

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

Robert Cothran, as the representative of a class of similarly situated persons, and on behalf of the Electric Supply Employee Stock Ownership Plan,

Plaintiff,

v.

George M. Adams Jr., Sandra Brock, Shaker Brock, Kelly A. Pound, and Harold Irwin,

Defendants.

Case No. 8:23-cv-00518-CEH-CPT

**DECLARATION OF MARC R. EDELMAN IN SUPPORT OF PLAINTIFF'S
MOTION FOR AWARD OF ATTORNEYS' FEES, COSTS &
ADMINISTRATIVE EXPENSES**

I, MARC R. EDELMAN, declare under penalty of perjury as follows:

1. My name is Marc R. Edelman. Unless otherwise indicated, the facts set forth below are based on my personal knowledge and the opinions set forth herein are my own. I understand that this declaration under oath may be filed in the above captioned action.

2. I worked on behalf of Plaintiff and the Class in the above-styled litigation. Before Class Counsel filed this lawsuit, I spent significant time investigating and researching the claims against Defendants, including extensive analysis of the electrical supply distribution business. After the lawsuit was filed, I reviewed

thousands of pages of documents, drafted discovery and in tandem with co-counsel engaged in motion practice, including responses to Defendants' Motion to Dismiss and Motion to Stay Discovery.

3. I am a partner with the law firm of Morgan & Morgan, P.A., and have been with the firm since 2015. Morgan & Morgan is a nationwide trial advocacy law firm, currently employing over nine hundred attorneys. I am a co-manager of the firm's Employment Law practice group. My office is located at 201 N. Franklin Street, Suite 700, Tampa, Florida 33602.

4. I am a licensed attorney in Florida. I have been a member of the Florida Bar since October 1996. I have practiced law for nearly thirty years, more than half of which have been dedicated to labor and employment law. I have a J.D. from Florida State University College of Law and a bachelor's degree from the University of Florida. For the 10 years before I joined Morgan & Morgan, I was general counsel for a national furniture retailer, overseeing all aspects of compliance and litigation, including the Fair Credit Reporting Act, ERISA, the FLSA and Title VII.

5. I have represented employers and employees in all stages of litigation in federal and state courts throughout Florida. I am admitted in the United States District Courts for the Northern, Middle and Southern Districts of Florida including the Eleventh Circuit Court of Appeals, Western District of Tennessee, and the Eastern District of Michigan. I have been admitted *pro hac vice* to the United States District Courts for Southern District of New York, Central District of California, Northern District of Georgia, Eastern District of Pennsylvania, Southern District of Indiana,

Eastern District of Ohio, District of New Jersey and Northern District of Illinois.

6. Since joining Morgan & Morgan, I have focused my efforts on employment law and employment-related class action lawsuits prosecuting violations of the Fair Credit Reporting Act and ERISA, specifically COBRA notice violations. I have been approved as Class Counsel in over twenty actions, including: *Graham v. Pyramid Healthcare Solutions*, Case No.: 8:16-cv-1324-T-30AAS (Dkt.58), (M.D. Fla. June 18, 2017) (Moody, J.); *Coles v. Stateserv Medical of Florida, LLC et al.* No. 8:17-cv-829-T-17-AEP, (M.D. Fla., April 10, 2017) (Dkt. 45); *Fosbrink v. Area Wide Protective, Inc.*, 8:17-cv-01154-JSM-CPT, (M.D. Fla., May 8, 2018) (Moody, J.) (Dkt. 58); *Musa v. SOS Security LLC*, No. 2:17-cv-05681-MCA-SCM (D.N.J., Newark Division, April 16, 2018) (Dkt. 42); *Grice v. Pepsi Beverages Company, et al*, Case No:1:17-cv-08853-JPO (S.D.N.Y. May 23, 2018); *Gibbs v. Centerplate, Inc., et al.*, No.8:17-cv- 2187-T-17EAK-JSS (M.D. Fla. July 12, 2018); *Hargrett v. Amazon.com DEDC LLC*, Case No.8:15-cv-2456-T-26EAJ (July 24, 2018); *Gross v. Advanced Disposal Services, Inc.*, No. 8:17- cv-1920-T-36TGW (M.D. Fla. Dec. 10, 2018); *Williams v. Naples Hotel Group*, No: 6:18-cv- 422-Orl-37DCI (M.D. Fla. June 11, 2019); *Lindsey v. Ring Power Corporation*, No.: 18-CA- 007124 (Fla. 13th Cir.); *Bulgajewski v. R.T.G. Furniture Corporation, d/b/a Rooms To Go*, No.: 18-CA-007000 (Fla. 13th Cir.). *Bryant v. Realogy Group, LLC*, No.: 8:18-cv-2572-T-60CPT (M.D. Fla. April 9, 2020); *Bermudez v. CFI Resorts Management, Inc.*, No.: 6:19-cv-1847-Orl- 37DCI (M.D. Fla. August 3, 2020); *Silberstein v. Petsmart, Inc.*, No.: 8:19-cv-02800-SCB-AAS (M.D. Fla. August 27, 2020); *Sharp v. Technicolor*

