

**DECLARATION OF ASHLEY E. TREMAIN**

*Submitted in support of Plaintiff's application for attorneys' fees in  
Case 3:23-cv-01757-X, Fredericks v. Ameriflight, LLC*

**I. My Role in the Case:**

1. In addition to serving as local counsel of record, I was retained by co-counsel to fulfill specific substantive roles in this case. Co-counsel at Towards Justice and Fair Work, P.C. are not licensed in Texas and do not regularly practice before this Court. Accordingly, I was engaged from the outset to provide ongoing guidance on Texas-specific legal issues, local practice and procedure, and the practices of this Court and its judges — and to serve as the on-the-ground counsel for any matters requiring a Texas-licensed attorney appearing in this district.

2. The duties of local counsel in a case of this complexity go well beyond ministerial filing tasks. Throughout this litigation, I was responsible for: monitoring all case activity and filings and advising co-counsel on their significance under local rules, standing orders, and Fifth Circuit precedent; advising co-counsel on Texas-specific substantive legal issues that arose in connection with the claims and defenses at issue in this case, including issues arising under Texas contract law, Texas procedural statutes, and Texas Business and Commerce Code provisions implicated by Ameriflight's conduct and its counterclaims. I have become somewhat of a go-to expert in the State of Texas on the issue of TRAP Agreements - I have given multiple CLE presentations to other lawyers on this issue, including at State Bar sponsored events. I currently have another TRAP case pending at the Texas Supreme Court, and have achieved success in these cases in several forums.

In this case, I also I provided guidance on the practices, preferences, and tendencies of local Courts; reviewing and commenting on pleadings, motions, briefs, and discovery documents prior to filing to ensure compliance with local rules and to flag issues unique to Texas practice; and serving as the point of contact with opposing counsel for matters requiring in-person or local coordination. This work necessarily required me to stay current on every development in the case — which is why a substantial portion of my time is appropriately reflected as review of filings, correspondence, and drafts circulated by co-counsel.

3. I personally attended and conducted the Rule 16 scheduling conference with opposing counsel at defense counsel's Dallas office on September 26, 2023. I also attended the full-day in-person mediation on September 25, 2025, on behalf of all Plaintiffs. My presence at both proceedings was appropriate and necessary: as the only member of the litigation team located in Dallas, I was the logical attorney to appear in person for court-related proceedings and negotiations in this district, and my familiarity with local practice and with opposing counsel facilitated both the scheduling process and the mediation discussions.

## **II. Time-Keeping Practices & Billing Judgment:**

4. My time records were prepared by me from contemporaneous records maintained in the ordinary course of my practice.

5. My billing records reflect a gross total of 183.63 hours (at the rate of \$800/hour, discussed in more detail below, that would be a total of \$146,906.67).

6. In the exercise of billing judgment, I am voluntarily reducing that total by 50%, to 91.815 hours, for a total of \$73,453.33. This reduction reflects several considerations. First, as local counsel in a case led by experienced co-counsel at Towards Justice and Fair Work, P.C., a significant portion of my billed time reflects review of correspondence, drafts, and filings

circulated by co-counsel — work that was necessary and appropriate given my role, but which I am conservatively discounting in the interest of presenting a fee request that is reasonable and well within the bounds of what this Court should be asked to award. Third, this case involved a large and active co-counsel team, and while the coordination among counsel was entirely reasonable given the complexity and novelty of the legal issues presented, I am applying a uniform reduction across all of my entries as a straightforward and transparent way to present a conservative, lump-sum discount in lieu of a more granular entry-by-entry analysis. After applying this reduction, I respectfully submit that 91.815 hours at \$800 per hour — totaling \$73,453.33 — accurately and reasonably reflects the value of the services I provided to Plaintiffs in this matter.

### **III JOHNSON FACTORS: My Education, Experience, Reputation, and Ability:**

#### **(A) JOHNSON FACTORS: MY EDUCATION:**

7. I am a 2005 graduate of Marquette University in Milwaukee, Wisconsin. I graduated with an Honors B.A. in both psychology and criminology.

8. I am a member of MENSA, and in College, was selected for membership in the following academic honor societies: Pi Gamma Mu (social sciences); Psi Chi (psychology); Phi Alpha Theta (history) Order of Omega (panhellenic); and Rho Lambda (panhellenic).

