

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JACOB SMITH,)	Case No. 2:20-cv-03755
)	
Plaintiff,)	
)	Judge Edmund A. Sargus
v.)	Magistrate Judge Kimberly A. Jolson
)	
FIRSTENERGY CORP., <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

JAMES BULDAS,)	Case No. 2:20-cv-03987
)	
Plaintiff,)	Judge Edmund A. Sargus
)	Magistrate Judge Kimberly A. Jolson
v.)	
)	
FIRSTENERGY CORP., <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

BRIAN HUDOCK and CAMEO COUNTERTOPS, INC.,)	Case No. 2:20-cv-03954
)	
Plaintiffs,)	Judge Edmund A. Sargus
)	Magistrate Judge Kimberly A. Jolson
v.)	
)	
FIRSTENERGY CORP., <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

**PETITION OF DENNIS E. MURRAY, JR.,
MARVIN A. MILLER, AND JAMES L. WARD, JR. IN SUPPORT
OF AWARD OF ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES,
AND AWARD OF INCENTIVE PAYMENTS TO CLASS REPRESENTATIVES**

We, Dennis E. Murray, Jr., Marvin A. Miller, and James L. Ward, Jr. petition the Court and declare as follows:

1. Dennis E. Murray, Jr. is member of the Ohio state bar and a partner at Murray & Murray C.O., L.P.A. Marvin A. Miller is a member of the Illinois and New York state bars and the Managing Member of Miller Law LLC. James L. Ward, Jr. is a member of the South Carolina and North Carolina state bars and an attorney at McGowan, Hood, Felder & Phillips, LLC.

2. On June 22, 2022, the Honorable Edmund A. Sargus entered an order preliminarily approving class-wide settlements with the Defendants in this action. ECF No. 142. The Court found that the three of us satisfied the factors set forth in Fed. R. Civ. P. 23(g)(1)(A) and appointed us as Co-Lead Counsel for the Settlement Class. *Id.*, ¶ 7. The Court also ordered that any briefs or materials in support of final approval of the Settlements and entry of the Final Order and Judgment in this case be filed 30 days before the Fairness Hearing scheduled for November 9, 2022. *Id.*, ¶ 19.

3. Exhibits A – J are sworn declarations submitted by Class Counsel and other counsel of record for one or more of the Class Plaintiffs in this action. The information contained in Exhibits A – J is incorporated herein by reference. Each declaration sets forth each firm’s credentials, total lodestar amounts, and total expenses through July 31, 2022. Exs. A – J.

4. Throughout the course of this litigation, our firms kept files contemporaneously documenting all time spent litigating this matter, including tasks performed and expenses incurred. We also made sure that the other firms and attorneys who were counsel of record for one or more of the Class Plaintiffs did the same.

5. Despite the risks associated with prosecuting this case, including issues related to certification and various defenses asserted by Defendants, we took on this case solely on a contingency fee basis and were prepared to make this investment with the very real possibility of an unsuccessful outcome and no fee of any kind. Indeed, at the time we filed suit (more than two years

ago), there were no obvious indications that a settlement would be reached or that the litigation would be successful.

6. Consistent with the percentage of fund method, Class Counsel seeks fees equal to 33 1/3 % of the total Settlement Amount of \$49,000,000. The total lodestar amount reasonably expended on this litigation by our firms, and the other counsel of record for Class Plaintiffs who assisted us in litigating this case, from inception to July 31, 2022, which does not include time spent preparing this Declaration, preparing the Petition, preparing the motion for final approval, or assisting in the administration of the Settlements, is \$6,395,545.25, which equates to a multiplier of 2.55. The total expenses incurred, which does not include any expenses incurred in connection with preparing or filing this Petition, is \$111,959.01.

7. We have personal knowledge of the work performed by all attorneys on behalf of Class Plaintiffs and the Settlement Class. While always at risk of not being compensated, we, and the other counsel of record for Class Plaintiffs, took on this complex litigation and committed considerable resources to achieve substantial benefits for members of the Settlement Class. Such work performed included, but was not limited to:

- Interviewing potential named plaintiffs;
- Preparing and filing complaints and consolidated and amended complaints after conducting extensive legal research and factual investigation;
- Preparing responses to and successfully defeating motions to dismiss filed by Defendants;
- Preparing class certification papers and responding to Defendants' opposition to same;
- Preparing responses in opposition to certain Defendants' motion for judgment on the pleadings and certain Defendants' motions to dismiss;
- Engaging in extensive negotiations with Defendants concerning discovery, including the formulation of agreed-upon custodial lists, search terms, and a protocol concerning

electronically stored information;

- Engaging in extensive and efficient document review, by among other things, utilizing a vendor-sponsored document review platform;
- Preparing and serving initial disclosures;
- Drafting and serving document requests, interrogatories, and requests for admission;
- Engaging in third-party discovery;
- Developing the factual record through factual investigation;
- Formulating a successful litigation strategy through legal research and factual investigation;
- Retaining a consulting expert to assist in the prosecution and settlement of this action;
- Engaging in intensive and protracted settlement negotiations, including two out-of-town mediation sessions in Cleveland and extensive follow-up discussions and correspondence with a retired federal judge acting as mediator;
- Monitoring related criminal and civil proceedings;
- Working with a nationally-recognized settlement administrator concerning notice to the Settlement Class; and
- Preparing and assisting in the formulation of a class notice plan preliminary approved by the Court.

See Exs. A – J.

8. Class Counsel's investigation and legal research led us to conclude that Defendants' defenses, if successful at the pleading stage, summary judgment stage, at trial, or on appeal, would result in the Settlement Class Members recovering nothing. Further, the defenses raised by Defendants required Class Counsel to engage in an extraordinarily elevated level of legal analysis and advocacy to best ensure Class Plaintiffs' claims survived Defendants' myriad attacks. Moreover, the opaque nature of energy pricing and billing added further complexity to this case.

9. We, as Class Counsel, also ensured an efficient and effective prosecution of this action to minimize expenses and fees. We accomplished this by, among other things:

- Supervising all pretrial proceedings;
- Supervising and preparing pleadings, motions, briefs, discovery requests or objections, subpoenas, mediation statements, and class notice;
- Acting as a spokesperson for the Settlement Class at hearings, pretrial conferences, and meetings with Defendants;
- Negotiating and entering stipulations with defense counsel concerning pretrial matters;
- Conducting and coordinating the efficient examination of witnesses in interviews and preparing certain Class Plaintiffs for their depositions and defending them;
- Coordinating the activities of counsel of record for the Class Plaintiffs and implementing procedures to ensure that Class Counsel met all court deadlines in this case;
- Collecting time and expense reports from counsel of record for the Class Plaintiffs on a periodic basis;
- Employing and consulting with experts;
- Delegating assignments among counsel of record for Class Plaintiffs; and
- Negotiating and securing settlements with Defendants.

Such management required regular and ongoing communications with counsel of record for Class Plaintiffs, which occurred by phone, via electronic mail, and (on occasion) via in-person meetings.

10. We also have personal knowledge concerning the efforts and worked performed by the four class representatives of the Settlement Class: Jacob Smith (“Smith”), Brian Hudock (“Hudock”), Cameo Countertops, Inc. (“Cameo Countertops”), and Michael Emmons (“Emmons”).

11. Each of them assisted greatly in the prosecution of this case. Each communicated with counsel throughout the litigation, provided responses to requests for documents, answered

interrogatories, and conferred and approved each settlement as terms were completed. In addition, Smith, Hudock, and Cameo sat for their depositions.

12. Moreover, all of them agreed to make themselves available to present live testimony at trial against the Defendants, if necessary, all without any consideration or promised benefits.

13. These Class Representatives stepped forward, risking their reputations, and subjected themselves to public scrutiny on behalf of the Settlement Class. For their efforts, we request that Smith, Hudock, and Cameo Countertops each receive an incentive/service award of \$10,000, and that Emmons receive an incentive/service award of \$5,000. Unlike Smith, Hudock, and Cameo Countertop, Emmons was not required to sit for his deposition.

14. Each of the Class Representatives also agreed to an attorneys' fees award in the amount of 33 1/3 % of the Settlement Amount based upon the percentage-of-the-fund method.

15. This Petition is being filed at this time in order for members of the Settlement Class to have the opportunity to review and consider the relief that will be requested for final approval. To the extent there is a need to provide further updates, Co-Lead Counsel will do so in connection with submission of the motion papers scheduled to be submitted per this Court's prior order.

We declare under penalty of perjury that the foregoing is true and correct. Executed on September 6, 2022, by Dennis E. Murray, Jr. in Sandusky, Ohio, by Marvin A. Miller in Chicago, Illinois, and by James L. Ward, Jr. in Mount Pleasant, South Carolina.

/s/ Dennis E. Murray, Jr.
Dennis E. Miller, Jr
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/s/ Marvin A. Miller
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/s/James L. Ward, Jr.
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jward@mcgowanhood.com

CERTIFICATE OF SERVICE

I certify that on September 6, 2022, the foregoing was filed electronically using the CM/ECF System. Notice of this filing will be sent to all parties in this case by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Andy Szot

Andy Szot (admitted pro hac vice)

aszot@millerlawllc.com

MILLER LAW LLC

EXHIBIT A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JACOB SMITH,)
) Case No. 2:20-cv-03755
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 Plaintiff,)
)
 v.) Judge Edmund A. Sargus
) Magistrate Judge Kimberly A. Jolson
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BRIAN HUDOCK and CAMEO)
 COUNTERTOPS, INC.,)
) Case No. 2:20-cv-03954
)
 Plaintiffs,)
) Judge Edmund A. Sargus
 v.) Magistrate Judge Kimberly A. Jolson
)
)
 FIRSTENERGY CORP., *et al.*,)
)
 Defendants.)
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**DECLARATION OF MARVIN A. MILLER IN SUPPORT OF AWARD OF
ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES, AND AWARD OF
INCENTIVE PAYMENTS TO CLASS REPRESENTATIVES**

I, Marvin A. Miller, declare as follows:

1. I am an attorney licensed to practice before the courts of the State of Illinois and the State of New York, and am a member in the law firm of Miller Law LLC (“Miller Law”). I have personal knowledge of the facts stated in this Declaration and, if called as a witness, I would testify competently to them. I make this Declaration in support of Miller Law’s request for attorneys’ fees and reimbursement of litigation expenses, as set forth in the Petition of Dennis E. Murray, Jr., Marvin A. Miller, and James L. Ward Jr. In Support Of Award of Attorneys’ Fees, Reimbursement Of Expenses, And Award of Incentive Payments To Class Representatives (the “Petition”).

2. I am counsel of record in this case for plaintiffs Jacob Smith, Brian Hudock, and Cameo Countertops, Inc.

3. A brief description my firm, which includes a short summary of my experience and credentials, is attached as Exhibit 1 and incorporated herein by reference.

4. Throughout the course of this litigation, my firm kept files contemporaneously documenting all time spent, including tasks performed, and expenses incurred, and shared those reports on a regular basis with Dennis E. Murray, Jr. and James L. Ward, who are, along with me, Class Counsel for the Settlement Class. *See* ECF No. 142 (preliminary approval order appointing Messrs. Murray, Miller, and Ward as Class Counsel). All the time and expenses reported by my firm advanced the tremendous class-wide result achieved in this case.

5. Such work included every aspect of the litigation from preparing the complaint, working on discovery issues, opposing the FirstEnergy defendants’ motion to dismiss, moving for class certification, defending the deposition of one of the class representatives, opposing Energy Harbor’s motion for judgment on the pleadings, leading settlement preparation, negotiation with opposing counsel, and the preparation and modification of a detailed set of documents necessary to both reduce the two settlement agreements to writing and prepare them for presentation to the Court

including all aspects of class notice.

6. The total lodestar for my firm at current rates for services rendered from inception to July 31, 2022, is \$1,087,284.50. This amount does not include time spent preparing this Declaration or preparing Class Plaintiffs' fee petition. My firm's time entries are available for inspection by the Court if necessary.

7. Expense items are billed separately and are not duplicated in my firm's lodestar. The expenses my firm incurred in litigating this action are reflected in the books and records of my firm. These books and records are prepared from expense vouchers, invoices, receipts, check records, and other source materials and accurately reflect the expenses incurred. My firm's expense records are available for inspection by the Court if necessary.

8. My firm incurred a total of \$19,374.71 in unreimbursed expenses, all of which were reasonable and necessary for the prosecution of this litigation. Of this amount, \$7,000 was for assessment payments for common litigation expenses or direct payments to experts or other vendors made at the request of Dennis Murray Jr. or as directed by me, and an additional \$12,374.71 was for non-common litigation expenses incurred by my firm, such as filing fees, on-line PACER research, electronic legal research, meals, parking, copying, telephone, etc. A summary of those expenses by category is attached as Exhibit 2.

9. In the event my firm provides additional services or incurs additional costs, I will supplement this declaration.

I declare under penalty and perjury that the foregoing is true and correct. Executed this 6th day of September, 2022, in Highland Park, Illinois.

s/ Marvin A. Miller
Marvin A. Miller

EXHIBIT 1



Miller Law LLC is a litigation boutique law firm which unites the talents of attorneys with combined experience in a wide array of complex civil litigation. The foundation of the firm is the ability to handle large complex litigation and sophisticated class actions in a variety of practice areas in federal and state courts across the country.

Our long history of class action litigation experience covers a varied and broad range of industries including pharmaceuticals, telecommunications, commodities and securities.

Miller Law LLC's fees are contingent on our success in achieving a favorable result for our clients and are reviewed and awarded by the court. Because we advance the costs of the litigation and our fees are earned on a predominately contingent basis, we continuously monitor and carefully evaluate each case throughout the litigation and understand the need to be efficient. This gives us the confidence and flexibility to employ creative thought in the decision-making process at every stage of the litigation. The skill and experience of the Miller Law attorneys has been recognized repeatedly by their peers, at whose request we have served as lead counsel, co-lead counsel, and *liaison*, and by courts, which have appointed our attorneys to leadership positions in complex multi-district or consolidated litigation in securities, commodities, consumer and antitrust class actions where we have been responsible for many outstanding recoveries and precedent-making decisions.

Some of the significant cases in which Miller Law attorneys have been prominently involved include:

ANTITRUST

Bayside Rubber & Prods., Inv. v. Caleca et al., 07-21784 (S.D. Fla.). This class action alleges that defendant-manufacturers of flexible rubber hose used to transport oil between ships, terminals, buoys and tanks, among other things, conspired to fix the prices of the marine hoses.

Brand-Name Prescription Drug Indirect Purchaser Actions. Coordinated antitrust actions against the major pharmaceutical manufacturers in ten states and the District of Columbia. The actions were brought under state law on behalf of indirect purchaser consumers who obtained brand name prescription drugs from retail pharmacies. In 1998, the parties agreed to a multi-state settlement in the amount of \$64.3 million, which was allocated among the actions.

Caldwell v. Matsushita Elec. Indus. Co., Ltd., 07-6303 (N.D. Cal.). Miller Law LLC, along with co-counsel, represents a plaintiff who seeks damages and injunctive relief for alleged antitrust violations relating to flat screens.

Garabedian v. LASMSA Limited Partnership, No. 721144 (Superior Court, Orange County, Cal.). Class action under California's Cartwright Act which alleged price-fixing of cellular telephone

service in the Los Angeles area market. The court granted final approval to two settlements that provided \$165 million of in-kind benefits.

In re Aftermarket Filters Antitrust Litig., MDL No. 1957, 08-4883 (N.D. Ill.). The complaint alleged a conspiracy among the Defendants and their co-conspirators to fix prices and to engage in other unlawful practices intended to raise, maintain, and/or stabilize prices for replacement motor vehicle oil, fuel and engine air filters (“Filters”). The firm serves as *liaison* counsel for the Indirect Purchasers. The Court has granted final approval of a settlement of Indirect Purchasers.

In re Air Cargo Shipping Servs. Antitrust Litig., 06-MD-1775 (E.D. N.Y.). Miller Law LLC represents plaintiffs who seek recovery from air cargo shipping provider-defendants that it is alleged participated in a global conspiracy to fix prices charged for these shipping services at *supra*-competitive levels, in violation of the federal antitrust laws.

In re Airline Ticket Commission Antitrust Litig., MDL No. 1058 (D. Minn.). Antitrust class action on behalf of travel agents against the major airlines for allegedly fixing the amount of commissions payable on ticket sales. The action settled for \$87 million. *See* 953 F. Supp. 280 (D. Minn. 1997).

In re Automotive Parts Antitrust Litig., (In re Instrument Panel Clusters Case), 12-MD-02311 (E.D. MI). Miller Law LLC represents direct purchaser plaintiffs.

In re Cellular Phone Cases, Coordination Proceeding No. 4000 (Superior Court, San Francisco County, Cal.). Class action under California’s Cartwright Act, which alleged price-fixing of cellular telephone service in the San Francisco area market. The \$35 million in-kind benefits to the Class was granted final approval.

In re Cathode Ray Tube (CRT) Antitrust Litig., MDL 1917, 07-5944-SC (N.D. Cal.). The antitrust class action complaint contains allegations of price fixing of Cathode Ray Tubes and Cathode Ray Tube Products including those used in televisions, computer monitors and other devices.

In re Liquid Aluminum Sulfate Antitrust Litig., 16-MD-02687 (D. NJ). Marvin Miller, as court-appointed, co-lead counsel for a class of indirect purchasers, successfully obtained final approval of a \$33 million settlement package for the class stemming from alleged price-fixing and bid-rigging of liquid aluminum sulfate, a water treatment chemical. The \$33 million settlement likely exceeded one hundred percent of the estimated, aggregated treble damages sustained by the class.

