

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA**

MICHAEL T. FLYNN,

Plaintiff,

v.

Case No. 2023-CA-004264 NC
Division: C Circuit Civil

JIM STEWARTSON, *et al.*,

Defendants.

_____ /

**RICK WILSON'S MOTION FOR DETERMINATION OF AMOUNT
OF ATTORNEYS' FEES AND COSTS TO BE AWARDED**

Defendant, Rick Wilson, hereby moves pursuant to the Court order dated, March 3, 2025 (DIN 150), and Section 768.295, Florida Statutes, for a determination of: (1) the amount of reasonable attorneys' fees to which he is entitled for work in the trial court; (2) the amount of reasonable attorneys' fees to which he is entitled for work in the appellate court; and (3) the amount of taxable costs, including the cost of expert fees. In support of this Motion, Mr. Wilson states as follows:

1. On February 19, 2024, (within 30 days of this Court entering its January 30, 2024 Order Granting Final Summary Judgment in favor of Defendant Rick Wilson) Wilson filed his Motion for Attorneys' Fees under Section 768.295, Florida Statutes with this Court. (DIN 90).

2. On February 3, 2025, (after the Second District Court of Appeals issued its order December 11, 2024, Order granting appellate fees pursuant 768.295(4). (DIN 121)), his second Motion for Attorneys Fees 768.295, Florida Statutes with this Court. (DIN 131).

3. On March 3, 2025, the Court granted Mr. Wilson's motion(s), finding that he was entitled to recover a judgment awarding him: (a) reasonable attorneys' fees from Gen. Michael Flynn incurred in the trial court, in an amount to be determined by the Court; (b) appellate

attorneys' fees pursuant to the order of the Second District Court of Appeal, dated December 11, 2024, in an amount to be determined by the Court; and (c) costs incurred in the trial court pursuant to 768.295, Florida Statutes and Section 57.041, Florida Statutes. *See* Order dated March 3, 2025, attached as **Exhibit A** to this Motion.

4. As detailed in the attached Declaration of Rachel E. Fugate, Mr. Wilson is seeking \$61,927.00 in attorneys' fees incurred in the trial court; \$99,030.00 for attorneys' fees incurred in the appellate court; and \$3,671.01 in costs. *See* **Exhibit B** ("Fugate Declaration"). Copies of all invoices, time records, supporting documentation for costs requested, and attorney records have been provided to Plaintiff's counsel along with service of this Motion.

5. As to trial court and appellate attorneys' fees, Mr. Wilson is seeking an award totaling \$160,957.00, which represents the amount of hours multiplied by Plaintiffs' counsel's 2023-2025 standard hourly rates (the "lodestar amount"). *Id.* Mr. Wilson is entitled to recover this lodestar amount pursuant to his fee agreement with his counsel, as detailed within the Fugate Declaration.

6. The hourly rates requested and the amount of attorneys' fees sought are reasonable and appropriate. *See* Declaration of Leonard M. Collins, attached as **Exhibit C** to this Motion.

7. Mr. Wilson also seeks taxable costs under Sections 768.295 and 57.041 of the Florida Statutes, and other relevant authorities, in the amount of \$3,671.01. *See* Collins Declaration at **Exhibit C**. Mr. Wilson also seeks to recover amounts paid to his attorneys' fee expert witness, Rachel E. Fugate, in an amount to be determined.

WHEREFORE, Defendant, Rick Wilson respectfully request this Court enter an order that awards him \$160,957.00 in attorneys' fees and \$3,671.01 in taxable costs, plus an award of the cost for Plaintiffs' expert witness (to be determined).

Respectfully submitted on March 3, 2025.

/s/ Leonard M. Collins

Leonard M. Collins (FBN: 423210)

GRAYROBINSON, P.A.

301 South Bronough Street, Suite 600

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Telephone: 850 577-9090

leonard.collins@gray-robinson.com

Attorney for Defendant, Rick Wilson

CERTIFICATE OF SERVICE

I certify that, on March 3, 2025, the foregoing document was furnished by email to all individuals identified on the Service List that follows.

/s/ Leonard M. Collins
Leonard M. Collins (FBN 423210)
GRAYROBINSON, P.A.

