

DECLARATION OF RACHEL W. DEMPSEY

*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. Towards Justice are co-lead counsel in this case along with Fair Work, P.C., Tremain Artaza PLLC, and the Student Borrow Protection Center. I am the attorney at Towards Justice who did the significant majority of the work on this case.

2. That work included active involvement in all stages of this case beginning in 2022, including initial investigation and development of the potential claims, correspondence with the named plaintiff and class members, opposing the motion to dismiss, reviewing and drafting discovery requests and responses, moving for class and collective certification, moving to dismiss Defendant's counterclaims, defending an opt-in deposition in-person in Dallas, Texas, preparing for summary judgment, attending an in-person mediation in Dallas, Texas, and finalizing the resulting settlement agreement.

3. Throughout the case, I took an active role in developing litigation strategy and refining the legal theory of the case, in addition to day-to-day discovery and litigation tasks.

II. Time-Keeping Practices & Billing Judgment:

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

5. My billing records reflect a gross total of 241.6 hours for all of Towards Justice. The time was accrued as follows:

Name	Title	Billing Rate	Hours	Lodestar
Rachel Dempsey	Associate Director	\$800	222.7	\$178,160
Juno Turner	Litigation Director	\$800	17.3	\$13,840
TOTAL			240.3	\$192,000

6. The chart below reflects an approximate breakdown of the 222.7 hours I spent on this case by category. I used my time efficiently and exercised billing judgment throughout the course of litigation, including by not billing time devoted to brief correspondence and quick administrative time.

Category	Hours
Investigation and complaint	45.1
Motions to Dismiss	32.6
Motion to Transfer Venue	2.2
Discovery	45.2
Expert work	5.3
Class certification	73.4
Counterclaims	3.7
Mediation and settlement	15.2

8. I excluded from these records the approximately 22 hours I spent traveling between Denver, CO, and Dallas, TX for depositions and mediation out of an exercise of billing judgment.

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

(A) JOHNSON FACTORS: MY EDUCATION:

7. I am a 2009 graduate of Yale University in New Haven, Connecticut. I graduated *cum laude*, with a B.A. in literature and distinction in the major.

9. I am a 2015 graduate of Yale Law School in New Haven, Connecticut.

10. Following law-school, I completed a one-year clerkship for the Ninth Circuit Court of Appeals in Honolulu, HI in 2015-16 and a one-year clerkship for the United States District Court, Central District of California in Los Angeles, CA in 2016-17.

(B) JOHNSON FACTORS: MY EXPERIENCE & ABILITY:

11. I have been a member of the California State Bar since 2015 and a member of the Colorado State Bar since 2021.

12. I have also been admitted to practice before the United States District Court for the Northern and Central Districts of California, the Northern District of Texas, and the District of Colorado, as well as the United States Court of Appeals for the Ninth and Tenth Circuits and the United States Supreme Court.

13. After my second clerkship, I worked as an associate at the San Francisco, CA office of employee-side class action law firm Outten & Golden from 2017 until 2021, where I represented workers in the firm's Class Action Practice Group. Outten & Golden is the largest employee-side law firm in the country and is regularly recognized as one of the best employment law firms at the country.

14. In 2021 I joined Towards Justice as a staff attorney. Towards Justice is a public interest law firm located in Denver, Colorado dedicated to advancing economic justice

through impact litigation and policy advocacy. Towards Justice was founded in response to the high volume of wage theft complaints that were not being addressed in Colorado, but broadened its scope to take on a variety of market abuses affecting working people across the country, including wage theft, discrimination, fraud, unfair competition, and other unfair and abusive practices.

15. In 2025 I became the Associate Director at Towards Justice.

16. I specialize in complex cases and class action litigation, including wage and hour, antitrust, employment, forced labor, and unfair competition cases.