In re Lithotripsy Antitrust Litig., No. 98 C 8394 (N.D. Ill.). Antitrust class action arising out of alleged stabilization of urologist fees in the Chicago metropolitan area.

In re Photochromic Lens Antitrust Litig., MDL 2173 (M.D. Fla.). Miller Law LLC represents an Illinois client in this antitrust case.

In re: Polyurethane Foam Antitrust Litigation, 10 MDL 2196 (NDOH). This antitrust class action seeks to recover damages sustained by indirect purchasers of polyurethane foam as a result of defendants’ agreements to fix the prices and allocate customers for flexible polyurethane foam which is a major component of bedding, furniture and other products. Marvin Miller was appointed Lead

Counsel for the Indirect Purchasers. On January 27, 2016, the Court granted final approval of nine settlements valued at \$151,250,000.

In re Potash Antitrust Litig. No. II, MDL No. 1996, 08-6910 (N.D. Ill.). This case is brought on behalf of a class of plaintiffs who indirectly purchased potash products in the United States from one or more named Defendants between July 1, 2003 and the present. Plaintiff alleges, that in order to maintain price stability and increase profitability, Defendants conspired and combined to fix, raise, maintain, and stabilize the prices for potash that was sold in the United States and that the Defendants exchanged sensitive, non-public information about prices, capacity, sales volumes, and demand; allocated market shares, customers and volumes to be sold; and coordinated on output, including the limitation of production, to further and enact the price fixing conspiracy. On November 3, 2009, the Court denied in part Defendants' motion to dismiss the class action complaint. The Seventh Circuit en banc panel affirmed the District Court's denial of Defendants' motion to dismiss. Mr. Miller was appointed by the Court and serves as Interim Lead Counsel.

In re: Text Messaging Antitrust Litig., 08-7082 (N.D. Ill.). The Complaint in this Multidistrict Litigation seeks relief against the major cellular service providers because of alleged price fixing of text messaging charges. Mr. Miller has been appointed to the Plaintiffs' Steering Committee.

Kleen Products LLC, et al. v. Int'l Paper, et al., 10 C 5711 (N.D. Ill.). Nationwide Sherman Act class action for direct purchasers involving price-fixing and supply restriction claims against the major integrated producers of containerboard and corrugated products.

Lobatz v. AirTouch Cellular, 94-1311 BTM (AJB) (S.D. Cal.). Class action alleging price-fixing of cellular telephone service in San Diego County, California. The court approved settlements of \$8 million in cash and other benefits.

Painters District Council No. 30 Health and Welfare Fund v. Evanston Northwestern Healthcare, 08-2541 (N.D. Ill.). Defendant Evanston Northwestern Healthcare is being sued for inflated prices for healthcare services in violation of antitrust laws.

Supreme Auto Transport LLC v. Arcelor Mittal, 08-5468 (N.D. Ill.). This indirect purchaser class action alleges that Arcelor Mittal USA and others conspired to illegally price fixing of steel products sold to consumers and to artificially restrict the supply of steel products in the United States. Mr. Miller was appointed Interim Co-Lead Counsel.

Yoly Industrial Supply v. Horizon Lines, Inc., 03:08-CV-434-J-32HTS (M.D. Fla.). Complaint alleges antitrust violations by ocean shippers to raise, fix, peg, maintain or stabilize prices for Ocean Cabotage in the Puerto Rico trade.

PHARMACEUTICAL ANTITRUST

In re Actos Antitrust Litig., 13-09244 (S.D.N.Y.) Miller Law LLC represents a Third-Party Payor Union Health and Welfare Fund in this indirect purchaser antitrust action.

In re Aggrenox Antitrust Litig., MDL No. 02516 (D. Ct.) Miller Law LLC and the other co-lead

counsel for the End Payor Class were granted final approval of a \$54 million settlement, July 2018, thereby settling this antitrust action seeking treble damages arising out of the defendants' unlawful exclusion of generic substitutes from the market.

In re Cardizem CD Antitrust Litig., MDL No. 1278 (E.D. Mich.). Multi-district class action on behalf of purchasers of Cardizem CD, a brand-name heart medication manufactured and marketed by Hoechst Marion Roussel, Inc. (now merged into Aventis Pharmaceuticals, Inc.) Plaintiffs alleged that an agreement between HMR and generic manufacturer Andrx Corp. unlawfully stalled generic competition. The \$80 million settlement for the benefit of third-party payors and consumers was granted final approval. *In re Cardizem CD Antitrust Litig.*, 218 F.R.D. 508 (E.D. Mich. 2003), *appeal dismissed*, 391 F.3d 812 (6th Cir. 2004).

In re Effexor XR Antitrust Litig., 11-5590 (D.N.J.). Miller Law LLC, along with co-counsel, represents indirect purchaser opt-out plaintiffs in this antitrust action against Wyeth, Inc., Wyeth Pharmaceuticals, Inc., Wyeth-Whitehall Pharmaceuticals and Wyeth Pharmaceuticals Company.

In re Flonase Antitrust Litig., 08-3301 (E.D. Pa.). Plaintiffs allege that Defendants engaged in anticompetitive activities and abuse of the citizen petition process to maintain their monopoly profits in the fluticasone propionate market. Marvin Miller and Lori Fanning have been appointed co-lead counsel for the Indirect Purchaser Class. An Indirect Purchaser Class was certified on June 18, 2012. Judge Brody granted final approval of a \$35 million settlement.

In re Lidoderm Antitrust Litig., 14-md-2521-WHO (N.D. Cal.). Miller Law serves as an executive committee member of the End-Payor pharmaceutical antitrust litigation.

In re Loestrin Antitrust Litig., MDL No. 2472 (D. R.I.). Miller Law LLC is co-lead counsel for Indirect Purchaser Plaintiffs in this antitrust action seeking treble damages arising out of the defendants' unlawful exclusion of generic substitutes from the market. A Third-Party Payor Class was certified and the case was set for trial in January, 2020.

In re Lorazepam & Clorazepate Antitrust Litig., MDL 1290 (D.D.C.). This multi-district class action arose out of an alleged scheme to corner the market on the active pharmaceutical ingredients necessary to manufacture generic clorazepate and lorazepam tablets. After cornering the market on the supply, defendants raised prices for generic clorazepate and lorazepam tablets by staggering amounts (*i.e.*, 1,900% to over 6,500%) despite no significant increase in costs. On February 1, 2002, Judge Thomas F. Hogan approved a class action settlement on behalf of consumers, state attorneys general and third-party payors in the aggregate amount of \$135 million. *See* 205 F.R.D. 369 (D.D.C. 2002).

In re Niaspan Antitrust Litig., MDL No. 2460 (E.D. Pa.) Mr. Miller is co-lead counsel for Indirect Purchaser Plaintiffs in this antitrust action seeking treble damages arising out of the defendants' unlawful exclusion of generic substitutes from the market for this cholesterol drug.

In re Relafen Antitrust Litig., 01-12239 (D. Mass.). The United States District Court for the District of Massachusetts granted final approval to a \$75 million class action settlement for the benefit of

consumers and third-party payors who paid for branded and generic versions of the arthritis medication Relafen.

In re Solodyn Antitrust Litig., (D. Mass.). Mr. Miller is on the Executive Committee in this Indirect Purchaser antitrust action where a \$40 settlement was approved in July 2018. The action arose out of the defendants' unlawful exclusion of generic substitutes from the market for oral antibiotics for the treatment of acne.

In re Suboxone Antitrust Litig., MDL No. 2445 (E.D. Pa.). In this Indirect Purchaser antitrust action seeking treble damages arising out of the defendants' unlawful exclusion of generic substitutes from the market, Mr. Miller serves as co-lead counsel for the putative Indirect Purchaser Class. Class was certified on

In re Synthroid Marketing Litig., MDL No. 1182 (N.D. Ill.). This multi-district action arises out of alleged unlawful activities with respect to the marketing of Synthroid, a levothyroxine product used to treat thyroid disorders. Final approval of a settlement in the amount of \$87.4 million plus interest. See 188 F.R.D. 295 (N.D. Ill. 1999) was upheld on appeal. See 264 F.3d 712 (7th Cir. 2001).

In re Warfarin Sodium Antitrust Litig., MDL 98-1232 (D. Del.). A multi-district class action on behalf of purchasers of Coumadin, the brand-name warfarin sodium manufactured and marketed by DuPont Pharmaceutical Company. Plaintiffs alleged that the defendant engaged in anticompetitive conduct that wrongfully suppressed competition from generic warfarin sodium. The case settled for \$44.5 million which was affirmed on appeal. See *In re Warfarin Sodium Antitrust Litig.*, 212 F.R.D. 231 (D. Del. 2002).

In re Wellbutrin XL Indirect Purchaser Antitrust Litig., 08-2433 (E.D. Pa.), ***Painters District Council No. 30 Health and Welfare Fund v. Biovail Corp.***, 08-2688 (E.D. Pa.). Plaintiff alleges that Defendants engaged in sham litigation and petitioning and anticompetitive agreements to maintain their monopoly profits in the bupropion HCl extended release market.

In re Zetia (Ezetimibe) Antitrust Litig., 2:18-md-02836 (E.D. Va.). Mr. Miller is co-lead counsel for the End Payor Plaintiffs in this antitrust action seeking treble damages arising out of the defendants' unlawful exclusion of generic substitutes from the market.

Painters District Council No. 30 Health and Welfare Fund and Bluecross Blueshield Tennessee, Inc. v. King Pharma., Inc. and Mutual Pharma. Co., Inc. (a.k.a. In re Skelaxin Antitrust Litig) (E.D.TN.) The firm represents opt-out indirect purchasers in this antitrust action seeking treble damages arising out of the defendants' unlawful exclusion of generic substitutes from the market for metaxalone, a prescription muscle relaxant.

Ryan-House v. GlaxoSmithKline PLC, No. 02-442 (E.D. Va.). Plaintiffs allege that GSK, which makes Augmentin, misled the United States Patent Office into issuing patents to protect Augmentin from competition from generic substitutes. The case was resolved and the court approved a \$29 million settlement for the benefit of consumers and third-party payors. *Ryan-House, et al v. GlaxoSmithKline, PLC, et al.*, No. 02-442, (January 10, 2005, E.D. Va.)

In re Namenda Indirect Purchaser Antitrust Litig., No. 15-cv-6549 (S.D.N.Y.)(CM)(RWL) Mr. Miller and Ms. Fanning of Miller Law LLC are two of the co-lead counsel for the End Payor Plaintiffs in this antitrust action seeking treble damages arising out of the defendants' unlawful exclusion of generic substitutes from the market through allegations of product hop and reverse payment.

COMMODITIES

In re Commodity Exchange, Inc., Silver Futures and Options Trading Litig., MDL No. 2213 (S.D.N.Y.) This class alleges that the defendants intentionally manipulated the price of silver futures options contracts in violation of the Commodities Exchange Act.

In re: Dairy Farmers Of America, Inc. Cheese Antitrust Litig., MDL No. 2031, Master File No. 09-03690 (N.D. Ill.) This action alleges that Defendants conspired and agreed to fix or manipulate the prices of Chicago Mercantile Exchange Class III milk futures contracts, CME Cheese Spot Call contract.

In re First Commodity Corp. of Boston Customer Account Litig., MDL-713 (D. Mass). Class actions alleging violation of the anti-fraud provisions of the Commodity Exchange Act. The action settled for \$5.3 million. *See* 119 F.R.D. 301 (D. Mass. 1987).

In re Int'l Trading Group, Ltd. Customer Account Litig., No. 89-5545 RSWL (GHKx) (C.D. Cal.). Class action alleging violation of the anti-fraud provisions of the Commodity Exchange Act. The case settled with individual defendants and proceeded to a judgment against the corporate entity. In that phase, the Court awarded the Class a constructive trust and equitable lien over the corporation's assets and entered a \$492 million judgment in favor of the Class.

In re Soybean Futures Litig., No. 89-7009 (N.D. Ill.). A commodities manipulation class action against Ferruzzi Finanziaria, S.p.A. and related companies for unlawfully manipulating the soybean futures market in 1989. In December 1996, the court approved a settlement in the amount of \$21,500,000. *See* 892 F. Supp. 1025 (N.D. Ill. 1995). Mr. Miller served as Co-Lead Counsel for Plaintiffs.

In re Sumitomo Copper Litig., 96- 4584(MP) (S.D.N.Y.). Class action arising out of manipulation of the world copper market. On October 7, 1999, the court approved settlements aggregating \$134,600,000. *See* 189 F.R.D. 274 (S.D.N.Y. 1999). In awarding attorneys fees, Judge Milton Pollack noted that it was the largest class action recovery in the 75 plus year history of the Commodity Exchange Act. 74 F. Supp. 2d 393 (S.D.N.Y. Nov. 15, 1999). Additional reported opinions: 995 F. Supp. 451 (S.D.N.Y. 1998); 182 F.R.D. 85 (S.D.N.Y. 1998). Mr. Miller was appointed by Judge Pollack as Plaintiffs' Co-Lead Counsel.

Dennison v. BP Corp., No. 06-3334 (N.D. Ill.). This class action was commenced to recover damages as a result of defendant's alleged improper conduct in manipulating the price of propane. On February 10, 2010, the Court granted final approval of the \$15,250,000 cash settlement. Mr. Miller serves as Co-Lead Counsel in this consolidated Plaintiffs' class action.

Hershey, et al. v. Pacific Investment Management Co., No. 05-4681 (N.D. Ill.). This class action recovered for alleged violations of the Commodity Exchange Act when the Defendants improperly manipulated the Ten-Year Treasury bonds. On July 31, 2009, the Seventh Circuit Court of Appeals affirmed the decision that this case can proceed as a class action. On May 2, 2011, the Court entered a \$118.75 million judgment in favor of the class. Mr. Miller, at the request of Lead Counsel, served as *liaison* counsel for the Plaintiffs.

Smith v. Groover, 77-2297 (N.D. Ill.). A commodities fraud and antitrust class action against the Chicago Board of Trade and several floor traders involving the manipulation of the soybean market through bucketing. The case established that, in the Northern District of Illinois, a plaintiff has an implied private right of action under the Commodity Exchange Act and that an Exchange can be sued for negligence in failing to supervise its members. Mr. Miller was one of Plaintiff's counsel in this precedent making decision.

CONSUMER PROTECTION

Greene v. Sears Protection Company, et al., 15-cv-2546 (N.D. Ill.) – Miller Law LLC is co-lead counsel in this consumer protection action against Sears for breach of their agreements, deceptive practices, and unjust enrichment in which a nationwide class was certified.

Credit Protection Actions– This group of class action complaints contains allegations regarding the activities undertaken by various banks throughout the country who market and sell products associated with their credit cards known as “Credit Protect,” “Credit Protector,” “Payment Protector,” “PaymentAid,” “PaymentAid Plus,” and other monikers that all offer similar coverage that is indistinguishable from a contract of credit insurance but not sold as insurance.

In re Mercedes Benz Tele-Aid Contract Litig., MDL No. 1914, No. 07-2720 (D.N.J.). Plaintiffs sought compensatory and other damages for allegations relating to Mercedes Benz's failure to inform Mercedes vehicle purchasers of Model Years 2002 through 2006 that their analog-only Tele Aid systems would become obsolete and would stop functioning after December 31, 2007. The court granted class certification on April 27, 2009 and approved a settlement on September 9, 2011.

EMPLOYMENT

Bergman v. Kindred Healthcare, Inc., 10-191 (N.D. Ill). The firm filed this action with co-counsel to recover overtime wages for employees.

Camilotes v. Resurrection Healthcare and Saint Joseph Hospital, 10-0366 (N.D. Ill.). This is a nationwide collective action under the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* (“FLSA”), brought on behalf of a class of plaintiffs whose pay was subject to an unpaid “meal break”, and a statewide class action on behalf of all Illinois citizens to recover all unpaid wages under the Illinois Minimum Wage Law, (“IMWL”).

DeMarco v. Northwestern Memorial Healthcare and Northwestern Memorial Hospital, 10-00397 (N.D. Ill.) This is a nationwide collective action under the Fair Labor Standards Act, 29 U.S.C. §201 *et seq.* (“FLSA”), brought on behalf of a class of plaintiffs whose pay was subject to an unpaid

“meal break”, and a statewide class action on behalf of all Illinois citizens to recover all unpaid wages under the Illinois Minimum Wage Law, (“IMWL”).

Howard v. Securitas Sec. Servs., 08-2746 (N.D. Ill.). Miller Law and co-counsel, sought to recover overtime wages for employees. The Court granted class certification in January 2009.

King v. Heritage Enterprises, Inc., 10-3647 (N.D. Ill.) This collective action under the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* (“FLSA”), was brought on behalf of a class of plaintiffs whose pay was subject to an unpaid “meal break”.

SECURITIES

City of Lakeland Employees Pension Plan v. Baxter Int’l Inc., 10-06016 (N.D. Ill.) Miller Law LLC serves as liaison counsel in this securities fraud litigation that alleges defendants issued materially false and misleading statements regarding the Baxter’s plasma-derivative products business.

Lawrence E. Jaffe Pension Plan v. Household Int’l, 02-5893 (N.D. Ill.). The firm serves as *liaison* counsel and served on the trial team in this securities fraud litigation alleging that Household engaged in a variety of illegal sales practices and improper lending techniques to manipulate publicly reported financial statistics. The case was tried and the jury awarded a verdict in favor of plaintiffs.

