

ORIGINAL FILED

JAN 30 2004

LARRY W. PROPPES, CLERK  
U. S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON DIVISION

FRANKLIN E. CLARK  
*on behalf of himself*  
*and all other similarly situated,*

Plaintiffs,

- against -

EXPERIAN INFORMATION  
SOLUTIONS, INC.

Defendants.

Civil Action No. 8-00-CV-1217-22

-----X  
FRANKLIN E. CLARK and  
LATANJALA DENISE MILLER  
*on behalf of themselves*  
*and all other similarly situated,*

Plaintiffs,

- against -

EQUIFAX, INC., and  
EQUIFAX CREDIT INFORMATION  
SERVICES, INC.,

Defendants.

Civil Action No. 8-00-CV-1218-22 ✓

-----X  
FRANKLIN E. CLARK  
*on behalf of himself*  
*and all other similarly situated,*

Plaintiffs,

- against -

TRANS UNION CORPORATION  
and TRANS UNION L.L.C.,

Defendants.

Civil Action No. 8-00-CV-1219-22

-----X  
DECLARATION OF HON. J. CORDELL MADDOX, JR.  
IN SUPPORT OF PLAINTIFFS' APPLICATION FOR  
ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES

352

I, J. Cordell Maddox, Jr., make this Declaration pursuant to 28 U.S.C. § 1746. I declare:

1. My name is J. Cordell Maddox, Jr. I am over the age of 18 and I am competent to give testimony. The statements contained within this declaration are based upon my own personal knowledge and are true and correct.

2. I was involved in this litigation on a limited basis from December 1999 until February 7, 2002. On February 8, 2002, I was elected as an at-large Circuit Court Judge by the South Carolina legislature.

3. I have spent a total amount of 253.55 hours on these cases,<sup>1</sup> broken down as follows:

- Time from Pre-Certification through 6/3/02 - 253.55 hours
- Time from 6/4/02 through 9/24/03 - ----- hours
- Time from 9/25/03 through 1/12/04 - ----- hours
- Time from 1/13/04 to the present - ----- hours

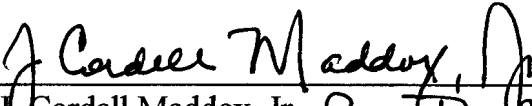
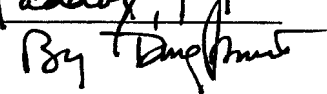
**Total: 253.55 hours**

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<sup>1</sup> See Time Records of J. Cordell Maddox attached hereto as Exhibit "A."

3. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this \_\_\_\_\_ day of January, 2004.

  
\_\_\_\_\_  
J. Cordell Maddox, Jr. By 

TIME RECORDS FOR TIMEKEEPER: CORDELL MADDOX, ATTORNEY

	HOURS
01/14/00 Phone conference with Doug Smith and Jeff Casurella.	1.20
01/17/00 Office conference with Bill Mullen.	3.30
01/24/00 Review draft pleadings sent by Doug Smith	1.50
02/22/00 Review further revisions to pleadings and discovery requests sent by Doug Smith.	1.75
03/06/00 Receipt and review of final draft of complaint for filing.	1.60
03/10/00 Work on discovery requests.	2.00
04/21/00 Receipt and review of copy of filed Summons and Complaint and 16B Interrogatories.	1.50
05/01/00 Received Scheduling Order from Doug Smith, review of same.	0.50
05/11/00 Review of Blum letter from Doug Smith, re: Experian's request for extension of time	2.50
05/12/00 Review of Friedline letter sent by Doug Smith	1.70
06/14/00 Received copy of Answer to Complaint by defendant Experian, review of same.	2.50
06/14/00 Review copy of letter from Beth McMillan re: Experian's Answer and Defenses from Doug Smith, review same.	0.50
06/19/00 Phone conference with Doug Smith.	0.50
06/23/00 Review copy of Trans Union's Answer to complaint. Sent fax to Doug Smith; received fax from Doug Smith re: McMillan letter re: 26:12 statement, Review same.	2.50
07/03/00 Review Order sent by Court re: granting pro hac vice motion - Jeff Casurella	0.50
07/07/00 Review copy of letter from Walt Tollison to Doug Smith re: class certification and scheduling order	0.50
07/11/00 Travel to Spartanburg, conference with Doug Smith.	4.20