Videocassette of Michigan, Inc., No.: 2:18-cv- 02325-cgc (W.D.T.N., December 5, 2019); *Smith, et al. v. Kforce, Inc.*, No.: 8:19-cv-02068-CEH-CPT (M.D. Fla. June 28, 2021); *Betty Morris, et al. v. US Foods, Inc.*, No.: 8:20-cv-105-SDM-CPT (M.D. Fla. July 14, 2021); *Broughton v. Payroll Made Easy, Inc.*, No.: 2:20-cv-41-NPM (M.D. Fla. July 27, 2021); *Tweedie v. Waste Pro USA, Inc.*, No.: 8:19-cv-01827-TPB-AEP (M.D. Fla August 5, 2021); *Mendiola v. Home Depot U.S.A., Inc., et al.*, No.: 1:20-cv-04027 (N.D.G.A. October 07, 2021); *McNamara v. Brenntag Mid-South, Inc.*, No.: 8:21-cv-618-MSS-JSS, (M.D. Fla. November 2, 2021); *Washington v. DialogDirect*, No: 2:21-cv-10445-LVP-RSW (E.D. Mich. April 18, 2022); *Lyttle v. Trulieve, Inc.*, Case No.: 8:19-cv-02313-CEH-TGW (M.D. Fla. Aug. 18, 2022); *Miles v. Onin Staffing, LLC*, Case No.: 3:21-cv-0275, (M.D. Tenn. March 16, 2023); *Wiley v. TravelCenters of America, LLC.*, Case No.: 1:2021-cv-01093, (N.D. Ohio. Dec. 13, 2022); *Fagins v. Express Services Inc.*, Case No: 2022-CA-001194, (Fla. 8th Cir. Dec 5, 2022); *Sheyenne Moore v. Computer Generated Solutions, Inc.*, Case No: 23-CA-000856, (Fla. 13th Cir. Sept. 21, 2023).

7. Class Counsel, including co-counsel, have the skills and experience to represent and protect the interests of Class Members.

8. The Settlement is a good outcome for the Settlement Class. Settlement Class Members are receiving an estimated 40-60% of the damages arising from having retirement assets remain uninvested, *i.e.*, sit in cash, during the class period.

9. Defendants agreed to a \$1,100,000.00 non-reversionary Settlement. In my opinion, this is a very favorable outcome. Settlement Class Members who choose

to elect roll-over Settlement awards will receive tax-free contributions to their retirement accounts in an amount proportional to the uninvested cash in their retirement accounts during the class period.

10. I firmly believe the decision to settle the case was the right decision. The outcome could not be predicted with any degree of certainty. An adverse ruling on any one of a host of legal issues could potentially eliminate the possibility of *any* class relief or Settlement under equally advantageous terms. The prudent course of action was to resolve the matter to ensure Settlement Class Members received guaranteed payments in a relatively short timeframe. The Settlement puts the money to work right away, rather than risking or delaying any future award.

11. This Settlement would not have been possible without Plaintiff, Robert Cothran. He has represented the interests of the Settlement Class Members from the onset, sharing his institutional knowledge and providing the documents which enabled Class Counsel to build the case. Additionally, Mr. Cothran sacrificed his own interest for benefit of the Class by voluntarily agreeing to forego compensation originally offered for execution of general release of claims so as not to delay Settlement.

I declare under penalty of perjury, under the laws of the United States and the State of Florida, that the foregoing is true and correct.

Dated this 30th day of July 2024 in Tampa, Florida.



MARC R. EDELMAN, ESQ.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of July, 2024, the foregoing was electronically filed using the CM/ECF system, causing a Notice of Electronic Filing to be transmitted to all counsel of record.

/s/Mark E. Thomson
Mark E. Thomson