Abrams v. Van Kampen Funds, Case No. 01-7538 (N.D. Ill.), involving a mutual fund that was charged with improperly valuating its net asset value. After extensive discovery, the case settled for in excess of \$31 million and was granted final approval.

Central Laborers’ Pension Fund v. Sirva, Inc., 04-7644 (N.D. Ill.). A \$53 million settlement was approved in this national securities class action which sought recovery from the defendant for violations of the securities laws because of the alleged failure to disclose to the investing public the true financial condition of the company. Mr. Miller served as Plaintiff’s *liaison* counsel at the request of Lead counsel.

Danis v. USN Communications, Inc., No. 98-7482 (N.D. Ill.). Securities fraud class action arising out of the collapse and subsequent bankruptcy of USN Communications, Inc. The court approved a \$44.7 million settlement with certain control persons and underwriters. Reported decisions: 73 F. Supp. 2d 923 (N.D. Ill. 1999); 189 F.R.D. 391 (N.D. Ill. 1999); 121 F. Supp. 2d 1183 (N.D. Ill. 2000). At the request of Co-Lead Counsel, Mr. Miller served as *liaison* counsel for Plaintiffs.

In re Archer-Daniels-Midland, Inc. Sec. Litig., No. 95-2287 (C.D. Ill.). A class action arising out of the Archer-Daniels-Midland price-fixing scandal. Plaintiffs brought claims for securities law violations which settled for \$30 million.

In re Baldwin-United Corp. Sec. Litig., MDL-581, (S.D.N.Y.). In this early multi-district securities class action, Plaintiffs’ counsel advanced the novel issue of whether Single Premium Deferred Annuities sold by the stock brokerage industry were securities and the sale of approximately \$4.2

billion were in violation of the federal and state securities laws. A \$180 million settlement was obtained and was one of the largest securities class action settlements at the time. In awarding interim counsel fees, Judge Charles Briant commented "...that plaintiffs' attorneys [including Marvin A. Miller as co-lead counsel] had rendered extremely valuable services with diligence, energy and imagination, and are entitled to just compensation."

In re Bank One Shareholders Class Actions, No. 00-880 (N.D. Ill.). In this securities fraud class action against Bank One and certain officers, Judge Milton I. Shadur appointed Mr. Miller to draft the Consolidated Class Action Complaint. At the request of court-appointed lead counsel, Mr. Miller served as Plaintiffs' *liaison* counsel. Judge Shadur subsequently approved a \$45 million settlement.

In re Caremark Int'l. Inc. Sec. Litig., No. 94-4751 (N.D. Ill.). This action arose out of Caremark's allegedly improper financial arrangements with physicians. A \$25 million settlement concluded the litigation.

In re Nuveen Fund Litig., No. 94-360 (N.D. Ill.). Class action and derivative suit under the Investment Company Act arising out of coercive tender offerings in two closed-end mutual funds.

In re Prudential Sec. Inc. Ltd. Partnerships Litig., MDL 1005 (S.D.N.Y.). A nationwide multi-district class action arising out of Prudential Securities Incorporated's marketing and sale of speculative limited partnership interests. The final settlements produced an aggregate of more than \$132 million for injured investors.

In re Salton/Maxim Sec. Litig., No. 91-7693 (N.D. Ill.). Class action arising out of public offering of Salton/Maxim Housewares, Inc. stock. On September 23, 1994, Judge James S. Holderman (former Chief Judge of the United States District Court for the Northern District of Illinois) approved a multi-million dollar settlement achieved for the class, commenting that "it was a pleasure to preside over [the case] because of the skill and the quality of the lawyering on everyone's part in connection with the case."

In re Sears, Roebuck and Co. Sec. Litig., No. 02-07527 (N.D. Ill.). Sears settled a class action lawsuit for \$215 million in a case brought by shareholders. The case alleged breach of fiduciary duty for failing to prevent improper bankruptcy collection practices under the company's debt reaffirmation agreements. Mr. Miller served as plaintiff's *liaison* counsel in this nationwide securities case.

In re Telesphere Sec. Litig., 89-1875 (N.D. Ill.). In his opinion approving a class action settlement, Judge Milton I. Shadur referred to Marvin A. Miller as "...an experienced securities law class action litigator and who also has 20 years [now 45 years] practice under his belt. This Court has seen the quality of that lawyer's work in other litigation, and it is first-rate." 753 F.Supp. 716, 719 (N.D. Ill. 1990).

In re VMS Sec. Litig., 89-9448 (N.D. Ill.). A securities fraud class action and derivative suit relating to publicly traded real estate investments. The court certified a plaintiff class and subclasses of approximately 100,000 members, 136 F.R.D. 466 (N.D. Ill. 1991) and approved a class and derivative settlement worth \$98 million.

Garden City Employees' Retirement System v. Anixter Int'l Inc., 09-5641 (N.D. Ill.) This is a securities class action on behalf of purchasers of Anixter common stock during the class period seeking to pursue remedies under the Securities Exchange Act of 1934 (the "Exchange Act").

Horton v. Merrill Lynch, Pierce Fenner & Smith, Inc., No. 91-276-CIV-5-D (E.D.N.C.). A multi-million dollar settlement was approved in this securities fraud class action arising out of a broker's marketing of a speculative Australian security. The Court stated that "the experience of class counsel warrants affording their judgment appropriate deference in determining whether to approve the proposed settlement." 855 F. Supp. 825, 831 (E.D.N.C. 1994).

Hoxworth v. Blinder Robinson & Co., 88-0285 (E.D. Pa.). A securities fraud and RICO class action resulting from alleged manipulative practices and boiler-room operations in the sale of "penny stocks." Judgment in excess of \$70 million was entered and that judgment was affirmed by the Third Circuit Court of Appeals, 980 F.2d 912 (3rd Cir. 1992). *See also Hoxworth v. Blinder*, 74 F.3d 205 (10th Cir. 1996).

Jones v. Corus Bancshares, Inc., 09-1538 (N.D.Ill.) Miller Law LLC served as *liaison* counsel in this securities fraud action against Corus.

Makor Issues & Rights & Ltd. v. Tellabs, 02-4356 (N.D. Ill.). This securities fraud action alleges that Tellabs, a global supplier of optical networking, broadband access and voice-quality enhancement solutions to telecommunications carriers and internet service providers engaged in wrongdoing concerning certain of its core products. Mr. Miller serves as *liaison* counsel. The case was argued before the United States Supreme Court and created precedent for the pleading standard in securities cases. *Tellabs v. Makor Issues & Rights, Ltd.*, 127 S.Ct. 2499 (2007). The court granted class certification on February 24, 2009. The court granted final approval of a settlement on July 26, 2011.

Mirsky v. Ulta Salon, Cosmetics and Fragrance Inc., 07-7083 (N.D. Ill.). As alleged in the complaint, defendants issued materially false and misleading statements in connection with the IPO concerning ULTA's financial condition and the levels of its selling, general and administrative expenses inventories. The court approved settlement on November 16, 2009.

Silverman v. Motorola, 07-4507 (N.D. Ill.). Miller Law LLC serves as *liaison* counsel in this securities fraud action against Motorola—one of the world's largest producers of wireless handsets. The court granted class certification on August 25, 2009. The court approved a \$200 million settlement.

Plumbers and Pipefitters Local Union No. 630 Pension-Annuity Trust Fund v. Allscripts-Misys Healthcare Solutions, Inc., 09-4726 (N.D. Ill.) This is a securities class action on behalf of purchasers of Allscripts-Misys Healthcare Solutions, Inc. common stock during the class period seeking to pursue remedies under the Securities Exchange Act of 1934 (the "Exchange Act").

INTELLECTUAL PROPERTY

Acco Brands USA v. PC Guardian Anti-Theft Products, Inc., No. 06-7102 (N.D. Ill.). The firm represented one of the named defendants in this alleged patent infringement case.

Baxter Int'l v. McGaw, Inc., (N.D. Ill.). Mr. Miller, together with co-counsel, successfully represented the Defendant in this patent infringement case and served as a member of the trial team which won a jury verdict of non-infringement of three needleless injection sites and also obtained a finding that the Plaintiff had engaged in inequitable conduct on two of the patents. The Court also found that the Plaintiff engaged in inequitable conduct. The decision was affirmed by the Court of Appeals Federal Circuit. (96-1329, -1342, 97-1331, -1350 decided June 30, 1998).

Golden Bridge Technology v. AT&T Corp., et al., 10-428, 11-165 (consolidated) (D. Del.) represented plaintiff in this multi-defendant patent infringement litigation.

SHAREHOLDER AND DERIVATIVE ACTIONS

Kimberly Petersen, derivatively and on behalf of the Allstate Corp., No. 18-cv-03598 (N.D. Ill.) The firm serves as *liaison* counsel in this derivative action.

Murphy v. CDW Corp., 07-3033 (N.D. Ill.). The firm represents a class of the public shareholders of CDW Corporation who sued the company and its directors for breach of fiduciary duties in connection with their acceptance of the \$7.3 billion buyout. The complaint alleges, among other matters, that the price does not reflect the true value of the company to its shareholders. The firm has been appointed *liaison* counsel for the class. The Court entered an order approving the settlement on May 7, 2008.

Scott Wells, derivatively on behalf of Treehouse Foods, Inc., 2016-CH-16359, Circuit Court of Cook County. The firm is *liaison* counsel in this derivative action.

OTHER REPRESENTATIVE CASES

In re: Ameriquest Mortgage Co. Mortgage Lending Practices Litig., MDL No. 1715, (N.D. Ill.). This large multidistrict national class action against this “subprime” lender, challenges Ameriquest’s alleged predatory lending practices, “bait and switch”, faulty appraisals, improper late fees and hidden costs, among other practices, and seeks damages and remedial relief on behalf of borrowers. At Plaintiffs’ Co-lead counsel’s request, Mr. Miller serves as *liaison* counsel.

In re Sears, Roebuck and Co., ERISA Litig., 02-8324 (N.D. Ill.). Mr. Miller served as plaintiff’s *liaison* counsel in this nationwide action. Sears settled this ERISA action for \$14.5 million in cash. The case alleged breaches of fiduciary duties in contravention of the Employee Retirement Income Security Act of 1974. The plan participants will directly benefit from the resulting settlement.

PrimeCo Personal Communications, L.P. v. Ill. Commerce Comm’n., No. 98 CH 5500 (Circuit Court of Cook County, Ill.). This class action sought recovery of an unconstitutional infra-structure

maintenance fee imposed by municipalities on wireless telephone and pager customers in the State of Illinois. The court granted final approval to a settlement of more than \$31 million paid by the City of Chicago. Subsequently, the court certified a settlement class of all wireless users in the State of Illinois and a Defendant Class of municipalities throughout the state which collected Infrastructure Maintenance Fees from wireless users and approved a settlement for the Class in excess of \$11 million. Mr. Miller served as Co-lead counsel for Plaintiffs in this novel class action.

Rodriguez v. CenturyTel, Inc., 09-50006 (N.D. Ill.). In this FLSA action, Miller Law LLC recovered overtime and other wages for employees. The Court approved a settlement in September, 2009.

DEFENDANT REPRESENTATIONS

In addition to our representation of plaintiffs, Miller Law attorneys have also represented defendants in complex class actions and derivative suits, including *In re Del-Val Financial Corp. Sec. Litig.*, MDL-872 (S.D.N.Y.); *In re Kenbee Limited Partnership Litig.*, No. 91-2174 (D.N.J.); *Weiss v. Winner's Circle of Chicago, Inc.*, No. 91-2780 (N.D. Ill.); *Levy v. Stern*, No. 11955 (New Castle County, Delaware). The court's decision in *In re Del-Val Financial Corp. Sec. Litig.*, 868 F. Supp. 547 (S.D.N.Y. 1994) resulted in a significant extension of the law concerning partial settlements of securities fraud class actions.

In the area of Intellectual Property, Miller Law attorneys represented McGaw, Inc. in an alleged patent infringement jury trial. The jury found in favor of our client and the decision was affirmed by the Federal Circuit. (96-1329, -1342, 97-1331, -1350 decided June 30, 1998); and represent Elizabeth Arden, Inc. for alleged violation of improperly extending patents, No. 10 C 3491) (N.D. Ill.). Mr. Miller also represents defendant PSMJ Resources, Inc. in the *Modern Trade Communications, Inc. v. PSMJ Resources, Inc.*, 10-5380 (N.D. Ill.)

Individual Biographies

MARVIN A. MILLER has 47 years of commercial and class action litigation experience. Mr. Miller has been lead or co-lead counsel across the full spectrum of industries (airline, cell and telephone, financial services, Internet and technology, manufacturing, pharmaceuticals, retailing, stock broker and exchange, and utilities) and practices (antitrust, consumer and investor fraud and protection, employment and employee benefits, insurance, shareholder derivative actions) that encompasses Miller Law LLC's practice. Mr. Miller holds an AV Pre-eminent (highest) rating from Martindale-Hubbell. Each year from January 2007 through 2013 and 2015, 2016, and 2017, Law & Politics and the publishers of Chicago Magazine named Mr. Miller an Illinois Super Lawyer. Super Lawyers are the top 5 percent of attorneys in Illinois, as chosen by their peers and through the independent research of Law & Politics. Mr. Miller has also served as a panelist for Practising Law Institute.

Prior to founding Miller Law LLC, Mr. Miller was a co-founder of another national class action law firm. Throughout his career in class action jurisprudence, Mr. Miller has represented shareholders and investors in high profile and precedent-setting class action litigation involving such companies as Continental Illinois National Bank and Trust and Baldwin United Corporation. He was lead attorney in *Smith v. Groover*, in which he represented clients against the Chicago Board of Trade and

several of its traders; the decision in the case, later affirmed, *sub. nom.*, in *Curran v. Merrill Lynch Pierce Fenner & Smith*, by the U.S. Supreme Court, established the precedent that an individual has an implied private right of action to sue an Exchange for negligence in failing to supervise its members.

Mr. Miller is a 1970 graduate of Illinois Institute of Technology-Chicago-Kent College of Law, where he was a member of the Editorial Board of the *Chicago-Kent Law Review*. He received his undergraduate degree from Hofstra University in 1967. He is admitted to the state bars of Illinois and New York, the Supreme Court of the United States, the United States Court of Appeals for the Third, Fourth, Sixth, Seventh, Eleventh Circuits, and Federal Circuit, the United States District Courts for the Northern District of Illinois (including the Trial Bar), Southern District of New York, Eastern District of Michigan and Northern District of California. Mr. Miller is a member of the Chicago Bar Association and the Illinois State Bar Association and served as Chair of the *Cy Pres* Committee of the Illinois Bar Foundation.

ANDREW SZOT handles complex commercial litigation matters throughout the United States on behalf of individuals, organizations and companies, including the prosecution of class actions involving antitrust violations, commercial fraud, violations of the federal Motor Carrier Safety Administration Truth-in-Leasing statute and corresponding federal regulations, as well as actions brought pursuant to the federal False Claims Act (*qui tam* actions). Mr. Szot's advocacy has helped achieve significant victories for several indirect purchaser classes, such as in *In re: Polyurethane Antitrust Litigation* (\$150 million class settlement for indirect purchasers); *In re: Potash Antitrust Litigation (II) (N.D. Ill.)* (\$17.5 million class settlement for indirect purchasers); and *In re: Flonase Antitrust Litig. (E.D. Pa.)* (\$46 million class settlement for indirect purchasers). Most recently, on behalf of a class of indirect purchasers, Mr. Szot successfully obtained final approval of a \$33 million settlement package for the class stemming from alleged price-fixing and bid-rigging of liquid aluminum sulfate, a water treatment chemical. The \$33 million settlement likely exceeded one hundred percent of the estimated, aggregated treble damages sustained by the class. Mr. Szot has been repeatedly selected as an Illinois *Rising Star* in litigation.

Mr. Szot received his Bachelor of Arts in History, with distinction, in 1997 from the University of Michigan in Ann Arbor, and earned his law degree from the University of Michigan Law School in 2000. He is a member of the Illinois State Bar (2001), the U.S. Court of Appeals for the Seventh Circuit (2001), the U.S. District Court for the Northern District of Illinois (2001), the U.S. District Court for the Eastern District of Wisconsin (2007), the U.S. District Court of Colorado (2011) and the Federal Trial Bar for the Northern District of Illinois (2007).

Before entering law school, Mr. Szot spent a year teaching and mentoring disadvantaged elementary school students as an AmeriCorps service volunteer, earning him a nomination for the Michigan Governor's Service Award. From June 2012 to June 2014, he served as co-chairperson of the Human Rights Committee of the Chicago Bar Association. He also served on the Advisory Board of Art Works Projects for Human Rights, and was a member of the legal advisory team for *The Prosecutors*, a documentary film about the prosecution of sexual crimes in conflict areas.

LORIA FANNING concentrates her practice on complex class litigation in a wide range of matters in federal and state court, primarily in the areas of consumer protection, antitrust, derivatives, and securities. She has prosecuted a variety of lawsuits involving the airline, banking, credit card, internet, pharmaceutical, and insurance industries. Ms. Fanning currently litigates antitrust claims in the pharmaceutical sector, including such cases as Effexor, Loestrin, Namenda, Niaspan, Suboxone, and Zetia) and previously in such actions as Aggrenox and Solodyn and Ms. Fanning represented the End Payor Class in Flonase as co-lead counsel for the End Payor Class. She has also prosecuted actions such as *In re: Polyurethane Antitrust Litigation* which settled for over \$150 million; consumer protection actions, such as *Greene v. Sears Protection Company, et al.*, 15-cv-2546 (N.D. Ill.) where a nationwide class was certified and has defended patent litigation on behalf of Datamation Systems, Inc. Ms. Fanning actively participated in the trial preparations for *In re Visa Check/MasterMoney Antitrust Litigation*, a civil antitrust case that settled for in excess of \$3 billion on the eve of trial. Prior to attending law school, she enjoyed a successful career as a logistician with the United States government at the Naval Sea Systems Command in the Washington, D.C. area in support of Foreign Military Sales, new ship construction, and naval equipment. For her dedication, the Department of the Navy honored her with the Meritorious Civilian Service medal.