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Attorneys for Plaintiff, Michael T. Flynn

Exhibit A

IN THE TWELFTH JUDICIAL CIRCUIT COURT
IN AND FOR SARASOTA COUNTY, FLORIDA

MICHAEL T FLYNN,
Plaintiff,

v.

CASE NO. 2023 CA 004264 NC
DIVISION C CIRCUIT

JIM STEWARTSON,
RICK WILSON,
MEIDASTOUCH LLC,
Defendant.

**ORDER GRANTING
DEFENDANT WILSON'S MOTION
FOR TRIAL COURT ATTORNEY FEES AND COSTS
PURSUANT TO SECTION 768.295(4), FLORIDA STATUTES**

BEFORE THE COURT is Defendant Rick Wilson's Motion for Attorney Fees and Costs [DIN 90]. The basis for attorney fees and costs is section 768.295(4), Florida Statutes.


The Second District Court of Appeal has previously determined entitlement to appellate attorney fees under section 768.295(4) [DIN 121].

The Court finds Defendant Wilson is entitled to trial court attorney fees and costs under section 768.295(4) and therefore grants the motion.

The Court does not set the question of amount of those attorney fees and costs (or the appellate fees) to mediation at this time, pending resolution of entitlement to Defendant Wilson's contention that he is also entitled to attorney fees pursuant to section 57.105, Florida Statutes. Until that issue is resolved, the Court believes mediation would be premature.

By separate order, the Court will set a 1 hour hearing on the issue of entitlement to those section 57.105 attorney fees. At the conclusion of that hearing, and assuming the Court has ruled, the Court will then address how the Court will proceed on the amount of attorney fees and costs based on section 768.295(4).

DONE AND ORDERED in Sarasota, Sarasota County, Florida, on March 03, 2025.


3/3/2025 10:45 AM 2023 CA
004264 NC
e-Signed 3/3/2025 10:45 AM 2023 CA 004264 NC

HUNTER W CARROLL

SERVICE CERTIFICATE

On March 03, 2025, the Court caused the foregoing document to be served via the Clerk of Court's case management system, which served the following individuals via email (where indicated). On the same date, the Court also served a copy of the foregoing document via First Class U.S. Mail on the individuals who do not have an email address on file with the Clerk of Court.

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LEONARD M COLLINS
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Exhibit B

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA
CIVIL DIVISION**

MICHAEL T. FLYNN,

Plaintiff,

v.

Case No. 2023-CA-004264 NC

JIM STEWARTSON; RICK WILSON;
AND MEIDASTOUCH, LLC,

Defendants.

_____ /

DECLARATION OF RACHEL E. FUGATE

I, Rachel E. Fugate, hereby declare:

1. My name is Rachel E. Fugate, and I am a practicing attorney and founding partner of the law firm of Shullman Fugate PLLC in Tampa, Florida. My firm bio is attached hereto as **Exhibit A.**

2. I have been engaged on behalf of Defendant Rick Wilson in this action to render an opinion as to the reasonableness of the attorneys' fees Mr. Wilson incurred and seeks to recover for work performed in defending this action at the trial and appellate court levels.

3. I have no interest in the outcome of this case.

4. I make the following statements based upon my personal knowledge and my review of the billing invoices, court pleadings and papers, Declaration of Leonard M. Collins, Esq. in Support of Defendant Rick Wilson's Attorneys Fees and Costs, and other relevant information.

5. I am a member in good standing of the Florida Bar (FBN 144029) and have been a member continuously since 1998. In addition to Florida's state courts, I am admitted to practice before the U.S. District Courts for the Middle, Southern, and Northern Districts of Florida and the U.S. Court of Appeals for the Eleventh Circuit.

6. I received my bachelor of science degree in public relations in 1995 from the University of Florida. I earned my juris doctor, *magna cum laude*, in 1998 from Florida State University College of Law and was admitted to Order of the Coif and Order of Barristers.

7. From 1999 to 2006, I worked as a lawyer in the Media Department of Holland & Knight LLP. From 2006 to 2017, I was a partner in a media law boutique firm, Thomas & LoCicero PL. On May 31, 2017, I co-founded Shullman Fugate PLLC, which has a significant media law practice, and defending defamation claims is one of the firm's primary areas of concentration. The lawyers of Shullman Fugate are regularly sought out by local, state, and national media entities for our experience in defending defamation cases in Florida.

