussions with Charlson Bredehoft, and given its reputation, I am aware the firm concentrates its practice in employment law and related matters, and as such is quite selective in the types and nature of cases it accepts.

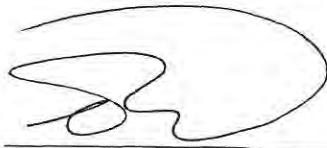
20. I understand that Charlson Bredehoft agreed to accept this matter on a fee shifting basis in the event the client prevailed. All monetary awards will be used to reimburse

Charlson Bredehoft for the reasonable fees and costs incurred in the successful prosecution of this matter.

21. Neither my firm nor I have been compensated for this declaration, and neither my firm nor I are seeking fees in this litigation.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE INFORMATION AND BELIEF.


Date


Nicholas Woodfield