07/13/00	Review draft of Motion for Class Certification. Review Experian's Answers to 16b Interrogatories	3.20
07/14/00	Review copy of letter from Beth McMillan re: Experian's answer to 26.06 Interrogatories	0.50
07/18/00	Review copy of letter from Lewis Perling sent by Doug Smith	0.50
07/21/00	Review draft of Memorandum in Support of Class Certification sent by Doug Smith	2.00
07/26/00	Review copy of letter from Bruce Farlow re: scheduling order; review copy of letter from Beth McMillan re: pro hac vice motions for Doak and Farlow and review motions.	1.00
07/27/00	Phone conference with Doug Smith, re: Scheduling Order; phone conference w/co counsel	2.00
07/28/00	Phone conference with Doug Smith; review copy of letter from McMillan re: verifications to interrogatories, receipt and review of letter from Doug Smith to Beth McMillan re: amended scheduling order.	2.20
07/31/00	Phone conference with Doug Smith.	0.50
08/01/00	Phone conference with Doug Smith re: amending complaint.	1.00
08/03/00	Receipt of Order sent by Court granting pro hac vice - Farlow	0.20
08/09/00	Phone conference with Doug Smith, re: his discussions with co-counsel, scheduling order and research.	1.20
08/10/00	Receipt and review of final revisions to Motion for Class Certification, review of letter from Court re:Amended Scheduling Order	2.30
08/15/00	Review of several cases sent by Doug Smith.	2.00
08/15/00	Phone conference w/co counsel.	1.50
08/18/00	Receipt of copy of letter from Jim Merritt re: extension of time, review same.	0.25
08/21/00	Review of Amended Scheduling Order sent to counsel.	0.75
	Review copy of letter from Jim Merritt.	0.25
08/23/00	Review copy Consent Order filed by Equifax; Phone conference with co-counsel.	1.20

08/24/00	Review copy of Motion filed by Experian re: extension.	0.50
08/28/00	Telephone conference w/ co-counsel	0.50
08/31/00	Review copy of letter to Walt Tollison sent by Doug Smith; review Notice of Hearing sent By the Court.	0.50
09/01/00	Review notice from Court re: telephone conference with regard to motion for reconsideration.	0.50
09/04/00	Review copies of interrogatories and requests for production from Experian faxed by Doug Smith's office.	1.50
09/05/00	Review of Notice sent by the Court canceling hearing.	0.10
09/06/00	Review of Amended Scheduling Order sent by Court; receipt of fax correspondence by Doug Smith; phone conference with Doug Smith and Jeff Casurella.	2.20
	Review copy of letter to Doug Smith from Walt Tollison re: telephone conference with Judge Seymour's Clerk; review copy of Franklin Clark's deposition.	1.40
09/07/00	Review copy of letter from Bernie Ellis re: interrogatories and production Requests faxed by Doug Smith's office.	0.50
09/12/00	Review of draft of plaintiffs' responses to discovery requests posed by Equifax and Experian; review copy of letter from Jim Merritt re: interrogatories faxed by Doug Smith	1.25
09/15/00	Review copy of letter from Defendants to Clerk of Court re: discovery responses; review copy of letter to Walt Tollison and responses to discovery sent by Doug Smith's office.	1.00
09/18/00	Phone conference with Doug Smith and Jeff Casurella.	1.50
09/19/00	Review copy of letter from Walt Tollison faxed by Doug Smith, re: depositions	0.50
09/20/00	Phone conference with Doug Smith and Jeff Casurella; phone conference with Doug Smith re: plaintiff's interrogatories; Review copy of letter to Bernie Ellis re: Answers To discovery requests sent by Doug Smith	2.70