8. In 1999, I began working closely with media organizations and focused my practice on handling media-related litigation in Florida's state and federal courts. Throughout my twenty-six year legal career, I gained substantial experience defending defamation cases. During that time, I have been involved in over one hundred defamation cases in federal and state trial and appellate courts throughout Florida. Many of these cases resulted in reported decisions.

9. I have also extensively litigated Florida's anti-SLAPP statute. To date, I have filed at least nineteen anti-SLAPP motions that were either granted, remain pending, or the case otherwise resolved. Although most of the cases in which the anti-SLAPP motion was granted resolved before final judgment, I have obtained two final judgments awarding reasonable attorneys' fees in anti-SLAPP cases. Additionally, I filed an amicus brief on behalf of national and local news and media organizations in *Vericker v. Powell*, pending before the Florida Supreme Court on the issue of whether a defendant can pursue an interlocutory appeal following the denial of an anti-SLAPP motion.

10. I have been selected for inclusion in Florida Super Lawyers Magazine continuously since 2014, after five consecutive years as a “Rising Star.” I also have an AV rating with Martindale and a “Band 1” rating by Chambers in Media & Entertainment.

11. I am active in the First Amendment and media law community. I have served on the Governing Committee of the American Bar Association’s Forum on Communications Law. I am a past Vice Chair of the American Bar Association’s Section of Individual Rights & Responsibilities First Amendment Committee. I am the current co-chair of the Media Law Resource Center’s newsgathering committee. I am a current member, and Past-Chair, of the Media Law Committee of The Florida Bar and have co-chaired the Committee’s media law conference and reporter’s workshop.

12. I regularly appear on national panels discussing media law issues, including defamation, for the American Bar Association’s Forum on Communications Law, Practicing Law Institute, and Media Law Resource Center. I have conducted hundreds of client seminars on defamation issues.

13. I am highly familiar with the time and attention required to properly handle defamation cases similar to this case, including application of Florida’s anti-SLAPP statute, at both the trial and appellate levels. In my experience, defamation cases involving individual defendants are especially difficult. The defense of such cases is typically cost prohibitive to an individual and often financially crushing. Attorneys taking on such representation shoulder significant risk concerning payment of fees. In turn, individual defendants generally have trouble finding competent counsel to protect their First Amendment rights.

14. I am also familiar with the hourly rates charged by attorneys in defamation litigation cases in Florida. Defending defamation cases is a highly specialized area of the law that requires

knowledge of the common law, First Amendment constitutional principles that limit the defamation tort, and relevant statutes. Most litigators lack the expertise and experience required to competently defend defamation claims and, as a result, competent media law litigators command premium hourly rates not only in the Florida legal market but throughout the United States.

15. I am familiar with the excellent reputation of Gray Robinson and Leonard Collins, the lead lawyer for Mr. Wilson in this action, and have reviewed Mr. Collins bio, as well as the other Gray Robinson attorneys involved in this matter, in connection with my engagement.

16. I have reviewed the dockets in this matter and the underlying documents on file with this Court, the Second District Court of Appeal, and the Florida Supreme Court. I have also reviewed the billing records of Mr. Collins and his firm for their work on this litigation for the period of October 2023 through February 2025, reflecting the time worked on this matter by each attorney and paralegal, a description of the work performed, the amount of time spent on each such task, and the amount charged for each time entry based on the hourly rates for the professionals involved. And I have conferred with Mr. Collins on multiple occasions concerning this matter. Finally, I have reviewed the Declaration of Leonard M. Collins, Esq. in Support of Defendant Rick Wilson's Attorneys Fees and Costs.

17. I have considered these records and relevant information in evaluating the standards for determining a reasonable attorneys' fee under Rule 4-1.5(b) of the Florida Bar Rules of Professional Conduct and *Florida Patient's Compensation Fund v. Rowe*, 472 So. 2d 1145 (Fla. 1985), as modified by *Standard Guaranty Insurance Co. v. Quanstrom*, 555 So. 2d 828 (Fla. 1990).