9. I am a 2008 graduate of Washington University School of Law in St. Louis, MO. Washington University is ranked 14th in the nation by U.S. News and World Report.

10. At Washington University, I was a member of the Deans' List, and earned the "Honors Scholar" scholarship. I also earned a "CALI Award" (best grade in the class) in two courses: "Censorship & Free Expression," and "The Legacy of Bush v. Gore." I was selected to

participate in the school's Appellate Law Clinic, which involved preparing, researching, and fully briefing an appeal to the United States Eighth Circuit Court of Appeals. I also earned a spot on the school's Trademark Moot Court team. We competed in the Saul Lefkowitz National Trademark Moot Court competition, and won the Dolores K. Hannah award for the best legal brief out of all participants in the national competition.

**(B) JOHNSON FACTORS: MY EXPERIENCE & ABILITY:**

11. I have been a member of the Texas State Bar since November 2008, and I have been licensed to practice law before all Texas state courts since that time.

12. I have also been admitted to practice before the United States District Courts for the Northern, Western, and Eastern Districts of Texas, as well as the United States Court of Appeals for the Fifth circuit.

13. After passing the Texas Bar Exam in November 2008, I worked as an associate attorney for Brian P. Sanford, at the law firm of SanfordBethune, from December of 2008 until June of 2011. SanfordBethune was an employment litigation firm that mostly represented individual employees. I specifically chose to work at a small law firm so that I could gain early experience in court. I second-chaired my first federal trial within a few months after beginning work there. I gained broad experience in counseling clients, conducting discovery, arguing motions in court, and trying employment cases in court, in arbitrations, and in state and federal agencies. I worked on a broad range of cases and was given significant levels of independence and authority. While there, I conducted and defended depositions, briefed and argued dispositive motions, jury instruction conferences, and pretrial hearings, and examined witnesses at trial.

14. From June 2011 until December 2014, I worked as counsel at Kilgore & Kilgore PLLC ([www.kilgorelaw.com](http://www.kilgorelaw.com)), a Dallas-based business and employment litigation firm.

Throughout my time there, I acted as sole lead counsel on a full docket of employment cases. I also sometimes worked on cases together with other attorneys in the firm. I continued to gain experience in counseling clients, conducting discovery, arguing motions in court, and trying cases in court, in arbitrations, and in state and federal agencies.

15. In December 2014, I opened my own practice together with my law partner, Carmen Artaza – Tremain Artaza PLLC ([www.tremainartaza.com](http://www.tremainartaza.com)). Carmen and I are the founding and managing members of the Firm, which now includes one other attorney.

16. I have been engaged exclusively in the practice of Labor & Employment law since 2008. This includes assisting individuals with disputes about employment-related contracts (such as non-compete, non-disclosure, and compensation agreements), wrongful termination, Title VII, ADEA, ADA, FLSA, EPA, PDA, NLRA, and FMLA issues, compensation issues, whistleblower and retaliation cases, sexual harassment cases, and the like.

17. I have tried multiple cases to verdict or judgment in the Dallas County District Courts, the United States District Courts (Northern District of Texas), and in multiple private arbitrations in Texas and California. I have also successfully argued an appeal before the Fifth Circuit Court of Appeals, securing reversal of a grant of summary judgment.

18. I have served as lead counsel in litigation, representing the individual employee, in over 85 cases in the state and federal courts of Texas. I have also served as counsel for the employee in several employment cases outside of Texas, including cases in Arizona, California, and Oklahoma.

19. In addition to publicly filed court proceedings, I have consistently and regularly represented individual employees in private arbitration proceedings, and in disputes that never

resulted in formal litigation proceedings (e.g., privately settled severance agreements, EEOC charges, and the like).

20. Throughout my career, I have represented and advised well over 400 individual clients in litigation matters and other employment disputes.

21. In addition to prosecuting live disputes, I have counseled hundreds of individuals concerning their personal employment situations, and how various employment laws might apply to their circumstances.