09/25/00	Review of draft of Plaintiffs' Interrogatories and Request for Production sent by Doug Smith.	2.00
	Review copy of letter to Jim Merritt re: Discovery preparation faxed by Doug Smith's office.	0.50
	Review copy of letter from Beth McMillan faxed by Doug Smith's office re: verification to discovery and review of verifications	0.50
09/29/00	Review copies of letters sent by Doug Smith, to Jim Merritt and from Beth McMillan re: Miller-Clark depositions	0.50
10/02/00	Review copy of letter to Bernie Ellis re: Interrogatories	0.50
10/04/00	Review copy of letter from Walt Tollison re: discovery defenses	1.00
10/05/00	Review of Order sent by Court re: extension of time for Defendants to file response.	0.20
	Review of letter sent by Doug Smith to Walt Tollison re: discovery defenses	0.50
10/10/00	Review copy of letters to Jim Merritt and Walt Tollison re: verification of discovery responses	0.50
10/13/00	Review copy of Trans Union's Answers to 16 b Interrogatories.	1.50
10/17/00	Prepare for depositions of Clark and Miller.	1.40
10/18/00	Attended deposition of Miller and Clark in Greenville, travel to and from Greenville.	4.40
10/26/00	Conference call with Jerre Doak and co-counsel.	1.50
	Review letter sent by Doug Smith to Doak re: discovery requests.	0.40
	Review copy of letter from Doak to Doug Smith re: discovery.	0.25
11/09/00	Conference call with Doak and co-counsel re: class certification discovery.	1.10
11/13/00	Receipt of fax from Doug Smith including letter from Doak re: discovery limitation.	0.40
11/16/00	Receipt of copies of Experian's responses to discovery, review same	1.20

11/17/00	Review copy of letter from Trans Union re: Interrogatories.	0.75
	Review copy of letter from Beth McMillan re: responses to discovery requests.	0.75
11/20/00	Review of Order sent by Court re: reset motion hearing.	0.20
11/24/00	Review copy of correspondence from Walt Tollison, including Defendants' Joint Brief & Appendix.	3.40
11/24/00	Further review of Defendants' joint brief and appendix; telephone conference w/co-counsel.	2.40
11/25/00	Phone conference w/co-counsel.	1.40
11/27/00	Review defendant's memorandum in opposition to class certification.	2.00
	Receipt and review of Order sent by Court re: Defendants' brief exceeding page limit	0.20
	Review copy of letter from Brian Farlow re: interrogatory responses	0.50
	Review of Experian's discovery responses	0.75
	Review copy of letter from Beth McMillan Faxed by Doug Smith's office	0.50
12/07/00	Review of letter sent to Clerk of Court re: consent order for extension to file reply to joint opposition	0.60
12/11/00	Review of Order sent to counsel extending time to file reply brief; research.	0.75
12/12/00	Travel to Columbia; meeting with Sue Berkowitz, Doug Smith, Jeff Casurella and Bill Mullen.	9.00
12/19/00	Review of 2 <sup>nd</sup> and 3 <sup>rd</sup> drafts of Reply, sent by Doug Smith	2.50
12/20/00	Finalize reply brief.	6.50
	Telephone conference w/Beth McMillan; Telephone conference w/Casurella	0.50
	Letters to defense counsel;	1.00
12/22/00	Review of final Reply brief and appendix, filed with the court and sent by Doug Smith	3.50