18. I considered the following factors set forth in Rule 4-1.5(b) of the Rules Regulating the Florida Bar:

- a. The time and labor required, the novelty, complexity, and difficulty of the questions involved, and the skill required to perform the legal service properly;

- b. The likelihood that the acceptance of the particular employment will preclude other employment by the lawyer;
- c. The fee, or rate of fee, customarily charged in the locality for legal services of a comparable or similar nature;
- d. The significance of, or amount involved in, the subject matter of the representation, the responsibility involved in the representation and the results obtained;
- e. The time limitations imposed by the client or by the circumstances and, as between attorney and client, any additional or special time demands or requests of the attorney by the client;
- f. The nature and length of the professional relationship with the client;
- g. The experience, reputation, diligence, and ability of the lawyer or lawyers performing the service and the skill, expertise, or efficiency of effort reflected in the actual providing of such services; and
- h. Whether the fee is fixed or contingent, and, if fixed as to amount or rate, then whether the client's ability to pay rested to any significant degree on the outcome of the representation.

19. I considered the briefing and legal work in this case to be excellent, and the result obtained for Mr. Wilson to be exceptional. I consider the outcome to be particularly superb considering the complexity of a motion to dismiss and alternative motion for summary judgment under Florida's Anti-SLAPP standard.

20. As explained below, based on my view of the records and my knowledge of the legal issues in this case, I believe that the hourly rates charged and the amount of time spent to obtain the superior outcome in this case were reasonable.

21. Over the course of this matter, Gray Robinson charged Mr. Wilson a deeply discounted rate of \$550-580/hr. for the time of its lead counsel, shareholder Leonard Collins. Mr. Collins is a seasoned litigator who has deep roots in Florida law and politics and an excellent reputation throughout the State. He was assisted in this matter by special counsel Keith W. Rizzardi

(\$500-550/hr.) who also is an accomplished litigator, as well as a professor of Civil Procedure at Nova Southeastern Law School, and shareholder Thomasina F. Moore (\$425/hr.) who is board certified in appellate law. Vanessa Reichel, a Florida Registered Paralegal, was billed at \$300/hr. These rates fell well within the market rate for lawyers and legal professionals of comparable experience and skill in the Greater Tampa Bay Area legal market to handle a case of this nature.

22. Mr. Wilson seeks to recover attorney's fees of \$162,337.00 against the Plaintiff. In reaching this lodestar amount, Mr. Collins exercised billing judgment and reduced the time charged prior to preparing a final invoice. Mr. Collins then reviewed each time entry for reasonableness and accuracy and further excluded 5.1 hours related to a 57.105 motion (\$2,538.00), 28 hours for travel (\$16,240.00), and 25.8 hours in fees for fees (\$12,273.00), for a total reduction of \$31,051.00.

23. Mr. Collins was primarily responsible for this matter and worked 232.1 hours in both the trial and appellate courts. Mr. Collins worked the lion's share of time in the matter and his experience and knowledge resulted in significant efficiencies for the case and his client. When necessary, he was assisted by Mr. Rizzardi who spent 17.8 hours helping with procedural matters and Ms. Moore who worked 4.1 hours on appellate issues. Additionally, paralegal Vanessa Reichel spent 59.4 hours working on this matter. Given Ms. Reichel's experience and seniority, she likely saved significant attorney hours that would otherwise have been expended on the matter.

24. In my opinion—with the following exceptions—the amount of time spent on this matter was reasonable and necessary.

- 10/25/23: .2 hours entered by paralegal Vanessa Reichel for filing. This entry is clerical in nature.
- 10/27/23: .3 hours entered by paralegal Vanessa Reichel filing a notice of appearance. This entry is clerical in nature.