Ms. Fanning received her law degree with honors and a Certificate in Litigation and Alternative Dispute Resolution from the Illinois Institute of Technology/Chicago-Kent College of Law. She also earned a Master of Science in Administration from Central Michigan University, and a B.A. from the University of Nebraska at Omaha. She is admitted to practice in the state of Illinois and the federal district courts for the Northern District of Illinois, the Eastern District of Wisconsin, and the United States Courts of Appeals for the Seventh and Ninth Circuits. Ms. Fanning is a member of the American Bar Association. Ms. Fanning also serves on the board of a non-profit, Intrigue Performance Dance Company. IPDC raises money for dance scholarships for dancers who could not otherwise afford to pursue their passion for dance.

MATTHEW E. VAN TINE focuses his practice on antitrust, securities fraud, and consumer protection matters. He has participated in the prosecution and defense of many securities, antitrust, and consumer class actions over the past two decades including securities litigation against Van Kampen Funds and Baxter International; antitrust class actions involving nurses' wages, the drug warfarin sodium (Coumadin), and an industry-wide effort to raise drug prices paid by retail drug stores (the Brand Name Prescription Drug Antitrust Litigation); and litigation on behalf of consumers challenging an unconstitutional fee imposed on wireless and landline phone customers. Before associating with Miller Law LLC, Mr. Van Tine was affiliated with two other class action boutique law firms for fourteen years. Mr. Van Tine has also practiced with large law firms in Chicago and Boston and served as an Assistant Corporation Counsel for the City of Chicago Law Department.

Mr. Van Tine received his A.B. degree *cum laude* from Harvard College in 1980, and his J.D. degree *magna cum laude* from Boston University School of Law in 1983, where he served as an Executive Editor of the Law Review and was the author of Note, *Application of the Federal Parole Guidelines to Certain Prisoners: An Ex Post Facto Violation*, 62 B.U.L. Rev. 515 (1982). Following law school, Mr. Van Tine served as a law clerk to the Honorable Raymond J. Pettine of the United States District Court for the District of Rhode Island. Mr. Van Tine's practice admissions include the state

bars of Illinois and Massachusetts, the Supreme Court of the United States, the United States Court of Appeals for the Seventh Circuit and the United States District Courts for the Northern District of Illinois and the District of Massachusetts. He is a member of the Chicago and American Bar Associations and served as a past President of the Abraham Lincoln Marovitz American Inn of Court.

KATHLEEN E. BOYCHUCK focuses her practice on antitrust and consumer protection complex class litigation. Ms. Boychuck currently manages the electronic discovery review for document-intensive, multi-defendant antitrust class actions. She is active in the prosecution of a matter against a major U.S. pharmaceutical company relating to conduct which has caused generic delay into the market.

Ms. Boychuck graduated from The John Marshall Law School. While in law school, she appeared on the Dean's List. Ms. Boychuck also participated in a study abroad program with a concentration in international human rights in Salzburg, Austria, taught by the Honorable Anthony M. Kennedy, Associate Justice of the United States Supreme Court. Ms. Boychuck received her Bachelor of Arts in Political Science from the University of Wisconsin-Madison. She interned for the American Bar Association's Standing Committee on Law and National Security in Washington, D.C., in support of the legal response to terrorism, weapons of mass destruction and information warfare.

She is admitted to practice in the state of Illinois and the United States District Court for the Northern District of Illinois. Ms. Boychuck is a member of the American Bar Association.

EXHIBIT 2

Costs only

Draft Statement

COSTS ADVANCED

Telephone charges	15.00
Postage	12.60
Travel/Hotel/Meals expense	2,125.79
Electronic Filing/Court Docket charges	77.80
Filing fees	428.60
Overnight Delivery	28.38
Service of Process	1,435.51
Online legal research	7,651.03
Litigation Fund Contribution	7,000.00
JND eDiscovery - Hosting Services	600.00
Total Costs	<u>19,374.71</u>
Total for this Statement	19,374.71
Balance Due	<u>\$19,374.71</u>

EXHIBIT B

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JACOB SMITH,)
) Case No. 2:20-cv-03755
)
 Plaintiff,)
)
 v.) Judge Edmund A. Sargus
) Magistrate Judge Kimberly A. Jolson
)
 FIRSTENERGY CORP., *et al.*,)
)
 Defendants.)
)
 _____)

JAMES BULDAS,)
) Case No. 2:20-cv-03987
)
 Plaintiff,)
) Judge Edmund A. Sargus
 v.) Magistrate Judge Kimberly A. Jolson
)
)
 FIRSTENERGY CORP., *et al.*,)
)
 Defendants.)
)
 _____)

BRIAN HUDOCK and CAMEO)
 COUNTERTOPS, INC.,)
) Case No. 2:20-cv-03954
)
 Plaintiffs,)
) Judge Edmund A. Sargus
 v.) Magistrate Judge Kimberly A. Jolson
)
)
 FIRSTENERGY CORP., *et al.*,)
)
 Defendants.)
)
 _____)

**DECLARATION OF DENNIS E. MURRAY, JR. IN SUPPORT OF AWARD OF
ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES, AND AWARD OF
INCENTIVE PAYMENTS TO CLASS REPRESENTATIVES**

I, Dennis E. Murray, Jr, declare as follows:

1. I am an attorney licensed to practice before the courts of the State of Ohio, and am a Partner in the law firm of Murray & Murray Co., L.P.A. (“Murray & Murray”). I have personal knowledge of the facts stated in this Declaration and, if called as a witness, I would testify competently to them. I make this Declaration in support of Murray & Murray’s request for attorneys’ fees and reimbursement of litigation expenses, as set forth in the Petition of Dennis E. Murray, Jr., Marvin A. Miller, and James L. Ward Jr. In Support Of Award of Attorneys’ Fees, Reimbursement Of Expenses, And Award of Incentive Payments To Class Representatives (the “Petition”).

2. I am counsel of record in this case for plaintiffs Jacob Smith, Brian Hudock, and Cameo Countertops, Inc.

3. A brief description my firm, which includes a short summary of my experience and credentials, is attached as Exhibit 1 and incorporated herein by reference.

4. Throughout the course of this litigation, my firm kept files contemporaneously documenting all time spent, including tasks performed, and expenses incurred, and shared those reports on a regular basis with Marvin A. Miller, who is Co-Lead Class Counsel for the Settlement Class, along with James L. Ward, Jr. *See* ECF No. 142 (preliminary approval order appointing Messrs. Murray, Miller, and Ward as Class Counsel). All the time and expenses reported by my firm advanced the tremendous class-wide result achieved in this case.

5. Such work included every aspect of the litigation from preparing the complaint, working on discovery issues, opposing the FirstEnergy defendants’ motion to dismiss, moving for class certification, defending the deposition of one of the class representatives, opposing Energy Harbor’s motion to dismiss and the FirstEnergy Defendants’ motion for judgment on the pleadings, leading settlement preparation, negotiation with opposing counsel, and the preparation and modification of a detailed set of documents necessary to both reduce the two settlement agreements

to writing and prepare them for presentation to the Court including all aspects of class notice.

6. The total lodestar for my firm at current rates for services rendered from inception to July 31, 2022, is \$528,373.75. This amount does not include time spent preparing this Declaration or preparing Class Plaintiffs' fee petition. My firm's time entries are available for inspection by the Court if necessary.

7. Expense items are billed separately and are not duplicated in my firm's lodestar. The expenses my firm incurred in litigating this action are reflected in the books and records of my firm. These books and records are prepared from expense vouchers, invoices, receipts, check records, and other source materials and accurately reflect the expenses incurred. My firm's expense records are available for inspection by the Court if necessary.

8. My firm incurred a total of \$11,759.76 in unreimbursed expenses, all of which were reasonable and necessary for the prosecution of this litigation. Of this amount, \$10,500 was for assessment payments for common litigation expenses or direct payments to experts or other vendors made at the request of Marvin Miller or as directed by me, and an additional \$1,126.06 was for non-common litigation expenses incurred by my firm, such as filing fees, on-line PACER research, meals, parking, copying, telephone, telephone, etc. A summary of those expenses by category is attached as Exhibit 2. As noted, our firm maintained the common litigation expense account and periodically assessed firms as necessary to pay for expenses related to the litigation. We assessed our collective firms a total of \$48,000, and have incurred expenses in the amount of \$37,564.70, leaving a positive balance of \$6,300.62. This detail is available as requested by the Court.

9. In the event my firm provides additional services or incurs additional costs, I will supplement this declaration.

I declare under penalty and perjury that the foregoing is true and correct. Executed this 6th day of September, 2022, in Sandusky, Ohio.

s/ Dennis E. Murray
Dennis E. Murray, Jr.

MURRAY & MURRAY CO., L.P.A.
111 E. SHORELINE DRIVE
SANDUSKY, OHIO 44870
www.murrayandmurray.com
(419) 624-3000

The Sandusky law firm of Murray & Murray was founded in 1931 by Emmett Murray and his brother Thomas Murray. The firm presently has eleven lawyers exclusively practicing civil complex litigation. Seven of the lawyers are Murrays.

PROFESSIONAL BIOGRAPHY OF MURRAY & MURRAY

DENNIS E. MURRAY, SR. received a Juris Doctor degree from the University of Michigan Law School. He received his undergraduate degree from The College of Holy Cross. He has been a licensed and practicing plaintiffs' trial lawyer since 1963. He is also an inactive licensed, certified public accountant; licensed to practice in the U.S. Supreme Court and many of the federal and appellate courts; a member of the Bars of the States of Ohio, Florida, and Michigan and is a member of the Ohio Society of Certified Public Accountants and of the Ohio Association of Justice. He has had extensive jury trial practice for more than 50 years; receiving multi-million dollar jury verdict awards for trials involving bad faith insurance company misconduct, tortious interference with contractual rights, negligent training and negligent discharge of firearms; commercial and securities litigation and for automobile and motorcycle liability. He has received the highest jury awards in many categories in the State of Ohio and has had extensive trial and appellate practice in business and commercial litigation; has been lead counsel in multi-million dollar resolutions of litigation concerning securities, leveraged buyouts, insurance; motor vehicles and consumer fraud and has litigated numerous class actions in the areas of employment discrimination, toxic torts, and commercial litigation in state and federal courts for more than 4 decades. His name appears as lead counsel in numerous cases decided by the Ohio Supreme Court in the last 50 years, including the issues of class certification; toxic torts; jury trial entitlement; insurance company duties to insureds and to injured parties; duties owing to minority shareholders; exclusivity of "fair cash value" in squeeze out mergers; whistle blower protection; labor organization liability for tortious misconduct; punitive damage standards and many other extremely significant legal issues. Mr. Murray is recognized as a "Super Lawyer" in Ohio and in 2015 was awarded the "Lifetime Achievement Award" by the Ohio Association for Justice.

DENNIS E. MURRAY, JR. received a Juris Doctor cum laude degree from Georgetown University Law School in 1987. He received a Bachelor of Arts, magna cum laude, from Georgetown University in 1984, Phi Beta Kappa. He is licensed to practice law in the State of Ohio, the United States District Court for the Northern District of Ohio, and Sixth Circuit U.S. Court of Appeals. He is the Co-author of *Corporate Constituencies: Whose Corporation Is It Anyway*, *The Corporate Analyst*; *The Unconstitutionality of Sovereign Immunity in Ohio: Last Stand for the Illegitimate King*. He served as a Grader for the Ohio Bar Examinations from 1995-2005; the Ohio Supreme Court Traffic Rules Committee from 1990 to 1994; the Erie-Huron

Grievance Committee from 1992-2006; as a General Assembly representative to the Ohio Supreme Court's Court Funding Task Force from 2011-13. He served as the State Representative for the 80th District in the Ohio House of Representatives from 2009-2012, as a member of Ohio's Constitutional Modernization Commission from 2011-13 and as a Sandusky City Commissioner from 2006-2008 and 2014-present (president 2008 and 2014-2019; vice-president 2020). He has been AV rated for over twenty years and has been recognized as an Ohio "Super Lawyer" for many years. He practices in Complex Civil Litigation including investor, class action, banking, antitrust, consumer issues and legal malpractice and fraud.

CHARLES M. MURRAY received a Juris Doctor degree from the University of Dayton in 1991. He received a Bachelor of Arts degree from Xavier University in 1987. He worked as the Assistant Prosecuting Attorney in the Adult Felony Trial Division in Erie County from 1991 to 1993. He is licensed to practice law in the State of Ohio, the U.S. District Court for the Northern District of Ohio, Sixth Circuit U.S. Court of Appeals. He is board certified as a Civil Trial Advocate by the National Board of Trial Advocacy. He is a member of the Erie County and Ohio State Bar Associations; the Cleveland Academy of Trial Lawyers; American Association for Justice; and Ohio Association for Justice. He is a member of the National College of Advocacy and the National Board of Trial Advocates. He was appointed by Ohio Supreme Court to service on the Task Force for Jury Service from 2002 to 2004. He is a member of the Erie County Public Defenders' Board, the Sandusky Central Catholic School Board and the State Theatre Board. He practices in Personal Injury, Wrongful Death, Medical Malpractice, and Plaintiffs' Trial Practice.

MARGARET M. MURRAY received a Juris Doctor degree as a merit scholar from Case Western Reserve University in 1996. She received a Bachelor of Arts degree from College of The Holy Cross in 1993. She is licensed to practice law in the State of Ohio, Commonwealth of Pennsylvania, U.S. District Court for the Northern District of Ohio, U.S. District Court for the Southern District of Ohio, U.S. District Court for the Eastern District of Michigan, and Sixth Circuit U.S. Court of Appeals. She is a member of the Erie County and Ohio State Associations. She is a former Trustee of the Ohio Association for Justice and is a member of the American Association for Justice. She worked as an Assistant Prosecuting Attorney for Erie County from 1996 to 1997. Appointed by U.S. Senators Sherrod Brown and George Voinovich, she served on the United State Senate Judicial Nominations Committee for the Southern District of Ohio from 2009-2012. She was reappointed to that Commission by U.S. Senators Sherrod Brown and Rob Portman in 2016. In 2017, Margaret was appointed to the U.S. Senate Judicial Nominations Commission for the State of Ohio by Senators Brown and Portman. She has lectured on Federal Multi-District Litigation, subrogation, civil procedure, class actions, insurance law, ethics, product liability and brief writing. She is a former president of the Second Harvest Food Bank of North Central Ohio. She was appointed as a member of the Ohio State Bar Association Special Committee on Subrogation and as a member of the Ohio State Bar Association Subrogation Task Force. She is also a member of the OSBA Legal Ethics and Professional Conduct Committee and currently served on the Erie-Huron County Joint Certified Grievance Committee from 2011-2020 (Chair 2015-2016). She served as the Chair of the Ohio Association for Justice Covid-19 Immunity Task Force in 2020. Margaret has served as the Amicus Curiae Chair for the Ohio Association of Justice since 2009. Margaret has served a Commissioner on the Erie County MetroParks Board since 2016. She practices in Personal Injury, Complex Litigation, Class Actions, and Wrongful Death.

JAMES L. MURRAY received a Juris Doctor degree from Case Western Reserve University in 1997. He received a Bachelor of Arts degree from Boston College in 1994. He is licensed to practice law in the State of Ohio and the U.S. District Court for the Northern District of Ohio. He is a member of the Erie County, Ohio State and American Bar Associations. He is a member of the Ohio Association for Justice and the American Association for Justice. He worked as an Assistant Prosecuting Attorney in the Felony Division of Cuyahoga County from 1998-2002. He served nine years on the Legal Aid of Western Ohio and Advocates for Basic Equality Board of Trustees including four years as Vice President. He is the current Vice Chair of the Erie County Democratic Party, is a member of the Wightman Wieber Foundation Board of Trustees and sits on the Huron Baseball Softball Program Board. His practice areas include Personal Injury, Discrimination, Wrongful Death, Breach of Contract and Criminal Defense.

FLORENCE A. MURRAY joined the firm in 2011. She received her Juris Doctor degree from the Michael E. Moritz College of Law at the Ohio State University in 2005 where she received the James F. Flynn Memorial, Wilbert G. and Hilma R. Schwer, and Women Lawyers of Franklin County scholarships. She also holds a Masters in Business Administration from the Weatherhead School of Management at Case Western Reserve University, M.Ed Ashland University and a Bachelors of Arts from Saint Ignatius of Loyola University in Baltimore, Maryland. She is licensed to practice in the State of Ohio, U.S. District Court for the Northern District of Ohio, and Sixth Circuit U.S. Court of Appeals. She is a member of the Cleveland Academy of Trial Lawyers, and Erie County, Cleveland Metropolitan, Ohio State, Disability Rights, Education Law and American Bar Associations. She is a Trustee of the Ohio Association for Justice where she is the former Chair of the Ohio Trucking Safety Section, and, within the American Association for Justice, she is the Secretary for the Civil Rights Section and Newsletter Editor for the Railroad Section. She practices in the areas of Civil Rights, Railroad Law, Trucking Crashes, Wrongful Deaths, Class Actions and Insurance Law.