22. I have been Board Certified in Labor & Employment law by the Texas Board of Legal Specialization since 2013. Board Certification is a mark of excellence and a distinguishing accomplishment. Within the Texas legal community, Board Certification means that I have substantial, relevant experience in employment law, as well as demonstrated, and tested, special competence in that area of law.<sup>1</sup> I understand that, for the most recent period for which statistics are publicly available, only one percent of the attorneys in Texas are certified in Labor and Employment Law by the Texas Board of Legal Specialization.<sup>2</sup>

23. I am also a member of the College of the State Bar of Texas. The Texas Bar College is an honorary society of lawyers who are among the best-trained attorneys in Texas.<sup>3</sup> The College recognizes Texas lawyers who attend at least double the amount of Continuing Legal Education (CLE) required by the State Bar of Texas.

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<sup>1</sup> <http://www.tbls.org/WhyChooseBoardCertified.aspx>

<sup>2</sup> [https://www.texasbar.com/AM/Template.cfm?Section=Demographic\\_and\\_Economic\\_Trends&Template=/CM/ContentDisplay.cfm&ContentID=23528](https://www.texasbar.com/AM/Template.cfm?Section=Demographic_and_Economic_Trends&Template=/CM/ContentDisplay.cfm&ContentID=23528)

<sup>3</sup> <http://www.texasbarcollege.com/>

(C) **JOHNSON FACTORS: MY REPUTATION:**

24. I am a repeat elected Member of the Board for the Texas Employment Lawyers Association (TELA) ([www.myTELA.org](http://www.myTELA.org)) - the Texas affiliate of the National Employment Lawyers Association. Most recently, I served as the Board Treasurer. TELA was founded in 1992 as the voluntary bar association of Texas attorneys who represent people, rather than companies, in employment law disputes. TELA continues to promote legislative protection of employee rights and judicial enforcement of those rights. To become a member, you must have had significant, continuous experience practicing employment law for individuals, and be voted in by the existing members of the organization.

25. I am also the elected Immediate Past Chair of the Labor & Employment section of the Dallas Bar Association. These board seats are voted on by members of the DBA's Labor & Employment Section, which is composed of both plaintiff's side, and defense side, employment practitioners. The council is made up of lawyers who are recognized within the labor & employment community for their experience and professionalism.

26. In 2024, I was nominated to become a Fellow of the Texas Bar Foundation - only  $\frac{1}{3}$  of one percent of Texas lawyers are invited to become members. I was nominated by a member of the local judiciary.

27. I am regularly asked to give CLE presentations to other lawyers. I have been repeatedly asked to speak by the State Bar of Texas, the Dallas, Fort Worth, and Plano Bar Associations, U.T. CLE, the National Employment Lawyers Association, the Texas Employment Lawyers Association, and others. A current list of my CLE presentations can be found at: [www.TremainArtaza.com/tremain](http://www.TremainArtaza.com/tremain).

28. In addition to the CLE presentations listed above, I have published the following legal articles:

- “Defining the Perimeters of the No-Contact Rule,” Dallas Bar Association *Headnotes* (2013);
- “Avoiding the Theft of Trade Secrets Trap,” co-authored with Theodore C. Anderson III, Kilgore & Kilgore PLLC (2012); and
- “Proprietary Rights in the Brains of Employees,” co-authored with Theodore C. Anderson III, for the Institute for Law and Technology’s 49th Annual Conference on Intellectual Property Law.

29. I have also been contacted by, asked to provide comment on legal issues by, several media groups, including the CNBC, D Magazine, Dallas Morning News, Law360, Newsy, and the New York Times. I have provided background insight, as well as published comments, to reporters from these organizations.

30. I was selected by my peers as a “Rising Star” in Texas Super Lawyers® (a Thomson Reuters publication) for every year that I was eligible - for the years 2013, 2014, 2015, 2016, 2017, and 2018. I have also been selected as a Texas “Super Lawyer” every year that I have been eligible - in 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, and 2026.

31. The Super Lawyers publication also selected me for the "Up-and-Coming 100" list (e.g. the 100 “Rising Star” nominated lawyers who received the best peer reviews during the nomination process), and the "Up-and-Coming 50 Women" list (e.g. the 50 female “Rising Star” nominated lawyers who received the best peer reviews during the nomination process) in 2017 and 2018.

32. I have also been selected by my clients and peers for inclusion in U.S. News’ “Best Lawyers” in the field of Employment Law – Individuals for 2016-2026.