01/01/01	Review of Defendants' Motion to file further reply brief.	1.50
01/04/01	Review case sent by Doug Smith re: "tobacco" litigation class denial order; telephone conference with Doug Smith and Jeff Casurella	3.50
01/05/01	Review of Trans Union's motion for leave to file further brief in opposition to class certification	1.50
01/09/01	Review of Order sent to counsel granting leave to file further reply	0.75
01/24/01	Receipt and review of Notice of Hearing sent to counsel	0.50
01/25/01	Receipt and review of notice from Court on hearing date.	0.75
01/29/01	Review of Notice of Hearing sent to counsel	0.50
01/30/01	Review Order sent to counsel granting extension to file reply brief	0.50
02/05/01	Review of documents in preparation for hearing on class certification; research.	4.00
02/09/01	Receipt and review of first draft of outline for class certification presentation from Doug Smith	2.30
02/12/01	Preparation for certification hearing	2.50
02/15/01	Review of documents provided by Bill Mullen	2.50
02/16/01	Phone conference with Doug Smith, Jeff Casurella and Bill Mullen in preparation for class certification hearing.	2.50
	Telephone conference w/Doug Smith	1.00
02/17/01	Preparation for class certification hearing; phone conference with co-counsel.	4.00
02/19/01	Preparation for class certification hearing; phone conference with co-counsel.	2.70
02/20/01	Travel to Spartanburg, meeting with Doug Smith, Jeff Casurella and Bill Mullen; final preparation For hearing, Attended hearing in Federal Court for class certification motion.	9.50
	Conference with co-counsel at Doug Smith's office	2.00

02/23/01	Review cases in support re: res judicata ; received email from Doug Smith	5.00
02/27/01	Review Affidavits of Pat Young and Janet Mullins sent by Doug Smith	2.00
03/06/01	Review of letter from Beth McMillan faxed by Doug Smith	0.50
03/07/01	Review of Defendants' cases cited in brief	2.70
03/13/01	Review copy of letter to Beth McMillan re: class size	0.50
03/16/01	Review of letter from Beth McMillan re: Plaintiffs' response;	0.70
03/19/01	Review of Order sent to counsel denying 1st class certification motion	1.30
03/23/01	Receipt and review of Notice of Hearing sent to counsel re: bar meeting;	0.30
03/26/01	Review draft of Motion to Reconsider	1.20
03/29/01	Receipt of final Motion to Reconsider and Memorandum in support, review same	2.50
03/30/01	Review copy of Letter from Lewis Perling	0.60
04/04/01	Receipt and review of Motion to Amend Complaint sent by Doug Smith	1.50
04/09/01	Review copy of letter from Beth McMillan; review of Joint Memo in Opposition of Motion for Reconsideration	1.70
04/11/01	Review letter from Beth McMillan and consent order re: continuance.	0.75
04/16/01	Review Order for Continuance sent to counsel	0.50
04/24/01	Review Defendants' Memorandum in Opposition	2.00
04/30/01	Received email from Doug Smith	0.30
05/22/01	Review Defendants' responses to motion to file revised amended complaint.	2.20
06/04/01	Review draft of Memorandum in Support - Revised Amended Complaint received from Doug Smith	2.20
06/26/01	Receipt and review of Order sent to counsel Denying Motion for Reconsideration; telephone conference with co-counsel.	2.50

07/09/01	Receipt and review of Notice of Hearing sent to counsel re: revised amended complaint	0.75
07/20/01	Preparation for motion hearing	3.50
07/21/01	Further preparation for motion hearing	2.10
07/23/01	Travel to Spartanburg, attended hearing on amending complaint.	6.50
07/30/01	Review Order sent to counsel	0.25
08/09/01	Review copy of letter to Judge Seymour re: scheduling hearing;	0.50
08/13/01	Review copy of letter from Lewis Perling re: Latanjala Miller.	0.50
08/14/01	Review copy of letter from Walt Tollison	0.25
	Phone conference call with co-counsel	2.50
08/16/01	Review copy of letter from Walt Tolleson and Defendants' answer to amended complaint	3.20
08/23/01	Receipt and review of Notice of Hearing sent to counsel;	0.50
08/29/01	Review copy of letter from Jim Merritt with Trans Union's answer to amended complaint	2.60
09/05/01	Receipt and review of Notice of Hearing sent to counsel	0.25
09/11/01	Phone conference with co-counsel; Conference call Scheduling Conference.	4.00
09/19/01	Review copy of letter to Judge Seymour from Doug Smith; telephone conference with co-counsel;	2.30
09/26/01	Received email from Doug Smith re: Mrs. Clark	0.50
10/08/01	Phone conference with co-counsel	2.50
10/16/01	Review copy of letter from Walt Tolleson re: discovery	0.30
10/21/01	Notice of Hearing - Bar Meeting sent to counsel	0.50
10/23/01	Review copy of letter from Walt Tolleson; Telephone conference w/co-counsel; review draft of Case Management Order	3.20