NOLAN E. MURRAY joined the firm in 2021 and represents the first member of the fourth generation of the Murray family to join the law firm. Nolan received his Juris Doctor degree from the Michael E. Moritz College of Law at The Ohio State University in 2018. He earned a Bachelor of Business Administration, magna cum laude, from the University of Notre Dame, in 2014. Nolan is a Certified Public Accountant. He is licensed to practice in the State of Ohio, the U.S. District Court for the Northern District of Ohio, and the Sixth Circuit U.S. Court of Appeals. He is a member of the Ohio State Bar Association and the Erie County Bar Association. His practice areas include Personal Injury, Wrongful Death, Breach of Contract, Consumer Law, Real Estate Leasing and Transactions Advice as well as General Corporate representation, including formation, structuring and contract review.

WILLIAM H. BARTLE received a Juris Doctor degree from Case Western Reserve University in 1975. He received a Bachelor of Arts from Hamilton College in 1971. He attended the Albany Law School of Union University. He is licensed to practice law in the State of Ohio, U.S. District Court for the Northern District of Ohio, Sixth Circuit U.S. Court of Appeals, and U.S. Supreme Court. He is a member of the Erie County and Ohio State Bar Associations. He practices in Personal Injury Law, Products Liability Law, Insurance Coverage Contract

Interpretation Law, Employment Discrimination Law, and Plaintiffs' Trial Practice.

DONNA JEAN EVANS received a Juris Doctor degree magna cum laude from Cleveland State University in 2000. She received a Bachelor of Arts degree cum laude from Marian College in 1975. She is licensed to practice law in the State of Ohio and U.S. District Court for the Northern and Southern Districts of Ohio and the Sixth Circuit. She is a member of the Erie County and Ohio State Bar Associations. She practices in Complex Litigation, Commercial, and Class Actions.

JOSEPH A. GALEA received a Juris Doctor degree from Case Western Reserve University in 2012 and a Bachelors of Arts from the University of Florida as a National Merit Scholar in 2008. He is licensed to practice law in the State of Ohio, the U.S. District Court for the Northern District of Ohio, and the U.S. Court of Appeals for the Sixth Circuit. He is a member of the Erie County and Ohio State Bar Associations, the Ohio Association for Justice, and the American Association for Justice. He is the Secretary of the Erie-Huron Joint Certified Grievance Committee and a commissioner on the City of Sandusky Planning Commission. He has prosecuted attorney discipline cases to the Ohio Board of Professional Conduct. He practices in Commercial and Complex Litigation, Personal Injury, Railroad Litigation, and Employment Litigation.

MATTHEW R. JANACK received a Juris Doctor degree from the University of Toledo in 2019 and a Bachelor of Arts in Political Science from the University of Akron. He received the Judge James Carr Writing Award in 2019 and is a member of the Ohio State and Erie County Bar Associations.

Murray & Murray has a very active appellate practice, including a total of over 50 published cases before the Ohio Supreme Court and over 100 published decisions in Ohio. These cases frequently include issues of great social and public importance. Murray & Murray attorneys appear regularly in the Supreme Court of the State of Ohio, appellate districts throughout the State of Ohio, U. S. District Courts, and U.S. Courts of Appeals.

Our firm has embraced technologies that maintain a lawyer's competitive edge. The professionalism of the lawyers at Murray & Murray has allowed the firm to enjoy relationships with opposing counsel that also work for the benefit of the respective clients by speeding litigation, lowering costs and reducing some of the less productive aspects of modern litigation.

The experience of Murray & Murray in class action work has been extensive. Murray & Murray has been actively involved in class litigation almost 50 years. Examples of some of the cases include:

- *Biechele v. Norfolk & Western Railway Co.*, 309 F.Supp. 354 (N.D. Ohio 1969) (environmental)
- *Nemitz v. Norfolk & Western Railway Co.*, 404 U.S. 37, 30 L. Ed. 2d 198, 92 S. Ct. 185, 62 Ohio Op. 2d 29, 78 L.R.R.M. 2721; 66 Lab. Cas. (CCH) ¶12, 183 (1971) (union employee wages)

- *Manning v. Int'l Union and General Motors*, 466 F.2d 812 (C.A. 6, 1972) (Title VII)
- *Raschaks v. General Motors*, 9 Fair Empl. Case No. 1406 (N.D. Ohio 1973) (employment)
- *Frank v. Vulcan Materials Co.*, C.A. No. E-81-16 (Erie Co. Ohio 1981) (environmental)
- *Frazier v. Gold Bond Building Products Co.*, Sandusky County Case No. 79-CV-185 (Ohio 1981) (environmental)
- *Clark v. Pfizer, Inc.*, C.A. No. S-84-7 (Sandusky Co. Ohio 1984) (environmental)
- *Sally V. Neff, et al. v. Celanese Piping Systems, et al.*, Franklin County Court of Common Pleas Case No. 85-CV-04-2279 (Ohio)
- *Harrell v. Marathon Oil Co.*, 32 Ohio St.3d 397, 513 N.E.2d 776 (1987) (securities)
- *Nickels, et al. v. Cedar Point, Inc., et al.*, Erie County Court of Common Pleas Case No. 45323 (Ohio 1987) (securities)
- *Gergely, et al. v. VanVoorhis, et al.*, Erie County Court of Common Pleas Case No. 87-CV-469 (Ohio) (securities)
- *Warner, et al. v. Waste Management, Inc., et al.*, 36 Ohio St. 3d 91, 521 N.E.2d 1091 (1988) (environmental)
- *Pippert v. Akron Coca Cola Bottling*, Erie County Court of Common Pleas Case No. 88-CV-070 (Ohio)
- *Limberios v. Vermilion River Resorts*, Lorain County Court of Common Pleas Case No. 88-CV-101212 (Ohio 1988) (consumer)
- *In re Trustcorp Securities Litigation*, U.S. Dist. Court Case No. 3:89CV7139 (N.D. Ohio 1990) (securities, fraud-on-the-market)
- *Schiller v. BancOhio National Bank*, Franklin County Court of Common Pleas Case No. 90CVH07-5340 (Ohio) (duties of indenture trustee)
- *Dowling v. Narragansett Capital Corp.*, 735 F. Supp. 1105 (D.R.I. 1990) (proxy fraud; investment banking negligence in connection with corporate takeover)
- *Bettis v. Ruetgers-Nease*, U.S. Dist. Court Case No. 4:90-CV-0502 (N.D. Ohio 1990) (environmental contamination)
- *Glatz, et al. v. Dublin Securities, Inc., et al.*, Erie County Court of Common Pleas Case No. 91-CV-274 (Ohio 1991) (state securities law)
- *Kitchen v. Aristech Chemicals*, 769 F.Supp. 254 (S.D. Ohio 1991) (environmental contamination)
- *Glatz, et al. v. Beaman, et al.*, Erie County Court of Common Pleas Case No. 92-CV-058 (Ohio 1992) (state securities law)
- *Polikoff v. Adam*, 67 Ohio St.3d 100 (1993) (shareholder derivative suit)
- *Miner, et al. v. Figgie, et al.*, Lake County Court of Common Pleas Case No. 93-CV-001575, C.A. No. 94-L-069 (Ohio 1993) (derivative stockholder litigation)
- *Vettel v. Bank One Sidney*, Erie County Court of Common Pleas Case No. 93-CV-155 (Ohio 1993) (consumer)

- *McConocha v. Blue Cross Blue Shield of Ohio*, U.S. Dist. Court Case No. 3:93-CV-7534 (N.D. Ohio 1993) (consumer insurance, 80/20 co-pay)
- *Shaver v. Standard Oil Co.*, 89 Ohio App.3d 52 (1993) (consumer; antitrust)
- *Kreidler v. Western Southern Ins. Co.*, Erie County Court of Common Pleas Case No. 95-CV-157 (Ohio 1995) (insurance fraud)
- *Smolik v. The Lincoln Electric Company*, Cuyahoga County Court of Common Pleas Case No. 288514 (Ohio 1996) (executive bonus comp plan)
- *In Re Corrpro Securities Litigation*, U.S. Dist. Court Case No. 5:95 CV 1223 (N.D. Ohio 1997) (securities)
- *Cope, et al. v. Metro Life Ins. Co.*, 82 Ohio St.3d 426 (1998)(establishing the ability to sue for uniform written misstatements in order to satisfy the Rule 23 predominance requirement)
- *Shaver v. The Standard Oil Company*, 135 Ohio App.3d 242 (Huron Co. 1999)(breach of fiduciary duty)
- *Everett v. Verizon Wireless, et al.*, No. 3:00-CV-7763 (N.D. Ohio 2000) (consumer)
- *Gomez v. Towne Bancorp*, 129 F.Supp.2d 1116 (N.D. Ohio 2000) (breach of contract by stock escrow agent in connection with a best efforts securities offering)
- *Toledo Blade Pension Plan v. Investment Performance Services*, No. 3:04-CV-7123 (N.D. Ohio 2004) (breach of contract)
- *Miller, et al. v. Volkswagen of America*, Erie County Court of Common Pleas Case No. 2004-CV-558 (Ohio 2004) (consumer/automobile protection)
- *Hepp, George et al. v. Michael Brown et al.*, Seneca County Court of Common Pleas Case No. 52964 (Ohio 2004) (fraudulent sale of viatical settlements)
- *NicSand, Inc. v. 3M Co.*, 507 F.3d 442, 2007 U.S. App. LEXIS 24270, 2007 FED App. 0424P (6th Cir.), 2007-2 Trade Cas. (CCH) P75,908 concerning the illegality of exclusive dealing agreements those foreclose significant percentages of the retail market)
- *Schemmer, et al. v. ChartOne, Inc.*, N.D. Ohio No. 1:05-CV-02923, 2007 WL 1822274 (fraud)
- *MPW Industrial Services Group, Ltd.* U.S. Dist. Court Case No. 2:07-cv-442 (S.D. Ohio 2007) (proxy and 10b-5 class action securities fraud)
- *Firelands Reg. Med. Ctr. v. Jeavons*, 2008 WL 4408600 (Erie County, Ohio) (uninsured protection)
- *Midland Funding LLC v. Brent, et al.*, 3:08-CV-01434, 2009 WL 3437243 (N.D. Ohio 2008) (consumer credit)
- *Molesky, et al. v. State Collection & Recovery Services, Inc.*, N.D. Ohio No. 3:12-cv-2639 (F.D.C.P.A.)
- *Polinsky v. Community Health Partners Regional Health Systems*, U.S. District Court Case No. 1:10-CV-02544 (N.D. Ohio 2010) (F.D.C.P.A. case)
- *Streeter v. Mercy Health System-Northern Region*, CI 200903601 (Lucas Co., OH)

(consumer)

- *Anderson v. Barclays Capital Real Estate, Inc. d.b.a. HomEq Servicing*, U.S. District Court Case No. 3:09-CV-2335 (N.D. Ohio 2009) (consumer)
- *Stammco LLC v. United Telephone Co. of Ohio*, 125 Ohio St.3d 91 (Ohio 2010) (telephone cramming)
- *Pevets v. Crain Communications*, 2011-Ohio-2700 (Ohio 6th Dist. 2011) (breach of contract)
- *Franklin v. Midland Funding, LLC*, 2011 U.S. Dist LEXIS 89919 (N.D. Ohio 2011) (F.D.C.P.A.)
- *Martha Vassalle, et al. v. Midland Funding LLC, et al.*, U.S. District Court Case No. 3:11-cv-0096 (N.D. Ohio 2011) (debt collection case F.D.C.P.A.)
- *Baker v. American Greetings Corp.*, N.D. Ohio No. 1:12-cv-00065 (company owned life insurance (COLI) placed without knowledge or consent)
- *Johnson v. Midland Credit Management, Inc.*, Case No. 1:05-CV-1094 (N.D. Ohio, December 12, 2013) (F.D.C.P.A.)
- *Arlington Video, Inc. v. Fifth Third Bancorp*, 515 Fed. Appx 426 (6th Cir. 2013)
- *Oatman v. InfoCision, Inc., et al.*, 2013 U.S. Dist. LEXIS 106453 (N.D. Ohio 2013) (telemarketing)
- *Fowler, et al. v. ABJ Equipfix, LLC*, U.S. District Court Case No. 3:11-CV-2251 (N.D. Ohio 2013) (employment)
- *PNC National Bank Association v. Mark A. Stuckey, et al.* Erie County Court of Common Pleas Case No. 2013-CV-0634 (Ohio) (excess forced placement of property insurance)
- *Sonia Filby, et al. v. Windsor Mold USA, Inc.*, U.S. District Court Case No. 3:13-CV-01582 (N.D. Ohio 2013) (employment)
- *Jerry Hunt, et al. v. YRC Worldwide, Inc., et al.*, U.S. District Court Case No. 2:13-cv-993 (S.D. Ohio 2013) (employment)
- *Charles Johnson, et al. v. Ford Motor Company*, U.S. District Court Case No. 3:13-cv-6529 (S.D. West Virginia 2013) (product)
- *George Ressler v. Wallace Ackley, et al.*, U.S. District Court Case No. 2:16-cv-86 (S.D. Ohio 2016) (landlord/tenant)
- *James Miller v. Peggybank.com LLC, et al.*, U.S. District Court Case No. 1:16-CV-1011 (N.D. Ohio 2016) (consumer fraud)
- *E. Velasquez, et al. v. Quesadillas, Inc.*, Erie County Court of Common Pleas Case No. 17-CV-007 (Ohio) (employment)
- *Zehentbauer Family Land, LP v. Chesapeake Expl., L.L.C.*, 935 F.3d 496, 2019 U.S. App. LEXIS 24289, 2019 FED App. 0198P (6th Cir.), 104 Fed. R. Serv. 3d (Callaghan) 867, 2019 WL 3820259

Transactions 2. Murray Case Cost Report Summary

Search for: 0620009 Search by: Matter ID Stage: WIP Type: All costs

Date	Prof	Case #	Narrative	Component	Units	Price	Ext. Amount
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Matter ID: 0620009 **Jacob Smith v. FirstEnergy Corporation and FirstEnergy Service**
Client: Smith, Jacob

Advance Expense Costs**Component Type: Soft Costs**

Transactions	Component	Narrative	Component	Units	Price	Ext. Amount
12 Transactions	Component: C	Copy Reproduction Costs	Component: C	537.00		80.55
26 Transactions	Component: P	Postage Costs	Component: P	63.00		30.19
34 Transactions	Component: T	Long Distance Telephone Call Costs	Component: T	1,443.65		43.30
Total Component Type: Soft Costs				2,043.65	Qty	\$154.04

Advance Expense Costs**Component Type: Hard Costs**

Transactions	Component	Narrative	Component	Units	Price	Ext. Amount
1 Transactions	Component: AE Conf Ca	Telephone, Video Conference Call	Component: AE	1.00		36.56
3 Transactions	Component: AE Court R	Court Reporter & Transcription	Component: AE	3.00		1,063.86
2 Transactions	Component: AE Deliver	Delivery Service - UPS, Air Borne, Federal Express, USPS, DHL, etc.	Component: AE	2.00		49.36
11 Transactions	Component: AE E Res	Research, Review, Deposition, Evaluation, Investigation, Site Inspection, Reconstruction, Medical Review or Evaluation.	Component: AE E	11.00		6,242.25
5 Transactions	Component: AE FF	Filing Fees, Court Costs, Court Entry & Administrative Fees, Jury Deposit, Service of Complaint, Title Service, Open Guardianship, electronic filing etc.	Component: AE FF	5.00		810.00
11 Transactions	Component: AE Medit A	Mediation or Arbitration	Component: AE	11.00		3,114.19
9 Transactions	Component: AE Researc	Electronic Computer Research. West Law, Lexis-Nexis, OPEN, Premise, Pacer, Internet Research Services, etc.	Component: AE	9.00		289.50

Total Component Type: Hard Costs	42.00	Qty	\$11,605.72
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TOTAL SOFT & HARD COSTS EXPENSE	2,085.65	Qty	\$ 11,759.76
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Smith, Jacob

Matter ID: 0620009 Case Total **2,085.65** Qty **\$11,759.76**

Jacob Smith v. FirstEnergy Corporation and FirstEnergy Service

Transactions 2. Murray Case Cost Report Summary

Search for: 0620009 Search by: Matter ID Stage: WIP Type: All costs

Date	Prof	Case #	Narrative	Component	Units	Price	Ext. Amount
Grand Totals :						2,085.65	11,759.76

EXHIBIT C

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JACOB SMITH,)
) Case No. 2:20-cv-03755
)
 Plaintiff,)
)
 v.) Judge Edmund A. Sargus
) Magistrate Judge Kimberly A. Jolson
)
 FIRSTENERGY CORP., *et al.*,)
)
 Defendants.)
)
 _____)

JAMES BULDAS,)
) Case No. 2:20-cv-03987
)
 Plaintiff,)
) Judge Edmund A. Sargus
 v.) Magistrate Judge Kimberly A. Jolson
)
)
 FIRSTENERGY CORP., *et al.*,)
)
 Defendants.)
)
 _____)

BRIAN HUDOCK and CAMEO)
 COUNTERTOPS, INC.,)
) Case No. 2:20-cv-03954
)
 Plaintiffs,)
) Judge Edmund A. Sargus
 v.) Magistrate Judge Kimberly A. Jolson
)
)
 FIRSTENERGY CORP., *et al.*,)
)
 Defendants.)
)
 _____)

**DECLARATION OF JAMES L. WARD, JR. IN SUPPORT OF AWARD OF
ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES, AND AWARD OF
INCENTIVE PAYMENTS TO CLASS REPRESENTATIVES**

I, James L. Ward, Jr. declare as follows:

1. I am an attorney licensed to practice before the courts of South Carolina and North Carolina, and I am an attorney in the law firm McGowan, Hood & Felder, LLC (“MHF”). I have personal knowledge of the facts stated in this Declaration and, if called as a witness, I would testify competently to them. I make this Declaration in support of MHF’s request for attorneys’ fees and reimbursement of litigation expenses as set forth in the Petition of Dennis E. Murray, Jr., Marvin A. Miller, and James L. Ward Jr. In Support Of Award of Attorneys’ Fees, Reimbursement Of Expenses, And Award of Incentive Payments To Class Representatives (the “Petition”).

