

Exhibit E

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION**

Kevin Faile, Louis C. Roman, Alan R. DePalma, and Brian Scott Craton, all individually and on behalf of all other similarly situated individuals,
Plaintiffs,
vs.
Lancaster County, South Carolina,
Defendant.

Civil Action No. 0:10-cv-2809-CMC

Affidavit of Brian P. Murphy

Brian Murphy states that he is an adult over the age of eighteen (18) years of age, that the factual matters herein are true and correct to the best of his knowledge, and that the opinions expressed herein are provided in good faith and are honestly held by the affiant:

1. I am a 1992 graduate of the University of South Carolina School of Law with honors and have practiced primarily in the area in the area of employment law during the past ten years. I was employed by two large defense firms (Morgan, Lewis & Bockius and Ogletree Deakins) for approximately four (4) years. Since 1996, I have represented primarily plaintiffs in employment litigation. I am licensed to practice law before the following courts: The United States Supreme Court; The United States Court of Appeals for the Third Circuit; The United States Court of Appeals for the Fourth Circuit; the United States District Court for the District of South Carolina; The United States District Court for the Middle District of Pennsylvania; all courts in the Commonwealth of Pennsylvania and all courts in the State

of South Carolina. My Martindale-Hubbell rating is AV. I am listed in both Best Lawyers and Super Lawyers.

2. Since April, 1994 I have practiced in Greenville, South Carolina. I am familiar with or know well most of the employment law practitioners throughout the state.
3. I have known David Rothstein since law school when we both served on the University of South Carolina Law Review.
4. Mr. Rothstein enjoys a reputation as a top practitioner in this area. I first learned of his reputation as a practitioner when he was still practicing in Columbia. I have become more familiar with Mr. Rothstein since he has moved to the Upstate. We now share office space. Mr. Rothstein is someone you can always approach with a complex employment-law issue and he always has good insight and displays an impressive depth of knowledge in many areas. Mr. Rothstein is one of just a few plaintiff's lawyers who have sought and obtained certified specialist status in South Carolina for labor and employment law.
5. I have reviewed the docket entries on PACER for this matter. I also have reviewed Mr. Rothstein's time entries and his fee petition. I have represented clients in wage and hour cases, but none that involved the complexities of this case.
6. I am personally aware of the dedication Mr. Rothstein displayed with respect to this case. The time entries may accurately reflect much of the "hard time" he spent on this case, but they certainly do not include all of the time he spent thinking and discussing the case. I wouldn't use the term "obsession" in an unhealthy sense, but the level of attention and devotion he paid to this matter was impressive. I believe this was entirely reasonable as Mr. Rothstein handled this matter entirely on his own. At many times during this litigation, it

was difficult to get him to discuss anything other than this case as he was frequently interested in kicking around ideas and discussing how it was progressing.

7. This case involves nuances and complexities of the FLSA that are not present in run-of-the mill FLSA cases. There are few attorneys in South Carolina to whom I would ever refer such a matter, and Mr. Rothstein would be at the top of the list. In addition to being able to present the case as a trial lawyer, this case required an attorney with strong attention to detail and ability to pour through vast amount of information while still seeing the "big picture." Typically, this requires a team of lawyers with a division of labor and it was impressive to me that Mr. Rothstein was able to handle all aspects by himself. Further, he was opposed by very able and skilled counsel.
8. I respectfully submit that the time Mr. Rothstein spent is eminently reasonable and that the overall petition is fair and reasonable given the complexities of this matter and the skill and effort necessarily to represent Plaintiffs in this matter.

I swear that the foregoing is true and correct. 28 U.S.C. § 1746.

Dated this 24th day of January, 2012.



Brian P. Murphy Fed. ID No. 6405