- 12/7/23: .2 hours entered by paralegal Vanessa Reichel for filing a motion for sanctions. This entry is clerical in nature.
- 12/13/23: .5 hours entered by paralegal Vanessa Reichel for finalizing and submitting materials to the court. This entry is clerical in nature.
- 12/14/23: .2 hours entered by paralegal Vanessa Reichel for filing a notice of hearing. This entry is clerical in nature.
- 1/3/24: .2 hours entered by paralegal Vanessa Reichel for filing a motion. This entry is clerical in nature.
- 1/3/24: .2 hours entered by paralegal Vanessa Reichel for filing a request for judicial notice. This entry is clerical in nature.
- 1/5/24: .2 hours entered by paralegal Vanessa Reichel for filing a motion for status conference. This entry is clerical in nature.
- 1/12/24: .3 hours entered by paralegal Vanessa Reichel for filing a notice of withdrawal. This entry is clerical in nature.
- 1/22/24: .2 hours entered by paralegal Vanessa Reichel for filing a notice. This entry is clerical in nature.
- 1/23/24: .4 hours entered by paralegal Vanessa Reichel for filing a notice. This entry is clerical in nature.
- 2/7/24: .3 hours entered by paralegal Vanessa Reichel for filing a notice of appearance. This entry is clerical in nature.
- 2/9/24: .2 (subtracted from .6) hours entered by paralegal Vanessa Reichel for filing a motion. This entry is clerical in nature.
- 2/9/24: .4 hours entered by paralegal Vanessa Reichel for filing and revising motion. This entry appears duplicative of another entry on this date.
- 2/19/24: .2 hours entered by paralegal Vanessa Reichel for filing a motion. This entry is clerical in nature.
- 12/20/24: .4 hours entered by paralegal Vanessa Reichel for filing a response. This entry is clerical in nature.
- 1/29/25: .2 hours entered by paralegal Vanessa Reichel for filing a brief. This entry is clerical in nature.

Accordingly, I deducted an additional 4.6 hours worked by Ms. Reichel (\$1,380.00). Applying this reduction, it is my opinion that a reasonable fee for the work in the trial and appellate courts in this matter is \$160,957.00.

25. Mr. Wilson has retained me as an expert witness in this action. My hourly rate in connection with this matter is \$625.

Under penalties of perjury, I declare that I have read the foregoing Declaration and that the facts stated in it are true.

DATED this 24th day of February 2025.



Rachel E. Fugate



Rachel E. Fugate

Phone: [\(813\) 935-5098](tel:8139355098)

Email: rfugate@shullmanfugate.com

[vCard](#)

Rachel Fugate is an experienced litigator and appellate lawyer. She has represented national media companies, local and regional newspapers and television stations, streaming services, book publishers, film producers, reality television programs, artists, and non-profit corporations. Rachel litigates with an emphasis on media, internet and First Amendment disputes. She defends publishers and broadcasters in complex defamation, invasion of privacy, and other content related claims and prosecutes actions for access to government information. As a commercial litigator, Rachel handles a variety of cases, including business torts, statutory causes of action, and breach of contract. As an appellate lawyer, Rachel has appeared before all Florida District Courts of Appeal and has argued matters before the Florida Supreme Court and Eleventh Circuit Court of Appeals. With a content-related focus, she has prepared amicus briefs on issues ranging from satire as fair use to the abolishment of false light in Florida and has filed numerous emergency certiorari petitions for access to government records.

Rachel's practice also concentrates on preventive litigation measures. On a daily basis, she provides newsroom counsel services and advice on a variety of content related issues and publication practices, including newsgathering advice, pre-broadcast and pre-publication review, content clearance, fair use review and analysis, and responses to retraction demands and subpoenas.

Rachel is a member of the American Bar Association's Forum on Communications Law, where she has served on the Governing Committee and several sub-committees. She is also a member and former Chair of the Media Law Committee of The Florida Bar. Rachel is a past Vice Chair of the American Bar Association's Section of Individual Rights & Responsibilities First Amendment Committee.

Education

- JD, *magna cum laude*, Florida State University, 1998
- BS, University of Florida, 1995

Bar Admissions

- Florida
- U.S. District Court for the Middle District of Florida
- U.S. District Court for the Southern District of Florida
- U.S. District Court for the Northern District of Florida
- U.S. Court of Appeals for the 11th Circuit

Recognition

- Rated AV Preeminent by Martindale-Hubbell
- Florida Super Lawyers (2014-2023)
- Florida Super Lawyers Rising Stars (2009-2013)
- "Band 1" Rating by Chambers USA Guide for Media & Entertainment (2023 - 2024)