2. I am counsel of record for Plaintiff Michael Emmons in a class action lawsuit pending in the Cuyahoga County Court of Common Pleas styled *Emmons v. FirstEnergy Corp., et al.*, Case No. CV-20 935557.

3. A brief description my firm, which includes a short summary of my experience and credentials, is attached as Exhibit 1 and incorporated herein by reference.

4. Throughout the course of this litigation, my firm kept files contemporaneously documenting all time spent, including tasks performed, and expenses incurred, and shared those reports on a regular basis with Dennis E. Murray, Jr. and Marvin A. Miller, who, along with me, are Class Counsel for the Settlement Class. *See* ECF No. 142 (preliminary approval order appointing Messrs. Murray, Miller, and Ward as Class Counsel). All the time and expenses reported by my firm advanced the tremendous class-wide result achieved in this case.

5. Such work included participating in initial factual and legal research and drafting the *Emmons* complaint; party and third-party discovery; preparation of motions and briefs on dispositive and procedural issues; development of expert testimony; coordination with counsel in the companion federal case for both negotiating and case prosecution; negotiation of the settlement; drafting the settlement agreement, distribution plan, notice plan, notices; and coordinating settlement notice and

administration.

6. The total lodestar for my firm at current rates for services rendered in this case from inception through July 31, 2022, is \$1,046,512.50. This amount does not include time spent preparing this Declaration or preparing Class Plaintiffs' fee petition. My firm's time entries are available for inspection by the Court if necessary.

7. Expense items are billed separately and are not duplicated in my firm's lodestar. The expenses my firm incurred in litigating this action are reflected in the books and records of my firm. These books and records are prepared from expense vouchers, invoices, receipts, check records, and other source materials and accurately reflect the expenses incurred. My firm's expense records are available for inspection by the Court if necessary.

8. My firm incurred a total of \$31,798.77 in unreimbursed expenses, all of which were reasonable and necessary for the prosecution of this litigation. Of this amount, \$17,647.92 was for assessment payments for common litigation expenses or direct payments to experts or other vendors made at the request of Class Counsel, and an additional \$14,150.85 was for non-common litigation expenses incurred by my firm, such as travel, meals and lodging, copying, legal research, telephone, etc. A summary of those expenses by category is attached as Exhibit 2.

I declare under penalty and perjury that the foregoing is true and correct. Executed this 6th day of September 2022, in Mount Pleasant, South Carolina.

s/ James L. Ward, Jr.
James L. Ward, Jr.

MCGOWAN, HOOD & FELDER, LLC
EXHIBIT 1

McGowan, Hood & Felder's Class Action, Mass Tort & Government Representation practice group provides comprehensive services to clients in large-scale civil actions in South Carolina and nationwide. This group is led by James L. Ward, Jr., a veteran litigator with 25 years of complex litigation experience, and includes Whitney B. Harrison. During the pendency of this action, the group also included Raneé Saunders, who recently left the firm. Throughout his career, Mr. Ward has played significant lead and liaison counsel roles in complex class action and multidistrict litigation involving pharmaceutical drugs, healthcare fraud, defective products, antitrust, and consumer protection. Mr. Ward has also focused a large portion of his practice on the representation of states and local governments as special counsel in complex litigation. In addition, Mr. Ward has extensive experience handling a variety of catastrophic personal injury and wrongful death cases.

Mr. Ward is a Past President of the South Carolina Association for Justice and a Past President of the James L. Petigru Inn of Court. He is a former member of the South Carolina Bar House of Delegates and former Chairman of the Tort and Insurance Practices Section. Mr. Ward has been included in *The Best Lawyers in America* for Plaintiffs' Mass Tort Litigation/Class Actions, Plaintiffs' Product Liability Litigation, and Plaintiffs' Personal Injury Litigation since 2016, including being named Charleston, SC "Lawyer of the Year" for Mass Tort Litigation/Class Actions in 2018 and 2021. Mr. Ward was also a recipient of *South Carolina Lawyers Weekly's* Leadership in Law Award and the Silver Compleat Lawyer Award given by the University of South Carolina School of Law Alumni Association.

Ms. Harrison is a seasoned litigator at McGowan Hood & Felder with extensive experience with complex litigation and novel issues. Ms. Harrison has tried several medical malpractice cases to verdict with the firm's partners, including obtaining a \$13.75 million verdict, and has been associated by outside counsel to assist with numerous complex motions and trials. Additionally, Ms. Harrison has served as lead appellate counsel on more than thirty appeals before the South Carolina Court of Appeals and Supreme Court of South Carolina, with issues ranging from constitutional challenges to corporate governance to novel issues.

Ms. Harrison currently serves on the boards of the South Carolina Bar Foundation, South Carolina Association for Justice, and South Carolina Appleseed Justice Center. Additionally, she serves on the South Carolina Bar Tort and Insurance Section and Practice and Procedure Committee, and she is Chair of the Supreme Court Historical Society. In January 2020, Ms. Harrison was awarded the Trial and Appellate Advocacy Award from the South Carolina Bar, which is given to a Bar member who has demonstrated substantial dedication to the furtherance of the art and techniques of trial and appellate advocacy and has exemplary advocacy skills. Ms. Harrison is the first woman to receive the award. Most recently, she was named to *The State's* 20 under 40 class for 2020, and she has been included as a Rising Star for *Super Lawyers* since 2016.

Ms. Saunders served as Mr. Ward's primary associate for almost five years. She clerked for the Honorable Kaye G. Hearn at the Supreme Court of South Carolina for almost five years, where she developed invaluable analytical and writing skills. She has been involved in numerous class

actions in state and federal court, and she participated in the representation of several states and local governments in litigation against opioid manufacturers and distributors.

EXHIBIT 2

McCowan / Hood Felder & Phillips LLC
Unbilled Costs by Job
All Transactions

Type	Date	Source Name	Memo	Account	Billing Status	Amount
First Energy (MHF)						
Check	09/04/2020	United Parcel Service	First Energy	Client Cost Advanced	Unbilled	10.87
Check	09/04/2020	Capital One	Harrison pro hac application	Client Cost Advanced	Unbilled	300.00
Check	09/15/2020	Thomson Reuters - West	Computerized research	Client Cost Advanced	Unbilled	124.82
Check	10/06/2020	Capital One	Filing fee	Client Cost Advanced	Unbilled	37.35
Check	11/09/2020	Thomson Reuters - West	Computerized research	Client Cost Advanced	Unbilled	1,257.57
Check	12/16/2020	Thomson Reuters - West	Computerized research	Client Cost Advanced	Unbilled	2,256.74
Check	12/16/2020	Thomson Reuters - West	Computerized research	Client Cost Advanced	Unbilled	162.05
Check	01/06/2021	Capital One	Ward pro hac renewal	Client Cost Advanced	Unbilled	150.00
Check	01/14/2021	Thomson Reuters - West	Computerized research	Client Cost Advanced	Unbilled	2,154.15
Check	01/14/2021	Thomson Reuters - West	Computerized research	Client Cost Advanced	Unbilled	464.30
Check	02/10/2021	Capital One	Harrison pro hac renewal	Client Cost Advanced	Unbilled	300.00
Check	07/13/2021	JAMS, Inc.	1345001755-Rep#1 - First Energy	Client Cost Advanced	Unbilled	3,125.00
Check	07/19/2021	Strom Law Firm	Harrison mediation travel expenses	Client Cost Advanced	Unbilled	931.30
Check	08/04/2021	United Parcel Service	First Energy	Client Cost Advanced	Unbilled	23.47
Check	08/10/2021	Ward Law Offices, LLC	Ward mediation travel expenses	Client Cost Advanced	Unbilled	111.94
Check	08/10/2021	Capital One	Saunders mediation travel expenses	Client Cost Advanced	Unbilled	431.40
Check	08/10/2021	Capital One	Ward mediation travel expenses	Client Cost Advanced	Unbilled	694.70
Check	08/12/2021	Thomson Reuters - West	Computerized research	Client Cost Advanced	Unbilled	685.69
Check	08/12/2021	Thomson Reuters - West	Computerized research	Client Cost Advanced	Unbilled	118.41
Check	08/12/2021	JAMS, Inc.	1345001755-Rep#1 - Mediation	Client Cost Advanced	Unbilled	2,806.03
Check	09/14/2021	Capital One	Saunders mediation travel expenses	Client Cost Advanced	Unbilled	797.67
Check	09/14/2021	Capital One	Ward mediation travel expenses	Client Cost Advanced	Unbilled	154.31
Check	09/14/2021	Capital One	PACER	Client Cost Advanced	Unbilled	14.50
Check	09/15/2021	Thomson Reuters - West	Computerized research	Client Cost Advanced	Unbilled	538.19
Check	09/15/2021	Thomson Reuters - West	Computerized research	Client Cost Advanced	Unbilled	45.12
Check	10/18/2021	Thomson Reuters - West	Computerized research	Client Cost Advanced	Unbilled	71.60
Check	10/28/2021	Noah Dormady	Expert	Client Cost Advanced	Unbilled	1,000.00
Check	12/14/2021	Thomson Reuters - West	Computerized research	Client Cost Advanced	Unbilled	308.57
Check	12/14/2021	Thomson Reuters - West	Computerized research	Client Cost Advanced	Unbilled	49.74
Check	12/15/2021	Strom Law Firm	Harrison mediation travel expenses	Client Cost Advanced	Unbilled	955.30
Check	01/06/2022	Capital One	Harrison mediation travel expenses	Client Cost Advanced	Unbilled	19.56
Check	01/06/2022	Capital One	Ward pro hac renewal	Client Cost Advanced	Unbilled	150.00
Check	01/20/2022	Thomson Reuters - West	Computerized research	Client Cost Advanced	Unbilled	31.68
Check	02/08/2022	Capital One	Harrison pro hac renewal	Client Cost Advanced	Unbilled	300.00
Check	06/06/2022	MHF Special OPs	2323 - First energy	Client Cost Advanced	Unbilled	25.00
Check	07/12/2022	JAMS, Inc.	Refund Check	Client Cost Advanced	Unbilled	-2,650.15
Check	08/24/2022	JAMS, Inc.	1345001871Rep#1 - Mediation	Client Cost Advanced	Unbilled	3,841.89
Check	08/30/2022	Wayne Lilley	CaseDaxx eDiscovery Service	Client Cost Advanced	Unbilled	10,000.00
Total First Energy (MHF)						31,798.77
TOTAL						31,798.77

EXHIBIT D

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JACOB SMITH,)
) Case No. 2:20-cv-03755
)
 Plaintiff,)
)
 v.) Judge Edmund A. Sargus
) Magistrate Judge Kimberly A. Jolson
)
 FIRSTENERGY CORP., *et al.*,)
)
 Defendants.)
)
 _____)

JAMES BULDAS,)
) Case No. 2:20-cv-03987
)
 Plaintiff,)
) Judge Edmund A. Sargus
 v.) Magistrate Judge Kimberly A. Jolson
)
)
 FIRSTENERGY CORP., *et al.*,)
)
 Defendants.)
)
 _____)

BRIAN HUDOCK and CAMEO)
 COUNTERTOPS, INC.,)
) Case No. 2:20-cv-03954
)
 Plaintiffs,)
) Judge Edmund A. Sargus
 v.) Magistrate Judge Kimberly A. Jolson
)
)
 FIRSTENERGY CORP., *et al.*,)
)
 Defendants.)
)
 _____)

**DECLARATION OF KEVIN P. RODDY IN SUPPORT OF AWARD OF ATTORNEYS'
FEES, REIMBURSEMENT OF EXPENSES, AND AWARD OF INCENTIVE
PAYMENTS TO CLASS REPRESENTATIVES**

I, Kevin P. Roddy, hereby declare as follows:

1. I am an attorney at law, licensed to practice before the courts in the States of New Jersey, New York, and California, and the Commonwealth of Virginia. I am a shareholder (partner) in the law firm Wilentz, Goldman & Spitzer, P.A. (“Wilentz”), resident in the firm’s main office in Woodbridge, New Jersey. I have personal knowledge of the facts stated in this Declaration and, if called as a witness in this proceeding, I would testify competently as to them. I make this Declaration in support of Wilentz’s request for attorneys’ fees and reimbursement of litigation expenses, as set forth in the Petition of Dennis E. Murray, Jr., Marvin A. Miller, and James L. Ward Jr. In Support Of Award of Attorneys’ Fees, Reimbursement Of Expenses, And Award of Incentive Payments To Class Representatives (the “Petition”).

2. I am one of the counsel of record in this case for Plaintiffs Jacob Smith, Brian Hudock, and Cameo Countertops, Inc.

3. A description of Wilentz, which includes a summary of my legal experience and credentials, taken from our law firm website posted on the Internet – www.wilentz.com – is attached as Exhibit 1 and incorporated herein by reference.

4. Throughout the course of this litigation, Wilentz kept files contemporaneously documenting all time spent, including tasks performed and expenses incurred, and shared those reports on a regular basis with Dennis E. Murray, Jr. and Marvin A. Miller, who are Class Counsel for the Settlement Class. All of the time and expenses reported by Wilentz advanced the tremendous class-wide result achieved in this case.

5. The work performed by Wilentz on this case included: (a) investigating and identifying potentially liable persons and entities, following revelation of the Ohio legislative bribery scheme in July 2020; (b) conferring with co-counsel about state and federal court jurisdictional and venue issues; (c) legal research concerning potential federal and state law claims that might plausibly

be asserted in the class action complaint; (d) reviewing the criminal affidavit and complaint filed in the related federal court criminal case brought against Larry Householder and other; (e) legal research regarding specific provisions of the federal Racketeer Influenced and Corrupt Organizations Act (RICO) and the Ohio Corrupt Practices Act (OCPA) and identification of potential predicate acts of racketeering in which potential defendants participated or engaged in a conspiracy to commit; (f) reviewing allegations made in complaints filed by plaintiffs in FirstEnergy shareholder derivative case(s) and securities fraud case(s), as well as Ohio state court action(s) filed by the Attorney General's office; (g) preparation of timeline and other visual aids to illustrate Plaintiffs' allegations in this case; (h) review newspaper and Internet articles concerning the above-referenced bribery scheme; (i) legal research regarding similar Rule 23 class actions litigated before this Court and in the Sixth Circuit Court of Appeals, including *Williams v. Duke Energy*; (j) draft, review, and revise the consolidated amended complaint to be filed in this case; (k) review Defendants' motions to dismiss consolidated amended complaint; (l) legal research regarding Defendants' motions to dismiss and draft, review, and revise responses in opposition to Defendants' motions to dismiss; (m) prepare for and participate in meet-and-confers with opposing counsel regarding a Rule 26 discovery plan in these cases; (n) legal research and draft the opposition to Defendants' motion to stay discovery; (o) legal research and draft opposition to Defendants' motion for protective order; (p) draft, review, and revise the parties' joint Rule 26 discovery report; (q) review public reports and newspaper articles concerning the likelihood of remedial action to be taken by Ohio Legislature; (r) legal research regarding Rule 23 requirements and draft, review, and revise motion for class certification; (s) Westlaw and other Internet research regarding potential expert witnesses; (t) draft, review, and revise Rule 26(a) initial disclosures; (u) conferences with co-counsel and opposing counsel regarding ESI protocol; (v) review insurance information provided by Defendants in response to discovery demands; (w) review Defendants' responses and objections to Plaintiffs' written discovery demands;

(x) preparation for mediation and formulation of calculations regarding measure of damages under RICO and OCPA, including application of the “single satisfaction” rule; (y) draft, review, and revise Plaintiffs’ mediation brief and PowerPoint presentations; (z) travel from Woodbridge, NJ, to Cleveland, OH, and return and participation in a two-day mediation session with Judge Rosen (JAMS); (aa) legal research and Internet searches regarding additional Defendant(s) and draft, review, and revise the second amended class action complaint; (bb) review the Government’s Deferred Prosecution Agreement with FirstEnergy; (cc) prepare Plaintiffs’ deposition testimony and defend and/or attend Plaintiffs’ depositions; (dd) draft, review, and revise responses in opposition to Defendants’ motion(s) to dismiss and/or motion(s) to strike; and (ee) conferences with co-counsel regarding potential settlement and review motion for preliminary approval of proposed settlement.

6. The total lodestar for my firm at current rates from inception through July 31, 2022, is \$1,181,789. This amount does not include time spent preparing this Declaration or preparing Class Plaintiffs’ fee petition. My firm’s time entries are available for inspection by the Court if necessary.

7. Expense items are billed separately and are not duplicated in Wilentz’s lodestar calculations. The expenses that Wilentz incurred in litigating this action are reflected in its books and records. These books and records are prepared from expense vouchers, invoices, receipts, check records, and other source materials and accurately reflect the expenses incurred and paid. Wilentz’s expense records are available for inspection by the Court if necessary.

