



Association (“OEA”). I have been employed by the OEA as a lawyer since January, 1984, and in that capacity my duties have included representing education employees in termination hearings, civil rights litigation, and other disputes involving labor and employment litigation as well as representing the OEA in its corporate capacity as an employer and non-profit corporation in Oklahoma.

4. In my position as a lawyer for the OEA, I am allowed to maintain a limited private practice wherein I am able to litigate cases as a private lawyer in private practice and in that capacity I engage in civil rights litigation, employment law litigation, and other plaintiff oriented litigation in state and federal trial and appellate courts.

5. As General Counsel for the OEA, I have become familiar with the typical and normal hourly rates of attorneys practicing in the area of civil rights and employment law, and general civil litigation in the Oklahoma City and Tulsa geographic areas, particularly in federal litigation. This knowledge is based in part on my in-house responsibility on behalf of the OEA in representing education employees who are members of the OEA in such litigation. Additionally, the OEA on occasion retains outside counsel (counsel not directly employed by the OEA) to handle specific cases. In those instances, I retain those lawyers as outside counsel on behalf of the OEA and review and approve the billing submitted by those counsel.

6. In my position as the General Counsel for the OEA, I also participate in the selection of defense counsel for OEA members who are accused of wrongdoing in their

employment and have professional liability coverage under insurance policies maintained by the OEA on behalf of its members.

7. As General Counsel for the OEA, I also represent the OEA in its corporate capacity for corporate and related legal issues. The OEA on occasion retains counsel to represent the corporate entity to handle general corporate or employment related legal issues. In those instances, I retain those lawyers as outside counsel on behalf of the OEA and review and approve the billings submitted by those counsel.

8. Based upon my knowledge of lawyers in the Oklahoma City and Tulsa geographic areas that engage in civil litigation, my direct experience in litigating cases on behalf of OEA members, my direct experience in litigating cases in my limited private practice,<sup>1</sup> and my direct experience on behalf of the OEA and the insurance carriers who provide coverage to our members and to the OEA, it is my belief that the non-contingent hourly rate charged by attorneys participating in civil litigation ranges from \$150 to \$370 per hour depending on the reputation, experience and skill of the attorney in question. The OEA, and its associated insurance carriers, have paid hourly rates within that market in the Oklahoma City and Tulsa geographic areas for civil rights litigation, employment related litigation, corporate related litigation, and general civil litigation in state and federal

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<sup>1</sup>As a lawyer who has concentrated his practice in public and private sector employment law, civil rights litigation, and general plaintiff oriented civil litigation since 1984, my normal non-contingent hourly rate charged for litigating civil rights, employment law cases, and other plaintiff oriented civil litigation in my limited private practice is between the range of \$175 to \$250 per hour, depending upon the nature of the claims, the complexity of the issues, and the judicial forum where the claims will be adjudicated.

courts.

9. I have reviewed the detailed billing statements of defense counsel, Marilyn D. Barringer-Thomson, in the captioned cause and am familiar with the nature of, and issues presented, in this litigation.

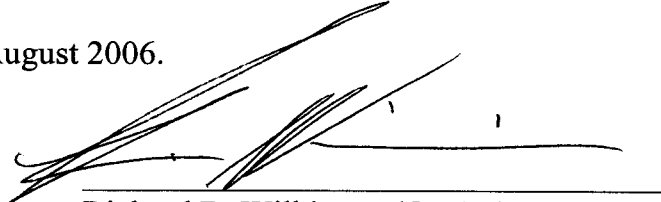
10. I am also familiar with the experience, background, reputation, and skill of Ms. Barringer-Thomson in litigating civil claims and in state and federal courts and believe that compensation at a minimum hourly rate of \$200 per hour is a reasonable non-contingent hourly rate for the hours expended in this litigation based on my knowledge of her reputation, background, experience, and skill and my review of the issues in this litigation.

11. Based upon my review of the issues in this litigation and the billing statements submitted by Ms. Barringer-Thomson in this matter, it is also my belief that the hours expended on behalf of the defendant Debbie Foster in this litigation were all reasonable and necessary for the defense of this case, especially given the degree of success obtained on behalf of the defendant Debbie Foster.

12. Under the circumstances herein, I believe that the time expended on behalf of the defendant Debbie Foster in this case and the minimum hourly rate claimed were all reasonable and necessary for the litigation of this case and are consistent with the minimum hourly rate for individuals with similar experience, reputation and expertise in the geographic areas identified herein.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 7<sup>th</sup> day of August 2006.

A handwritten signature in black ink, appearing to read 'Richard B. Wilkinson', is written over a horizontal line. The signature is stylized with several overlapping strokes.

Richard B. Wilkinson (OBA #10523)  
P. O. Box 18485  
Oklahoma City, Oklahoma 73154  
Tele: 405/528-7785 Fax: 405/523-4392