17. I am or have been counsel of record in numerous cases across the country involving Training Repayment Agreement Provisions (“TRAPS”) like the contract at issue in this case, including:

- *Byron et al. v. Avant Healthcare Professionals, LLC*, 6:23-cv-01645-WWB-LHP (M.D. Fla.);
- *Dorta et al. v. SpecialtyCare, Inc.*, 3:23-cv-00892 (M.D. Tenn.);
- *Fredericks v. Ameriflight, LLC*, 3:23-cv-01757-X (N.D. Tex);
- *O’Brien v. Smoothstack, Inc.*, 01:23-cv-00491-RDA-LRV (E.D. Va.);
- *Sally v. PetSmart LLC*, 4:22-cv-06210-YGR (N.D. Cal.); and
- *Morris v. Frontier Airlines, Inc.*, 1:25-cv-03912 (D. Colo.).

18. In addition, I represent classes or putative classes in numerous additional cases in both state and federal court.

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

19. I am a nationally recognized expert in TRAPs. Examples of my work include the following:

Speeches and Panels:

- i. *Training Repayment Agreement Provisions (TRAPs)/Employer-Driven Debt*, Student Debt Symposium, Attorney General Ellen Rosenblum's Third National Symposium on the Student Debt Crisis: "Student Debt 3.0", Portland Oregon, July 19, 2023
- ii. *The Rise of TRAPs*, Convening on Workers, TRAPs, and the Economy, University of California, Irvine School of Law, December 4, 2023
- iii. *The Weaponization of Debt Collection*, Lawyering for Economic Justice, University of Colorado Boulder Law School, February 2, 2024
- iv. *How Cities and States Can Unlock Workers Across the Country from TRAPs*, Virtual Panel, July 31, 2024
- v. *Stay-or-pay contracts: A primer for cities*, Cities on the Front Lines, University of California, Irvine School of Law, December 9, 2024
- vi. *Protecting Employees from Employer Driven Debt*, Employment Law: New Standards, Conflicting Definitions, and Creative Solutions, North Carolina Association for Justice Webinar, February 7, 2025

Media

- vii. Taylor Telford, *PetSmart offered free training. But it saddled employees with debt*, Washington Post, August 4, 2022, <https://www.washingtonpost.com/business/2022/08/04/petsmart-dog-grooming-training-labor-lawsuit/>
- viii. Dave Jamieson, *Southern Airways Express Is Suing Former Pilots For Training Costs*, Huffington Post, Aug 3, 2023 https://www.huffpost.com/entry/southern-airways-express-is-suing-former-pilots-for-training-costs_n_64cbe72ee4b01796c06b6af8
- ix. H. Claire Brown, *They Quit Their Jobs. Their Ex-Employers Sued Them for Training Costs*, The New York Times Sept. 27, 2023 <https://www.nytimes.com/2023/09/27/business/training-repayment-agreement-debt.html>
- x. Alexis Waiss, *'Stay-or-Pay' Suits Cast Light on Immigrant Nurse Recruiting*, Bloomberg Law, Aug. 7, 2024 <https://news.bloomberglaw.com/litigation/stay-or-pay-suits-cast-light-on-immigrant-nurse-recruiting>

Law Review Articles

- xi. Rachel Dempsey and David Seligman, Worker Debt and Worker Exit, University of Florida Journal of Law & Public Policy: Vol. 34: Iss. 2, Article 5 (2024).

20. I also regularly serve on panels and speak at conferences on a variety of other topics, including representation of low-wage and vulnerable workers, unfair competition law, and consumer protection law.

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 and the usual and customary rates for such work.

42. Juno Turner's and my requested rate of \$800 per hour is well within such customary rates.

43. I base this opinion on the expertise of my co-counsel, Ashley Tremain, who is deeply knowledgeable about rates in this area and has submitted a declaration in this case.

45. Towards Justice does all its work on contingency, except for those cases in which there is no possibility of recovery, in which we represent our clients *pro bono*. 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.

JURAT

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Denver, CO, on the 10th day of April, 2026.

/s/ Rachel Dempsey
RACHEL DEMPSEY