Speaking & Media

- Speaker, Media Lawyers Q&A, Investigative Reporters and Editors National Conference (2023)
- Quoted or testimony referenced regarding proposed libel legislation in Florida. "[Right-Wing Media Splits From DeSantis on Press Protections](#)" (April 2, 2023); "[Bill easing defamation lawsuits against journalists, media outlets heads to final Senate panel](#)" (March 22, 2023);
- Moderator, First Amendment Follies in Florida: MLRC Latin American Media Law Conference (2023).
- Lead Facilitator, Hot Issues in Libel & Privacy: ABA Forum on Communications Law 27th Annual Conference (2022)
- Presenter, Barbarians at the Gate - When you can expect to hear from the media attorneys: FCPIO Professional Education Conference (2022)
- Interviewed by The Intercept concerning the First Amendment implications of Governor DeSantis's attacks on Disney. "[Florida Gov. Ron DeSantis's Attacks on Disney May Violate First Amendment](#)" (April 23, 2022)
- Panel Speaker, Different Types of Media and It's Lawyers: ABA Forum on Communications Law, "How to be a Media Lawyer" Initiative (2021)
- Panel Speaker, Access: Practicing Law Institute's Communications Law in the Digital Age (2020)
- Panel Speaker, Newsgathering and Privacy Liability: Practicing Law Institute's Communications Law in the Digital Age (2019)
- Presenter, Top 10 Reasons You Would Hear From A Media Attorney: FCPIO Professional Education Conference (2019)
- Panel speaker, Newsgathering and Privacy Liability: Practicing Law Institute's Communications Law in the Digital Age (2018)
- Speaker, Copyright/Digital Workshop: Investigative Reporters and Editors National Conference (2018)
- Panel speaker, Women Charting Their Own Paths in Communications Law: ABA Forum on Communications Law 37th Annual Representing Your Local Broadcaster (2018)
- Panel speaker, Hot Issues in Reporter's Privilege: ABA Forum on Communications Law 23rd Annual Conference (2018)
- Panel speaker, Defamation and Related Claims: Practicing Law Institute's Communications Law in the Digital Age (2017)
- Panel speaker, Fake News: Florida Bar Reporter's Workshop (2017)
- Speaker, Defamation and Invasion of Privacy: Public Radio and News Directors' Annual Conference (2017)
- Quoted by The New York Times regarding the court's order releasing 911 recordings of the Pulse nightclub shooting. "[911 Recordings of Gunman During Orlando Nightclub Siege Are Released](#)" (October 31, 2016).
- Interviewed by WKMG regarding access to University of Central Florida's coaching contracts. "[UCF keeps O'Leary investigation records secret — UCF: Discrimination investigative report is 'not UCF business'](#)" (October 21, 2015).
- Quoted by CBS News concerning access issues in the George Zimmerman criminal case. "[George Zimmerman Trial: Witnesses must testify publicly, judge rules](#)" (June 6, 2013).

- Quoted by CNN concerning access to names of jurors from Casey Anthony criminal case. "[Should Casey Anthony jurors' names be released?](#)" (July 7, 2011).
- Interviewed by The New York Times regarding the newspaper's review of ballots after the 2000 Presidential election. "[EXAMINING THE VOTE: THE METHOD; How the Consortium of News Organizations Conducted the Ballot Review](#)" (November 12, 2001).

Publications

- Co-Author, Free Speech in the "Free State," MLRC Bulletin: Supreme Court and First Amendment Developments (July 2023).
- Co-Author, Access to Juvenile Records & Proceedings, Reporter's Handbook, The Florida Bar.
- Co-Author, Proposed Florida Defamation Legislation, MLRC MediaLawLetter (June 2023)
- Co-Author, Cloud Over 2004 Hurricane Relief Aid Finally Lifts as Appellate Court Tells FEMA to Hand Over Addresses, MLRC MediaLawLetter (June 2007).
- Co-Author, Anatomy of a First Amendment Retaliation Claim, MLRC MediaLawLetter (December 2005).
- Co-Author, CNN Sues Florida for Copy of Suspected Felon List, MLRC MediaLawLetter (June 2004).
- Author, Choppy Waters are Forecast for Academic Free Speech, 26 Fla. St. U. L. Rev. 187 (1998).
- Author, The Florida Constitution: Still Protector of Citizens' Rights?, 25 Fla. St. U. L. Rev. 87 (1997).