8. Wilentz incurred a total of \$ 13,480.10 in unreimbursed expenses, all of which were reasonable and necessary for the prosecution of this litigation. Of this amount, \$ 12,000.00 was for assessment payments for common litigation expenses or direct payments to expert witnesses or other vendors made at the request of Class Counsel, and an additional \$ 1,480.10 was for non-common litigation expenses incurred by Wilentz, such as travel to and from Cleveland, Ohio, for the settlement mediation in July 2021, meals and lodging expenses incurred during that trip, photocopying of

documents, computer-assisted legal research, computer-assisted docket searches, and overnight delivery service. A summary of those expenses by category is set forth in the following table.

EXPENSE CATEGORY	AMOUNT
Assessment Payment	\$ 12,000.00
Legal Research	\$ 764.32
Overnight Mail	\$ 21.22
Travel/Lodging	\$ 694.56
Grand Total	\$ 13,480.10

9. In the event that Wilentz provides additional services or incurs additional costs, I will supplement this Declaration.

I declare under penalty and perjury that the foregoing is true and correct. Executed this the 6th day of September, 2022, in Woodbridge, New Jersey.

s/ Kevin P. Roddy

KEVIN P. RODDY

EXHIBIT 1

WILENTZ

— ATTORNEYS AT LAW —

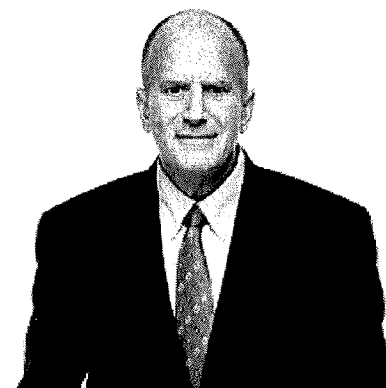
Kevin P. Roddy

Shareholder

T: 732.855.6402

F: 732.726.6686

kroddy@wilentz.com



Practice

Class Action

Education

J.D., University of North Carolina,
School of Law, 1980

B.A., University of North Carolina,
College of Arts & Sciences, 1977,
with honors

Admissions

United States Supreme Court

New Jersey, 2005

New York, 2004

California, 1987

Virginia, 1982

United States Courts of Appeals:
District of Columbia, First, Second,
Third, Fourth, Fifth, Sixth, Seventh,
Ninth, Tenth, and Eleventh Circuits

United States District Court for the
District of New Jersey

United States District Court for the
Southern District of New York

United States District Court for the
Eastern District of New York

United States District Court for the
Northern District of New York

United States District Court for the
Central District of California

United States District Court for the
Eastern District of California

United States District Court for the

Kevin P. Roddy is a shareholder in the law firm of Wilentz, Goldman & Spitzer, P.A. He concentrates his practice on complex litigation, including class actions alleging violations of federal and state antitrust, consumer protection, unfair trade practices, anti-racketeering, and securities fraud statutes.

During 2005-2007, Mr. Roddy served as President of the National Association of Shareholder and Consumer Attorneys (NASCAT). From 2000 to 2011, he served on NASCAT's Executive Committee and, from 1991 to 2011, he served as Chair of the NASCAT Amicus Committee. From February 2000 through December 2004, he was managing partner of the Los Angeles Office of Hagens Berman LLP, a Seattle-based firm specializing in class action litigation. From December 1991 to February 2000, he was managing partner of the Los Angeles Office of Milberg Weiss Bershad Hynes & Lerach LLP, a New York- and San Diego-based law firm specializing in class action litigation.

Mr. Roddy has been recognized as a leading Class Action and Mass Torts lawyer by *Super Lawyers* in 2012 and 2014-2021.

Super Lawyers® (http://www.superlawyers.com/about/selection_process_detail.html) is published by Thomson Reuters.

A description of the selection process may be accessed via the above link. The aforementioned organization is a private peer review organization, not court-specific, public certification vehicles. No aspect of this advertisement has been submitted to or approved by the Supreme Court of New Jersey.

Mr. Roddy and his wife, Joann, have three children. They live in Manasquan, New Jersey.

Articles

- Kevin P. Roddy, RICO IN BUSINESS AND COMMERCIAL LITIGATION (Shepard's/McGraw-Hill, Inc. 1991) (two-volume

Northern District of California
United States District Court for the
Southern District of California
United States District Court for the
Eastern District of Virginia
United States District Court for the
Western District of Virginia

- treatise with annual supplements through 1997)
- G. Robert Blakey & Kevin P. Roddy, Reflections on *Reves v. Young*: Its Meaning and Impact on Substantive, Accessory, Aiding and Abetting and Conspiracy Liability Under RICO, 33 *Amer. Crim. L. Rev.* 1345 (1996). This article was published as the Special 25th Anniversary issue of *AMERICAN CRIMINAL LAW REVIEW*, and it has been favorably cited by numerous federal circuit and district courts, including the Third Circuit Court of Appeals. *Smith v. Berg*, 247 F.3d 532, 536 nn. 7&8 (3rd Cir. 2001).
- American Bar Association, Section of Antitrust Law, *SAMPLE CIVIL RICO JURY INSTRUCTIONS* (1994) (principal author)
- Kevin P. Roddy & Daniel S. Floyd, *LITIGATING THE CLASS ACTION LAWSUIT IN CALIFORNIA* (National Business Institute 2001 & 2002)
- Kevin P. Roddy and Seth Aronson, *LITIGATING THE CLASS ACTION LAWSUIT IN CALIFORNIA* (National Business Institute 2000)
- Kevin P. Roddy, Eight Years of Practice and Procedure Under the Private Securities Reform Act of 1995, Postgraduate Course in Federal Securities Law (July 2004) (papers prepared for 1998, 1999, 2000, 2001, 2002, and 2003 programs are available on Lexis)
- Civil Law Editor, *RICO LAW REPORTER* (1991 to present)
- Member, Editorial Advisory Board, *CIVIL RICO REPORT* (1991 to present)

Speaking Engagements

Since November 1999, he has appeared as a principal speaker at the following continuing legal education programs:

- Litigation Counsel of America, Challenges to Expert Witness Testimony in Federal Court, New York, New York, November 30, 2018
- State Bar of Georgia, Seminar on RICO, Atlanta, Georgia, September 20, 2018
- Federal RICO and New Jersey RICO: Litigation and Trial, Atlantic City, New Jersey, May 20, 2018
- Litigation Counsel of America, Trial of a Civil RICO Class Action, New York, New York, December 1, 2017
- Georgia Bar Association, Seminar on RICO, Atlanta, Georgia, November 13, 2015
- Georgia Bar Association, Seminar on RICO, Atlanta, Georgia, November 7, 2013
- American Law Institute-American Bar Association, Postgraduate Course in Federal Securities Law, Boston, MA, July 7-9, 2005
- American Bar Association, Tort Trial & Insurance Practice Section, E-Document Preservation & E-Discovery After *Zubulake* – What Every Litigator and In-House Counsel Needs to Know, April 21, 2005 (teleconference)
- NASCAT, Class Action Notice and Claims Administration – Best Practices of the Experts, Lake Las Vegas, Nevada, April 7, 2005
- CLE International, Class Actions: A How-To on Initiating, Defending and Litigating Them, Los Angeles, California, February

24-25, 2005

- Federal Trade Commission, Class Actions Workshop, Washington, DC, September 13-14, 2004
- American Law Institute-American Bar Association, Postgraduate Course in Federal Securities Laws, Chicago, Illinois, August 26, 2004
- Business & Professions Code Section 17200: Is The Unfair Competition Law "Unfair"?, Association of Business Trial Lawyers, San Francisco, California, December 9, 2003.
- The Cambridge International Symposium on Economic Crime, Jesus College, Cambridge, United Kingdom, September 12, 2003
- When the Going Gets Tough: Advising a Company in Crisis (Parts I & II), American Bar Association Annual Meeting, San Francisco, California, August 9-10, 2003
- Business and Professions Code Section 17200 in California, Oakland, California, July 30, 2003
- American Law Institute-American Bar Association, Postgraduate Course in Federal Securities Laws, San Francisco, California, July 24, 2003
- Institute for Law and Economic Policy, Agencies, Economic Justice and Private Initiatives, San Diego, California, April 5, 2003
- National Business Institute, Litigating the Class Action Lawsuit in California, Los Angeles, California, December 16, 2002
- American Law Institute-American Bar Association, Postgraduate Course in Federal Securities Law, Boston, Massachusetts, July 18, 2002
- Association of Business Trial Lawyers, Business Litigation in the "Post-Enron" World, Los Angeles, California, April 9, 2002
- University of Kentucky School of Law, 11th Biennial Midwest/Midsouth Securities Law Conference, Louisville, Kentucky, February 15, 2002
- Northwestern University School of Law-Securities Regulation Institute, 29th Annual Securities Regulation Conference, San Diego, California, January 23, 2002.
- Practising Law Institute, 33rd Annual Institute on Securities Regulation, New York, New York, November 7, 2001
- National Business Institute, Litigating the Class Action Lawsuit in California, Los Angeles, California, October 24, 2001
- American Law Institute-American Bar Association, Postgraduate Course in Federal Securities Law, San Francisco, California, July 19, 2001
- Institute for International Research, Securities Regulation & Enforcement Conference, New York, New York, June 19, 2001
- National Business Institute, Litigating the Class Action Lawsuit in California, Los Angeles, California, October 25, 2000
- Orange County Bar Association, Second Annual Capital Markets Seminar, Costa Mesa, California, September 27, 2000
- Practising Law Institute, Advanced Securities Law Workshop, San Diego, California, August 10, 2000
- Practising Law Institute, 31st Annual Institute on Securities Regulation, New York, New York, November 3, 1999

Selected Matters

Participation in Significant Complex Litigation and Trial Experience:

For more than 35 years, Kevin Roddy has represented plaintiffs in many significant class actions, representative actions, and derivative actions litigated in federal and state courts throughout the United States. He has represented individual and institutional clients. Mr. Roddy has played the lead role in representing plaintiffs in many significant cases, and has helped secure recoveries exceeding \$2 billion. Results achieved in prior matters are not meant to be a guarantee of success as the facts and legal circumstances vary from matter to matter.

Mr. Roddy's efforts in these complex cases have been praised by federal and state courts. In approving a worldwide settlement of a civil RICO and consumer protection class action brought on behalf of approximately 18 million people who used Western Union's money transfer services to transfer money from one country to another, in which Mr. Roddy served as Lead Counsel for Plaintiffs, Senior U.S. District Judge Charles Sifton of the Eastern District of New York lauded Mr. Roddy's "extensive experience handling civil RICO cases and class actions." The Court noted that the team of plaintiffs' counsel, led by Mr. Roddy, had "secured a significant recovery, including injunctive relief that requires [Western Union] to materially change the consumer disclosure forms and receipts that it uses throughout the world, in a complex, risky class action, and confronted defense counsel from highly respected law firms." In re Western Union Money Transfer Litigation, Master File No. CV-01-0335 (CPS) (E.D.N.Y. Feb. 8, 2005) (Memorandum and Order, at 13, 16). That case was settled in 2005 on a worldwide basis for consideration exceeding \$65 million and the imposition of worldwide injunctive relief.

In coordinated cases brought in the Superior Court of Sacramento County, California, In re Ford Explorer Cases, JCCP Nos. 4266 & 4270, Mr. Roddy was chosen Co-Lead Counsel for the California Plaintiff Class, which consisted of over 450,000 vehicle owners. In 2005, Coordination Trial Judge David DeAlba certified a statewide (California) class. During 2007, Mr. Roddy, along with other Plaintiffs' counsel, tried the class action for 50 days in the Sacramento County Superior Court. The same year, the parties announced a proposed four-state class action settlement on behalf of nearly one million vehicle owners residing in California, Illinois, Texas and Connecticut. That settlement was approved by Judge DeAlba in 2008.

In another class action that was prosecuted simultaneously in state courts in California and Florida, In re Rexall Cellasene Cases, Mr. Roddy was chosen Co-Lead Counsel for the nationwide consumer class and, working together with attorneys from the Federal Trade Commission, in 2003 he successfully negotiated a \$20 million settlement that provided consumers with a full-dollar recovery and imposed precedent-setting injunctive relief governing the entire dietary supplement industry.

Mr. Roddy has played a significant role in several multidistrict litigations ("MDLs"). For example, in In re Aetna UCR Litigation, MDL No. 2020, pending in the District of New Jersey, he was chosen to serve as one of the Subscriber Class Counsel in a class action brought on behalf of

beneficiaries of health insurance plans. In *In re Pacquiao-Mayweather Boxing Match Pay-Per-View Litigation*, MDL No. 2639, in the Central District of California, he served as chair of the law committee in proposed class actions asserting consumer protection claims brought on behalf of purchasers of pay-per-view services to watch a disputed prizefight. In *Imprelis Herbicide Litigation*, MDL No. 2284, a consumer protection class action brought against the manufacturer of a defective herbicide and litigated in the Eastern District of Pennsylvania, he was the designated negotiator of a class of landscaping professionals and participated in successfully negotiating a highly beneficial nationwide settlement.

In *DCG&T f/b/o Battaglia v. Knight*, 68 F. Supp. 3d 579 (E.D. Va. 2014), a shareholder derivative action, Mr. Roddy was chosen co-lead counsel for plaintiff, and he successfully negotiated a \$12 million settlement for the benefit of REIT unit holders who objected to a corporate merger.

Mr. Roddy has tried more than a dozen cases in federal and state courts in New Jersey, California, Colorado, Virginia, Arizona, Tennessee and North Carolina. In *In re American Continental Corp./Lincoln Savings & Loan Securities Litigation*, he was one of the lead trial counsel for a class of 23,000 defrauded shareholders and bondholders; that case (including a five-month jury trial in the District of Arizona) resulted in settlements of approximately \$250 million and a jury verdict against the non-settling defendants exceeding \$3 billion. In *The Industry Network System, Inc. v. Armstrong World Industries*, he was co-lead trial counsel in a 68-day antitrust conspiracy jury trial in the District of New Jersey. In *Stilwell Developments v. Wing Wah Chong*, he was lead trial counsel for the plaintiff smoke alarm manufacturer in a two-month intellectual property trial involving the enforcement of patents and copyrights; that case resulted in a \$7 million jury verdict for plaintiff, which was successfully enforced in ancillary proceedings in the Hong Kong courts.

In *CGC Holding Co., LLC v. Hutchens*, Case No. 11-1012, a RICO class action arising out of an advance fee lending scheme and pending in the District of Colorado, he was appointed co-lead counsel for plaintiffs and the certified class of consumers who were allegedly defrauded. In May 2017, Mr. Roddy served as co-lead trial counsel during a 10-day jury trial. The jury returned a verdict for plaintiffs and class members, found defendants to be liable for RICO violations, and awarded \$8.4 million in compensatory damages. On September 26, 2017, Judge Blaine Jackson awarded treble damages and entered a judgment awarding more than \$24 million to plaintiffs and class members.

On December 18, 2017, Judge Jackson issued his Rulings on Additional Post-Trial Motions, directing the clerk to enter a final judgment in the amount of \$25 million, including costs and interest, and imposed a constructive trust over defendants' properties. Describing the litigation as "a complex, intensely litigated, and difficult case," Judge Jackson described the performance of Mr. Roddy and his co-counsel as "an excellent job." *CGC Holding Co., LLC v. Hutchens*, Civil Action No. 11-cv-01012-RBJ-KLM, Docket No. 890 (D. Colo.).

The Tenth Circuit Court of Appeals affirmed the trial court's rulings. *CGC*

Holding Co., LLC v. Hutchens, 780 Fed. Appx. 604 (10th Cir. 2019), subsequent opinion, 974 F.3d 1201 (10th Cir. 2020).

In Roberts v. C.R. England, Inc., Case No. 2:12-CV-00302 (D. Utah), working with co-counsel from throughout the country, Roddy secured nationwide class certification of a class consisting of more than 14,000 long-haul truck drivers, and successfully negotiated a \$98 million settlement. The class action settlement was approved by Judge Robert Shelby of the District of Utah in 2019.

Expert Witness Experience:

Mr. Roddy has served as an expert witness in both federal and state court. In one case litigated in the Northern District of Texas, he served as an expert witness for the defendant law firms in a legal malpractice action arising out of class action settlements. In another case litigated in the Orange County, California, Superior Court, he served as an expert witness for the defendant lawyers in a malicious prosecution case arising out of a consumer protection class action. In August 2016, Mr. Roddy testified as an expert witness on behalf of the defendant attorney in a federal criminal case tried in the Southern District of Mississippi. In February 2018, Roddy testified as an expert witness on behalf of the defendant attorney in a federal criminal case tried in the Western District of Texas.

Appellate Court Experience:

Mr. Roddy has extensive experience in the appellate courts. For example, in March 2006, Mr. Roddy argued a civil RICO case in the United States Supreme Court. The resulting decision, *Anza v. Ideal Steel Supply Corp.*, 547 U.S. 451 (2006), established the standard for evaluating proximate causation in such cases.