10/24/01	Review final draft of Case Management Order and copy of letter to Walt Tolleson, sent by Doug Smith's office	1.00
11/05/01	Telephone conference with co-counsel	1.50
11/06/01	Review of letter to Walt Tolleson re: discovery and roster meeting.	0.80
11/08/01	Review copy of letter from Beth McMillan re: roster meeting	0.50
11/09/01	Review of Notice of Continuance sent to counsel	0.50
11/27/01	Review copy of letter from Beth McMillan; phone conference with Doug Smith and Bill Mullen	1.80
12/13/01	Phone conference with Doug Smith and Jeff Casurella	1.50
01/14/02	Review copy of letter from Beth McMillan and review Equifax's responses to interrogatories	2.20
01/18/02	Review copies of correspondence to Bernie Ellis re: discovery and Jim Merritt re: responses faxed by Doug Smith's office	0.80
01/24/02	Review Notice of Hearing - Bar Meeting sent to counsel	0.50
01/28/02	Email from Jeff Casurella, re: Dalton and Cassara Cases.	1.00
01/29/02	Review copy of letter from Beth McMillan re: verification to interrogatories	0.50
01/31/02	Review copy of letter to Jim Merritt re: scheduling order.	0.50
02/01/02	Review copy of letter to Beth McMillan from Doug Smith re: my removal as one of Plaintiffs' Counsel of record	0.50
02/19/02	Receipt of Agreed Case Management Order sent to counsel.	0.70
03/15/02	Travel to Spartanburg, meeting with Doug Smith and Bill Mullen, re: wind up of participation in case.	6.50
03/21/02	Telephone conference with Doug Smith	1.10

TOTAL HOURS:

10/24/01	Review final draft of Case Management Order and copy of letter to Walt Tolleson, sent by Doug Smith's office	1.00
11/05/01	Telephone conference with co-counsel	1.50
11/06/01	Review of letter to Walt Tolleson re: discovery and roster meeting.	0.80
11/08/01	Review copy of letter from Beth McMillan re: roster meeting	0.50
11/09/01	Review of Notice of Continuance sent to counsel	0.50
11/27/01	Review copy of letter from Beth McMillan; phone conference with Doug Smith and Bill Mullen	1.80
12/13/01	Phone conference with Doug Smith and Jeff Casurella	1.50
01/14/02	Review copy of letter from Beth McMillan and review Equifax's responses to interrogatories	2.20
01/18/02	Review copies of correspondence to Bernie Ellis re: discovery and Jim Merritt re: responses faxed by Doug Smith's office	0.80
01/24/02	Review Notice of Hearing - Bar Meeting sent to counsel	0.50
01/28/02	Email from Jeff Casurella, re: Dalton and Cassara Cases.	1.00
01/29/02	Review copy of letter from Beth McMillan re: verification to interrogatories	0.50
01/31/02	Review copy of letter to Jim Merritt re: scheduling order.	0.50
02/01/02	Review copy of letter to Beth McMillan from Doug Smith re: my removal as one of Plaintiffs' Counsel of record	0.50
02/19/02	Receipt of Agreed Case Management Order sent to counsel.	0.70
03/15/02	Travel to Spartanburg, meeting with Doug Smith and Bill Mullen, re: wind up of participation in case.	6.50
03/21/02	Telephone conference with Doug Smith	1.10
TOTAL HOURS:		253.55