Practice Areas

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Exhibit C

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA**

MICHAEL T. FLYNN,

Plaintiff,

v.

Case No. 2023-CA-004264 NC
Division: C Circuit Civil

JIM STEWARTSON, *et al.*,

Defendants.

_____ /

**DECLARATION OF LEONARD M. COLLINS, ESQ. IN SUPPORT OF
DEFENDANT RICK WILSON'S ATTORNEYS FEES AND COSTS**

I, Leonard M. Collins, hereby declare under penalty of perjury as follows:

1. My name is Leonard M. Collins, and I am an attorney licensed in the State of Florida. I have been admitted to practice law in Florida continuously since 2000. I am also admitted to practice before the United States District Courts in the Southern, Middle, and Northern Districts of Florida, in the United States Court of Appeals, Eleventh Circuit, and the United States Court of Claims. I am a member of the Florida Bar.

2. I completed my undergraduate studies at Florida International University in 1996 and graduated from Nova Southeastern Law School in 2000.

3. From 2000 to 2001 I served as an assistant state attorney in the Eleventh Judicial Circuit. From 2001 to 2004, I worked as an associate at Cole Scott & Kissane, in Miami. In 2006, I was appointed to serve as the Parliamentarian of the Florida House of Representatives. In 2010, I was appointed to serve as General Counsel to U.S. Senator Marco Rubio. In 2013, I became of counsel with Broad and Cassel (which later was acquired by Nelson Mullins). In 2020, I became a shareholder at Gray Robinson in Tallahassee.

4. Rick Wilson retained the Gray Robinson law firm in 2023 in connection with the lawsuit filed against him by Michael T. Flynn.

Attorneys' Fees and Costs

5. My law firm, Gray Robinson, P.A., was engaged to defend against Michael T. Flynn's allegations in Case number 2023-CA-004264 NC.

6. The nature and seriousness of Flynn's filings as they relate to First Amendment rights were significant and required effort on our part, both in preparing the Anti-SLAPP motions to dismiss and for summary judgment and in dealing with the appeal filed by Flynn at the Second District and the Petition to invoke conflict jurisdiction with the Florida Supreme Court.

7. Should the Court reduce the hourly rates or amount of hours sought, Gray Robinson is entitled to a multiplier because of the nature of this matter, the risk of non-payment, the legal skills involved, the rejection of other legal work, and the result achieved.

Attorney Involvement

8. The efforts of several lawyers were required to litigate this important case which concerns fundamental first amendment rights and the right to be left alone from frivolous suits brought primarily because a party engaged in first amendment speech. I worked as lead counsel on the case. From time to time, it became necessary to bring in my colleague Keith Rizzardi, who is a professor of Civil Procedure at Nova Southeastern Law School and Thomasina Moore, who is board certified in appellate law. I would primarily draft a particular filing and I am the only one of us who appeared at hearings. Because of the complexity of the legal and factual questions which arose, from time to time we worked collaboratively to meet various deadlines; research, prepare, and file motions and memoranda adequately addressing the legal issues before the Court; keep Mr. Wilson informed; and communicate with opposing counsel as necessary.

9. As discussed above, I was primarily responsible for developing the legal strategy for this case, as well as preparing the legal memoranda on the primary issues. Mr. Rizzardi assisted concerning the Anti-SLAPP motion and civil procedure issues related to the Motion for Summary Judgment and failure of any response by Flynn and the implications of the same. Ms. Moore assisted me in the preparation of attempting to expedite the appeal under the Anti-SLAPP statute.

10. All time entries and narratives were contemporaneously recorded by each timekeeper directly into a software application used by the firm. We have utilized sound “billing judgment” in seeking payment for time consistent with the billing procedures that we routinely utilize with full-paying clients, and reduced the time charged even prior to preparing a final invoice. Additionally, in connection with this motion for determination of amount of attorneys’ fees to be awarded, we reviewed each time entry for reasonableness and accuracy and made further reductions to the lodestar as outlined herein.

11. Based on my 25 years of experience practicing law the bulk of which has been in litigation dealing with governmental entities and in addressing constitutional law, my familiarity with rates charged by law firms for this type of work, it is my opinion that the hourly rates charged here are at or below market and thus more than reasonable given the rates charged for such matters by lawyers of reasonably comparable experience, skill, and reputation.

