

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

DR. BERND WOLLSCHLAEGER, et al., Plaintiffs,

v.

FRANK FARMER, et al., Defendants.

CASE NO.: 1:11-CV-22026-COOKE/TURNOFF

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case No.: 11-22026-Civ-COOKE/TURNOFF

DR. BERND WOLLSCHLAEGER, *et al.*,

Plaintiffs,

v.

FRANK FARMER, *et al.*,

Defendants.

DECLARATION OF ATTORNEYS' FEES AND COSTS

The undersigned, Edward M. Mullins, swearing under oath pursuant to 28 U.S.C. § 1746, and being duly authorized, declares as follows:

1. My name is Edward M. Mullins and I make this declaration based upon my own personal knowledge, and to the extent it is not based on my personal knowledge, the sources of my information are stated and such information is true to the best of my knowledge and belief.
2. I am a shareholder at Astigarraga Davis Mullins & Grossman, P.A. ("Astigarraga Davis"), 701 Brickell Avenue, Suite 1650, Miami, FL 33131.
3. Our firm serves as co-counsel for the Plaintiffs, Dr. Bernd Wollschlaeger, Dr. Judith Schaechter, Dr. Tommy Schechtman, Dr. Stanley Sack, Dr. Shannon Fox-Levine, Dr. Roland Gutierrez, American Academy of Pediatrics, Florida Chapter, American Academy of Family Physicians, Inc., Florida Chapter, and American College of Physicians, Florida Chapter ("Plaintiffs") in this lawsuit. This affidavit is being submitted in support of the Motion for Attorneys' Fees and Costs.

4. I am a founding shareholder of the law firm of Astigarraga Davis. I am an “AV” rated lawyer, which is the highest rating for lawyers under the Martindale-Hubbell scale. A copy of my current resume is attached as Exhibit A and is incorporated herein.

5. I have been a member of The Florida Bar for over 22 years. I have been practicing law in the State of Florida, and specifically in Miami-Dade County, during that entire period. I am a Past Chair of the Florida Bar Appellate Courts Rules Committee; former Chair and current member of the Executive Council of the International Law Section of the Florida Bar; current Co-chair of the Legal Services Delivery Committee and former Co-chair of the International Litigation Committee and the Alternative Dispute Resolution Committee of the Section of Litigation of the American Bar Association (ABA); former Co-Editor of the *International Litigation Quarterly*, the official publication of the International Litigation Committee of the Section of Litigation of the ABA; former Co-Editor of the *International Law Quarterly*, the official publication of the International Law Section of the Florida Bar; former Chair of the Media and Communications Law Committee of the Florida Bar; and former chair of the International and Appellate Courts Committees of the Dade County Bar Association.

6. I have received numerous recognitions in lawyer and business listings, including *Best Lawyers in America* in the categories of Commercial Litigation and International Arbitration. In addition, I have been recognized for many years in *Florida Trend's* Legal Elite, *Florida Super Lawyers*, *South Florida Legal Guide*, *Who's Who in American Law*, *Who's Who in Finance and Business*, *Who's Who in the World*, and *Who's Who in America*.

7. I was recently selected as a finalist by the *Daily Business Review* as South Florida's “Most Effective Lawyer” for 2012 in the category of Public Interest. This recognition is based on demonstrated success over the past year or so and specifically for my work

performed on this case. I also am a finalist for “Most Effective Lawyer” for 2012 in the category of Appellate. I also was selected as a “Key Partner” by the *South Florida Business Journal* this year.

8. I graduated from the University of Florida College of Law with high honors in May 1990, ranked first in my graduating class. While at the University, I served as editor-in-chief of the *Florida Law Review* and Research Editor of the same.

9. I am admitted to practice law before all Florida state courts, the Eleventh Circuit Court of Appeals, the United States Supreme Court, and all Florida Federal District Courts. I have spent the past 22 years handling civil litigation on behalf of clients in State and Federal Courts throughout the United States and Florida on a variety of commercial litigation matters, including First Amendment disputes. I have handled numerous matters in the Northern, Southern and Middle Districts of Florida, ranging from commercial disputes, intellectual property litigation, media-related claims, and employment lawsuits. I have argued frequently in the Eleventh Circuit Court of Appeals, the Florida District Court of Appeals, and the Florida Supreme Court.

10. Our firm undertook this representation on a pro bono basis with the expectation that, if we prevailed, we would recover our reasonable attorneys’ fees.

11. In representing the Plaintiffs in this case, my hourly rate for this client would have been between \$440.00 - \$450.00 (my rate increased in 2012), Doug Giuliano’s rate for this client is \$230.00, Hal Lucas’ rate for this client is \$245.00, and paralegal Aida Rodriguez’s rate for this client is \$125.00. I believe these hourly rates are reasonable in light of the prevailing rate within the Southern District of Florida, where my firm is located, for attorneys of similar skill, reputation, and experience.

12. Hal Lucas is of counsel with the firm, graduating from the University of Texas in 2004. Douglas Giuliano is a former associate of the firm, graduating from Florida International University in 2005.

13. The services rendered by me and the members of my firm are set forth in the attached spreadsheet as Exhibit E. This information has been aggregated with co-counsel's hours and fees into a summary in Exhibit G. The costs incurred by my firm are set forth in Exhibit H.

14. To date, our firm has incurred time of attorneys' fees for \$45,067.75 and \$199.21 in nontaxable costs and expenses.

15. The \$45,067.75 in attorneys' fees includes 43.40 hours for my time, 16.55 hours for Hal Lucas' time, 46.50 hours for Doug Giuliano's time, and 12.80 hours for Aida Rodriguez's time on the file.

UNDER PENALTIES OF PERJURY OF THE LAWS OF THE UNITED STATES, I DECLARE THAT I HAVE READ THE FOREGOING DECLARATION AND THAT THE FACTS STATED HEREIN ARE TRUE AND CORRECT.

FURTHER AFFIANT SAYETH NOT.

Executed in Miami-Dade County, Florida, this 30th day of November, 2012.

/s/ Edward M. Mullins
Edward M. Mullins