

CHANCERY COURT FOR THE STATE OF TENNESSEE
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY

WILLIAM BOYKIN AND SALLY,
ROBBINS, on behalf of themselves and
all others similarly situated,

DOCKET NO.: 20-0615-BC

Plaintiffs,

v.

TENNESSEE ORTHOPAEDIC
ALLIANCE, P.A.,

Defendant.

**PLAINTIFFS' UNOPPOSED MOTION FOR AN AWARD OF ATTORNEYS' FEES,
COSTS AND EXPENSES AND SERVICE AWARDS TO CLASS REPRESENTATIVES**

Plaintiffs William Boykin and Sally Robbins, individually and on behalf of others similarly situated (“Plaintiffs” or “Class Representatives”), hereby move this court to:

1. Enter an Order awarding attorneys’ fees, costs and expenses to Class Counsel in the amount of \$255,300.00.
2. Enter an Order awarding each Plaintiff or Class Representative a Service Award of \$3,850.00 each.

In support of this Motion, Plaintiffs submit:

EXHIBIT A: DECLARATION OF JOEL R. RHINE IN SUPPORT OF REPRESENTATIVE PLAINTIFFS’ MOTION AND SUPPORTING MEMORANDUM OF LAW FOR APPROVAL OF ATTORNEYS’ FEES, COSTS AND EXPENSES, AND SERVICE AWARDS.

EXHIBIT B: DECLARATION OF MICAH S. ADKINS SUBMITTED IN SUPPORT OF PLAINTIFFS’ MOTION AND SUPPORTING MEMORANDUM OF LAW FOR APPROVAL OF ATTORNEYS’ FEES, COSTS AND EXPENSES, AND SERVICE AWARDS.

Plaintiffs also incorporate herein by reference the Affidavit and Declaration of Joel R. Rhine in Support of Preliminary Approval of Class Action Settlement and Certification of Settlement Class; Supplemental Declaration of Joel R. Rhine in Support of Plaintiffs' Unopposed Motion for Final Approval of Class Action Settlement Agreement and Entry of Final Judgment; Affidavit and Declaration of Martin A. Ramey in Support of Final Approval of Class Action Settlement and Certification of Settlement Class; and Declaration of Brian Smitheman of Heffler Claims Group in Support of Final Approval of Class Action Settlement.

Plaintiffs' Memorandum in Support of Award Of Attorneys' Fees, Costs and Expenses and Service Awards to Class Representatives is being filed separately.

After contentious litigation and successfully negotiating a Settlement affording Class Members Fraud Resolution Services, Credit Monitoring, and the ability to claim monetary benefits worth up to \$2,000.00 each, plus injunctive relief in the form of Business Practice Commitments to protect Class Members' personal identifying information ("PII") and protected health information ("PHI") that remain in the possession of Tennessee Orthopaedic Alliance, P.A. ("Defendant" or "TOA"), Plaintiffs request that the court grant the Settlement Class Representatives a Service Award of \$3,850.00 each, a fairly standard amount in the circumstance that fairly compensates them for their efforts, time, and dedication in this action on behalf of the Settlement Class.

Plaintiffs also request an award of attorneys' fees, costs, and expenses in the amount of \$255,300.00. Importantly, the requested attorneys' fees, costs, expenses and service awards *are to be paid separately by Defendant*, and these payments do not in any manner affect the amount of relief available to Class Members. The requested relief is demonstrably reasonable and appropriate and amply supported by the record.

Respectfully submitted, this the 2nd day of December, 2020.

/s/ Micah S. Adkins

Micah S. Adkins

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Attorneys for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I certify that on December 2, 2020, I caused the foregoing paper to be filed electronically using the Davidson County Chancery Court E-Filing System, which will electronically serve notification of same on the following counsel of record:

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/s/ Micah S. Adkins

Micah S. Adkins