33. My law firm, Tremain Artaza PLLC, has also been listed in the U.S. News & World Report’s “Best Law Firms” in 2016-2027. We are currently listed as a “Tier-1” firm in the

Dallas-Fort Worth area for Employment Law for Individuals, and for Labor & Employment Litigation.

34. For the years 2020 and 2025, the U.S. News' "*Best Lawyers*" publication named me as its "Lawyer of the Year" for "Employment Law – Individuals" in the DFW metro area.

35. In 2011 I was selected by my peers to be an associate member of the American Inns of Court (Patrick E. Higginbotham Inn).

36. Other prominent labor & employment attorneys have opined on my experience and ability in published cases. For example, in *Kostic v. Texas A&M University at Commerce* (Case No. 3:10-cv-2265-M) (N.D. Tex., 2015), David Wiley noted my "reputation for excellence in formulating strategies in light of difficult employment law doctrines, difficult opposing counsel, and efficiencies in research and writing." Hal K. Gillespie<sup>4</sup> noted my "keen intelligence and...excellent grasp of issues and the law."

37. On Avvo.com (a nationwide attorney review service that focuses on reviews from clients and other lawyers), I have a 10/10 "Superb" rating. On that website, M. Beth Krugler, a local mediator, wrote of me: "As a mediator, I work with a lot of lawyers each and every week. Ashley stands out as someone who's both "book smart" as well as people savvy. She knows when to be flexible but also knows when to stand her ground. Capable counsel." Also on Avvo.com, Stacy Cho, a local employment defense attorney, wrote: "Ashley is a fearless advocate who pursues justice for her clients. She is knowledgeable in employment law and experienced in the courtroom."

38. Our law firm intentionally keeps a small case load - typically, less than 10 cases per lawyer. We do this so that we can dig deep into each case, develop a strong relationship with

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<sup>4</sup> Hal Gillespie is recognized by Courts as "one of the most experienced plaintiff-side employment lawyers in the state." *Miller v. Raytheon Co.*, Civil Action No. 3:09-cv-440-O, at \*15 (N.D. Tex. Dec. 27, 2013).

each client, and be available when those clients have questions or otherwise need our time or attention. We have built a business model that does not rely on, and that purposely eschews, a “volume practice.”

39. Because we have these caps in place, we turn away a large number of potential clients with meritorious claims. On average, we receive approximately 15-20 inquiries per week from individuals seeking representation. Over the past 2 years, we have accepted less than 3% of the clients who contact us seeking representation. When we have an opening in our dockets, that space is typically quickly filled by a new case.

40. As a necessary result of our Firm standards and practices on the number of cases we will handle at one time, any agreement to work on one case will preclude me from taking other, equally meritorious cases. Such was the case here.

**IV. My Billing Rate of \$800 Per Hour is Customary and Reasonable:**

41. I am familiar with relevant hourly rates prevailing in the Dallas area. Based on my education, training and experience (outlined herein), I am familiar with the standards, skills, and quality of work required to successfully prosecute employment cases for workers in North Texas, in various venues [i.e., arbitration, federal courts, and state courts] — and the usual and customary rates for such work.

42. My requested rate of \$800 per hour is well within such customary rates.

43. I base this opinion on: (a) conversations with other attorneys who practice employment law in Texas (and in particular, in the DFW area) about their rates; (b) my review of published fee awards in similar cases; (c) my review of the rates charged by, and sought in court by, other lawyers practicing in this area.

44. At the time of this declaration, I am in my 18th year of practice. Set forth below are examples of hourly rates that have been billed by other 18th-year labor & employment attorneys in cases in Texas, and that were deemed reasonable by a Court:

Name	Year Recorded	Year of Practice at the Time	Rate in Jan. 2026 Dollars <sup>5</sup>	TBLS Certified at the time?
J. Derek Braziel	2013	18	\$699.15 <sup>6</sup>	Yes
Richard E. Norman	2011	18	\$738.46 <sup>7</sup>	No
Christian S. Dennie	2022	18	\$804.03 <sup>8</sup>	No
Michael W. Massiatte	2018	18	\$971.03 <sup>9</sup>	No

The average rate, among these publicly-available rates, is \$803.17. Unlike myself, most of these practitioners were *not* Board Certified. None of them had the same unique combination of expertise and peer recognition that I have today. My rate is well within the average.