12. The rates sought in this Motion are significantly below standard rates for me in 2025.

13. The Firm’s invoices include a detailed breakdown of time entries by timekeeper, which were prepared from the Firms’ billing records. These time entries and narratives truly and accurately reflect the tasks our Firm performed and the time we spent pursuing this action.

14. After excluding time as a result of exercising billing judgment, we reviewed our bills in order to exclude time that is not otherwise recoverable under §768.295(4), Florida Statutes. We have specifically identified time spent traveling, time spent preparing the 57.105 motion (which is recoverable, but not under this section and is not addressed in this filing), time spent this filing and better understanding applicable law relative to the recovery of attorneys fees.

15. After reviewing time to remove entries for travel, we do not seek reimbursement for travel on December 18 (5 hours) or 19 (5 hours), January 18 (5 hours) and 19 (5 hours) or for travel on appeal September 9 (4 hours) and 10 (4 hours) --- a deduction of 28 hours (\$16,240 in fees). This is time that was incurred and will otherwise be paid by Mr. Wilson but is otherwise not recoverable here.

16. With regard to attorneys' fees and the process of obtaining the same, we deducted 16.1 hours of my time, 4.4 hours for Vanessa Reichel, .5 hours for Keith Rizzardi and 5 hours spent by our associate Christina Epperson in the February 7, 2025, bill. This represents a cut of \$12,333.00 to the February 7, 2025, bill.

17. All in all, we have excluded 5.1 hours on the 57.105 motion (\$2,538.00), 28 hours for travel (\$16,240.00), 25.8 hours in fees for fees (\$12,333.00), a total of \$31,111.00 reductions to our bill.

18. Based on my experience, it is my opinion that the time spent pursuing this case was reasonably and necessarily expended because of the significant public concern relative to the first amendment and significant public interest in ensuring that the legal system is not abused to punish political opponents with frivolous lawsuits.

19. We also have obtained an opinion from Rachel E. Fugate a partner at the law firm, Shullman Fugate who is a highly respected litigator with experience in first amendment and Anti SLAPP litigation, regarding the reasonableness of the hourly rates and time spent for the prosecution of this matter. Her declaration has been concurrently filed together with mine.

20. We initially sought attorneys' fees for the total lodestar amount of \$162,337.00 which represents 313.4 hours expended at the Firm's standard hourly rates, but Ms. Fugate reviewed our bills and further cut, reducing the bill to \$160,957.00, 308.8 hours at the firm's standard hourly rates.

21. Upon request, we will serve counsel for Michael T. Flynn with a list of all the costs sought and their corresponding invoices in this matter, which consist primarily of court reporter fees, process server costs, and travel costs total \$2,898.12 for trial and \$772.89 for the appeal.

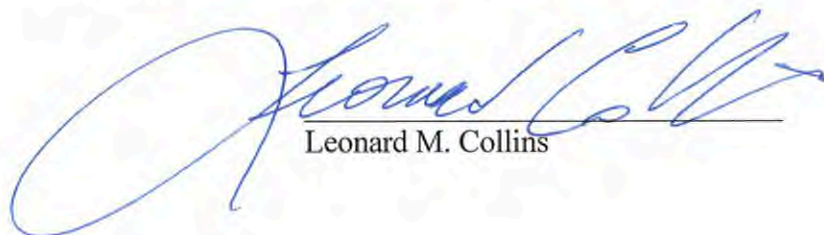
22. Mr. Wilson also will, at the appropriate time, seek reimbursement for the costs of his expert, Ms. Fugate.

23. Based on my experience, it is my opinion that the time spent successfully pursuing Mr. Wilson's defense to Flynn's allegations and pursuing his Anti-SLAPP claim in this case was reasonably and necessarily expended.

24. In conclusion, this Court should award attorneys' fees in the amount of \$160,957.00, for trial and appeal. The Court should award \$3,671.01 in costs. The total award for attorneys' fees and costs is \$164,628.01.

I DECLARE UNDER PENALTY OF PERJURY THAT I HAVE READ THE FOREGOING DOCUMENT AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Executed this 3rd day of March 2025 in Tallahassee, Florida.



Leonard M. Collins