Indeed, Judges in our region have repeatedly awarded *higher* hourly rates to lawyers with significantly less experience, expertise, and recognition than I have. For example, the following rates (in Jan. 2026 dollars) were awarded to attorneys with far fewer years of experience, and no board certifications.

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<sup>5</sup> The “Today’s Dollars” figure comes from taking the amount billed/awarded, and the year it was awarded, and putting that information into the Bureau of Labor Statistics’ inflation calculator, available at [https://www.bls.gov/data/inflation\\_calculator.htm](https://www.bls.gov/data/inflation_calculator.htm).

<sup>6</sup> Owens v. Marstek, LLC, No. 11-cv-01435 (N.D. Tex. Feb. 28, 2013), ECF No. 26 and 24 (order and motion, approving fees at the reasonable hourly rate of \$495 per hour in 2013)

<sup>7</sup> Spence v. Irving Holdings, Inc., No. 10-cv-00142 (N.D. Tex. Aug. 4, 2011), ECF No. 201 (approving fees at a \$500/hour rate in 2011).

<sup>8</sup> Cloud v. The Bert Bell/Pete Rozelle NFL Player Retirement Plan, No. 20-cv-01277 (N.D. Tex. July 18, 2022) (approving rate of \$695/hour in 2022).

<sup>9</sup> *In re: 4 West Holdings, Inc.*, No. 18-30777 (Bankr. N.D. Tex. July 16, 2018) ECF No. 732-2 at p. 3 (“Massiatte, Michael ... Practice Group ... Employment ... Hours ... 12.10 ... Rate ... \$740.00). Rate later approved by the Court at ECF No. 1429.

Name	Grad Year	Recorded Billing Rate	Year Recorded	Year of Practice at the Time	Rate in Jan. 2026 Dollars
Betsey A. Boutelle	2014	\$635.00	2018 <sup>10</sup>	4	\$833.25
Britney J.P. Prince	2015	\$660.00	2019 <sup>11</sup>	4	\$852.83
Brian Lauten	2001	\$500.00	2010 <sup>12</sup>	9	\$750.51
Micala Bernardo	2007	\$740.00	2019 <sup>13</sup>	12	\$956.20

These rates were also given to lawyers who were billing by the hour (and, presumably, being paid at least something in advance).

45. The rates we seek in contingency cases are justifiably higher than those we charge in hourly cases, due to the significant risk associated with a contingency fee practice. There is, in every case, a high risk of not being at all, or being paid an amount that is significantly less than the hourly rate we'd receive if we were being paid by the hour. To account for that risk, contingency work can demand a higher rate.

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<sup>10</sup> *In re: 4 West Holdings, Inc.*, No. 18-30777 (Bankr. N.D. Tex. March 29, 2019), ECF No. 1429 at p. 5 (“Boutelle, Betsey Anette ... Practice Group ... Employment ... Hours ... 1.50 ... Rate ... \$635.00). Rate later approved by the Court at ECF No. 1429.

<sup>11</sup> *In re: 4 West Holdings, Inc.*, No. 18-30777 (Bankr. N.D. Tex. March 29, 2019), ECF No. 1429 at p. 6 (“Prince, Britney Jenee ... Practice Group ... Employment ... Hours ... 0.70 ... Rate... \$660.00). Rate later approved by the Court at ECF No. 1429.

<sup>12</sup> *Nassar v. University of Tex. Southwestern Med. Ctr.*, No. 09-cv-01337 (N.D. Tex. July 27, 2010), ECF No. 160 (approving \$500/hour in 2010)

<sup>13</sup> *In re: 4 West Holdings, Inc.*, No. 18-30777 (Bankr. N.D. Tex. March 29, 2019), ECF No. 1429 at p. 6 (“Bernardo, Micala R. ... Practice Group ... Employment ... Hours ... 0.30 ... Rate ... \$740.00). Rate later approved by the Court at ECF No. 1429.

JURAT

My name is Ashley E. Tremain, my date of birth is \_\_\_\_\_, and my address is 6060 N. Ctrl. Expwy., Ste. 567, Dallas TX 75206. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Dallas County, State of TX, on the 9th day of April, 2026.

/s/ Ashley E. Tremain  
ASHLEY TREMAIN  
State Bar No. 24066209