Some of his significant federal circuit court cases include the following:

- *CGC Holding Co., LLC v. Hutchens*, 780 Fed. Appx. 604 (10th Cir. 2019) (affirming district court's imposition of discovery sanctions, including contempt citation, against defendants for refusal to produce discovery), subsequent opinion, 974 F.3d 1201 (10th Cir. 2020) (affirming district court's pre-trial and post-trial rulings in RICO class action).
- *In re Lipitor Antitrust Litig.*, 855 F.3d 126 (3rd Cir. 2017) (reversing trial court's dismissal of antitrust claims)
- *DCG&T f/b/o Battaglia v. Knight*, 648 Fed.Appx. 342 (4th Cir. 2016) (dismissing objector's appeal from district court's decision granting approval of settlement of shareholder derivative action)
- *Miller v. Basic Research, LLC*, 750 F.3d 1173 (10th Cir. 2014) (consumer protection class action alleging false advertising of weight-loss dietary supplement)
- *Fisher v. Kadant, Inc.*, 589 F.3d 505 (1st Cir. 2009) (breach of warranty class action alleging defective residential deck materials)
- *Karim v. AWB, Ltd.*, 347 Fed. Appx. 714 (2nd Cir. 2009) (class

- action on behalf of Iraqi Kurds alleging money laundering and diversion of proceeds from United Nations oil-for-food program)
- *Deutsch v. Turner Corp.*, 317 F.3d 1005 & 324 F.3d 692 (9th Cir. 2003) (class actions brought on behalf of U.S. and British POWs and Chinese, Dutch, Filipino and Korean civilian internees who were World War II forced labor victims)
 - *Wayne v. DHL Worldwide Express*, 294 F.3d 1179 (9th Cir. 2002) (consumer protection class action involving purchase of “excess value” insurance for package shippers; 9th Circuit reversed district court’s dismissal of action and refusal to remand case to state court)
 - *United States ex rel. Lujan v. Hughes Aircraft Co.*, 243 F.3d 1181 (9th Cir. 2001) (False Claims Act qui tam action against defense contractor arising out of construction of B-2 bomber; affirming district court’s dismissal of whistleblower’s action against defense contractor)
 - *Lanza v. Merrill Lynch & Co.*, 154 F.3d 56 (2nd Cir. 1998) (securities fraud/civil RICO class action brought against securities seller; 2nd Circuit affirmed dismissal of action on statute of limitations grounds)
 - *Batchelder v. Kawamoto*, 147 F.3d 915 (9th Cir. 1998) (shareholder derivative action arising out of Honda Motor Co. automobile dealership bribery scandal; 9th Circuit affirmed dismissal of action because U.S. ADR holder lacked standing to sue as shareholder under Japanese law)
 - *Price v. Pinnacle Brands, Inc.*, 138 F.3d 602 (5th Cir. 1998) (RICO action brought by trading card purchasers against manufacturer alleging illegal lottery scheme)
 - *The Industry Network System, Inc. v. Armstrong World Industries*, 54 F.3d 150 (3rd Cir. 1995) (antitrust action brought by video distributor against floor covering manufacturer; 3rd Circuit affirmed jury’s failure to award damages to plaintiff following trial)
 - *Hamid v. Price Waterhouse*, 51 F.3d 1411 (9th Cir. 1995) (BCCI depositors class action litigation; 9th Circuit affirmed dismissal of action on abstention and comity grounds)
 - *United States v. BCCI Holdings, S.A.*, 46 F.3d 1185 (D.C. Cir. 1995) (RICO forfeiture proceeding; D.C. Circuit affirmed dismissal of depositors’ third-party forfeiture petition arising out of RICO prosecution and resulting forfeiture of assets)
 - *Terry’s Floor Fashions, Inc. v. Burlington Industries, Inc.*, 763 F.2d 604 (4th Cir. 1985) (antitrust dealer termination case brought against carpet manufacturer and competing dealer; affirming district court’s entry of summary judgment for defendants)
 - *Lindner v. Durham Hosiery Mills, Inc.*, 761 F.2d 162 (4th Cir. 1985) (securities case brought against textile manufacturer; affirming district court’s entry of judgment for defendants following two-week federal court jury trial)

Some of his significant federal district court cases include the following:

- *Roberts v. C.R. England, Inc.*, 318 F.R.D. 457 (D. Utah 2017) (certifying nationwide class as to state law claims asserted by long-haul truck drivers against trucking company); 321 F. Supp.

- 3d 1251 (D. Utah 2018) (refusing to decertify class); 2018 WL 2387364 (D. Utah Mar. 27, 2018) (approving class notice campaign); 2018 WL 2386056 (D. Utah Apr. 24, 2018) (refusing to certify question for appellate review).
- CGC Holding Co., LLC v. Hutchens, 2016 WL 1238149 (D. Colo. Mar. 30, 2016) (granting motion to compel discovery and awarding sanctions against defendant who refused to produce discovery in certified class action arising out of advance fee loan fraud scheme and asserting civil RICO claims); 2016 WL 6778853 (D. Colo. Nov. 16, 2016) (granting plaintiffs' motions in limine); 2017 WL 1435857 (D. Colo. Apr. 20, 2017) (denying defendants' "Daubert" challenges to plaintiffs' expert witnesses); 2017 WL 4621094 (D. Colo. Sept. 26, 2017) (awarding treble damages to plaintiffs and nationwide class and imposing constructive trust against defendants)
 - Cohen v. Cohen, 993 F. Supp. 2d 414 (S.D.N.Y. 2014) (breach of fiduciary duty and civil RICO claims arising out of divorce proceeding)
 - Mervyn v. Atlas Van Lines, Inc., 2013 U.S. Dist. LEXIS 146840 (N.D. Ill. Oct. 2, 2013) (class action brought on behalf of long-haul truck drivers)
 - Stutzman v. Armstrong, 2013 U.S. Dist. LEXIS 109151 (E.D. Cal. Aug. 2, 2013) & 2013 U.S. Dist. LEXIS 129204 (E.D. Cal. Sept. 10, 2013) (consumer class action brought against disgraced cyclist and book publishers)
 - Ries v. Ariz. Bevs. United States LLC, 2012 U.S. Dist. LEXIS 169853 (N.D. Cal. Nov. 27, 2012)(granting plaintiff-consumers' motion for class certification)
 - Franco v. Conn. Gen'l Life Ins. Co., 818 F. Supp. 2d 792 (D.N.J. 2011) (denying motion to dismiss RICO and ERISA claims in class action brought by health care insureds against insurer)
 - Shakib v. Back Bay Rest. Group, Inc., 2011 U.S. Dist. LEXIS 124143 (D.N.J. Oct. 26, 2011) & 2011 U.S. Dist. LEXIS 112614 (D.N.J. Sept. 30, 2011) (denying motion to dismiss and conditionally certifying class of restaurant workers seeking to recover overtime pay from employer)
 - In re Imprelis Herbicide Mktg., Sales Pracs. & Prods. Liab. Litig., 824 F. Supp. 2d 1357 (J.P.M.L. 2011) (product liability case arising out of defective herbicide; successfully argued that cases should be centralized in Eastern District of Pennsylvania); 2013 U.S. Dist. LEXIS 149323 (E.D. Pa. Oct. 17, 2013) (approving class action settlement of claims brought by property owners, golf courses, and landscaping professionals against manufacturer of defective herbicide)
 - Ford Motor Co. v. Edgewood Properties, Inc., 2012 U.S. Dist. LEXIS 125197 (D.N.J. Aug. 31, 2012)(denying third-party defendant environmental consultant's motion for summary judgment); 2011 U.S. Dist. LEXIS 67227 (D.N.J. June 23, 2011); 2011 U.S. Dist. LEXIS 45368 (D.N.J. Apr. 27, 2011); 2011 U.S. Dist. LEXIS 36215 (D.N.J. Apr. 4, 2011); 2011 U.S. Dist. LEXIS 15776 (D.N.J. Feb. 15, 2011); 2010 U.S. Dist. LEXIS 130866 (D.N.J. Dec. 10, 2010); 2010 U.S. Dist. LEXIS 119373 (D.N.J. Nov. 10, 2010); 2010 U.S. Dist. LEXIS 75914 (D.N.J. July 28,

- 2010); 2010 U.S. Dist. LEXIS 58425 (D.N.J. June 14, 2010); 2009 U.S. Dist. LEXIS 70953 (D.N.J. Aug. 11, 2009); 257 F.R.D. 418 (D.N.J. 2009) (decisions relating to representation of real estate developer in environmental contamination litigation arising out of disposal of contaminated crushed concrete from former vehicle assembly plant); in 2012 the developer's federal and state law claims against the property owner, contractor, and environmental consultants were settled)
- Van Koenig v. Snapple Bev. Corp., 713 F. Supp. 2d 1066 (E.D. Cal. 2010) (denying defendant's motion to dismiss consumer protection class action alleging false labeling of iced tea product)
 - Miller v. Basic Research, Inc., 2008 WL 4755787 (D. Utah Oct. 27, 2008) (refusing to dismiss civil RICO and consumer fraud claims brought against dietary supplement manufacturer and its principal officers and directors); 2011 U.S. Dist. LEXIS 21521 (D. Utah Mar. 2, 2011) (affirming certification of nationwide class and approving proposed class notice program); 2013 U.S. Dist. LEXIS 40553 (D. Utah Mar. 22, 2013) & 2013 U.S. Dist. LEXIS 56748 (D. Utah Apr. 16, 2013) (granting motion to enforce class action settlement)
 - McCoy v. Health Net, Inc., 569 F. Supp. 2d 448 (D.N.J. 2008) (granting final approval to \$255 million settlement of health care insureds' class action claims against insurance company)
 - In re Ford Motor Co. E-350 Van Prods. Liab. Litig., 2008 WL 4126264 (D.N.J. Sept. 2, 2008) (refusing to dismiss breach of warranty, consumer protection and unjust enrichment claims brought by purchasers of 15-passenger vans against vehicle manufacturer); 2011 U.S. Dist. LEXIS 16504 (D.N.J. Feb. 16, 2011) (denying Ford's motions for summary judgment); 2009 U.S. Dist. LEXIS 108085 (D.N.J. Nov. 18, 2009) (same); 2009 U.S. Dist. LEXIS 68241 (D.N.J. July 9, 2010) (same); 2012 U.S. Dist. LEXIS 13887 (D.N.J. Feb. 6, 2012) (denying plaintiffs' motion for class certification)
 - American Medical Ass'n v. United Healthcare, Inc., 2008 WL 3914868 (S.D.N.Y. Aug. 22, 2008) (refusing to dismiss civil RICO claims brought by health care insureds against insurance company)
 - Franco v. CIGNA, 2008 WL 3399644 (D.N.J. Aug. 6, 2008) (refusing to dismiss ERISA claims brought by health care insureds against insurance company)
 - In re Able Labs. Secs. Litig., 2008 WL 1967509 (D.N.J. Mar. 24, 2008) (refusing to dismiss investors' securities fraud claim against bankrupt company's officers and directors)
 - In re Inphonic, Inc. Wireless Phone Rebate Litigation, 460 F. Supp. 2d 1380 (J.P.M.L. 2006) (consumer protection class action alleging rebate denials)
 - In re Ford Motor Co. E-350 Van Products Liability Litigation, 374 F. Supp. 2d 1353 (J.P.M.L. 2005) (15-passenger van products liability class action)
 - In re Medtronic, Inc. Implantable Defibrillators Products Liability Litigation, 408 F. Supp. 2d 1351 (J.P.M.L. 2005) (defective defibrillator class action)
 - In re Dynamic Random Access Memory Antitrust Litigation, 2005

- WL 2988715 (N.D. Cal. Nov. 7, 2005) (antitrust price-fixing conspiracy)
- Buckwalter v. Napoli, Kaiser & Bern LLP, 2005 WL 736216 (S.D.N.Y. Mar. 29, 2005) (civil RICO class action arising out of class action settlement)
 - In re Western Union Money Transfer Litigation, Master File No. 01-CV-0335 (CPS) (E.D.N.Y. Oct. 18, 2004 & Feb. 8, 2005) (approving worldwide settlement of civil RICO and unfair trade practices class action brought against money transfer services)
 - In re Pharmaceutical Indus. Avg. Wholesale Price Litig., 263 F. Supp. 2d 172 (D. Mass. 2003) (RICO and unfair trade practice class action alleging overstatements of average wholesale price of prescription drugs)
 - In re Enron Corp. Secs., Deriv. & ERISA Litig., 284 F. Supp. 2d 511 (S.D. Tex. 2003) (RICO class action arising from collapse of energy company)
 - In re Calif. Wholesale Elec. Antitrust Litig., 244 F. Supp. 2d 1072 (S.D. Cal. 2003) (antitrust class action arising out of California energy “crisis”)
 - Sarei v. Rio Tinto PLC, 221 F. Supp. 2d 1116 (C.D. Cal. 2002) (Alien Tort Claims Act class action brought by islanders against Australian mining company)
 - Smith v. Mail Boxes Etc., Inc., 191 F. Supp. 2d 1155 (E.D. Cal. 2002) (consumer protection class action alleging overcharges in excess of \$80 million for “excess value” insurance; district court refused to remand case to state court under “last-served defendant” rule; case was transferred to MDL proceeding in S.D.N.Y.)
 - In re AOL, Inc. Version 5.0 Software Litigation, 168 F. Supp. 2d 1359 (S.D. Fla. 2001) (consumer protection class action brought against internet company; district court refused to grant motions to dismiss)
 - In re World War II Era Japanese Forced Labor Litigation, 164 F. Supp. 2d 1160 (N.D. Cal. 2001), 164 F. Supp. 2d 1153 (N.D. Cal. 2001), 114 F. Supp. 2d 939 (N.D. Cal. 2000) (forced labor class actions brought by former POWs and civilian internees against numerous Japanese companies; district court dismissed plaintiffs’ claims on a variety of grounds)
 - Cardenas v. Ria Telecommunications, Inc., 2001 U.S. Dist. LEXIS 6609 (N.D. Ill. May 18, 2001) (civil RICO case; dismissing claims against money transfer service)
 - In re SmarTalk Teleservices, Inc. Securities Litigation, 124 F. Supp. 2d 487 (S.D. Ohio 2000), 124 F. Supp. 2d 505 (S.D. Ohio 2000), 124 F. Supp. 2d 527 (S.D. Ohio 2000) (securities fraud class action against phone service provider; district court refused to grant motions to dismiss)
 - Blue Cross v. SmithKline Beecham Clinical Laboratories, Inc., 108 F. Supp. 2d 84 (D. Conn. 1999), 108 F. Supp. 2d 116 (D. Conn. 2000), 108 F. Supp. 2d 125 (D. Conn. 2000), 108 F. Supp. 2d 130 (D. Conn. 2000) (consumer protection and civil RICO class action alleging fraudulent overcharges for laboratory services in excess of \$100 million; district court upheld certain claims and dismissed other claims)

- *Dumas v. Major League Baseball Properties, Inc.*, 104 F. Supp. 2d 1220 (S.D. Cal. 2000) & 52 F. Supp. 2d 1183 (S.D. Cal. 1999) (consumer protection/civil RICO class action alleging that trading cards constitute illegal gambling under state and federal law; trading card purchasers lacked standing to sue manufacturers, distributors and professional sports leagues) and *Rodriguez v. Topps Co.*, 104 F. Supp. 2d 1224 (S.D. Cal. 2000) (same)
- *Yousefi v. Lockheed Martin Corp.*, 70 F. Supp. 2d 1061 (C.D. Cal. 1999) (securities fraud class action brought against aerospace company; district court appointed lead plaintiffs and lead counsel under PSLRA)
- *Schlagal v. Learning Tree Corp.*, 1998 U.S. Dist. LEXIS 20306 (C.D. Cal. 1998), 1999 U.S. Dist. LEXIS 2157 (C.D. Cal. 1999) (securities fraud class action brought against computer software manufacturer; district court refused to grant motions to dismiss and certified class)
- *Squyres v. Union Texas Petroleum Holdings, Inc.*, 1998 U.S. Dist. LEXIS 22945 (C.D. Cal. Nov. 2, 1998) (securities fraud class action brought against petroleum exploration company; appointing lead counsel under PSLRA)
- *In re Stratosphere Corp. Securities Litigation*, 1997 U.S. Dist. LEXIS 14621 (D. Nev. 1997), 1997 U.S. Dist. LEXIS 14616 (D. Nev. 1997), 1998 Bankr. LEXIS 1935 (Bankr. D. Nev. 1998), 182 F.R.D. 614 (D. Nev. 1998), 1 F. Supp. 2d 1096 (D. Nev. 1999), 66 F. Supp. 2d 1182 (D. Nev. 1999) (securities fraud class action brought against casino company; various decisions by district court and bankruptcy court on motions to dismiss and summary judgment and discovery motions)
- *Pharmacare v. Caremark*, 965 F. Supp. 1411 (D. Haw. 1996) (civil RICO class action arising out of bribery scandal involving health care manufacturer and physicians; district court refused to grant motions to dismiss)
- *In re Prudential Securities Limited Partnerships Litigation*, 911 F. Supp. 135 (S.D.N.Y. 1996), 912 F. Supp. 97 (S.D.N.Y. 1996), 930 F. Supp. 68 (S.D.N.Y. 1996), 985 F. Supp. 410 (S.D.N.Y. 1997) (securities fraud/RICO class action brought against general partner of limited partnerships formed to purchase and lease jet aircraft; district court refused to grant motions to dismiss, certified classes, and approved \$120 million settlement)
- *In re Herbalife Securities Litigation*, 1996 U.S. Dist. LEXIS 11484 (C.D. Cal. Jan. 25, 1996) (securities fraud case brought against dietary supplement manufacturer; dismissing claims against defendants)
- *Krishan v. McDonnell Douglas Corp.*, 873 F. Supp. 345 (C.D. Cal. 1994) (ERISA class action brought on behalf of retirees against aerospace manufacturer; district court granted summary judgment for employer; case settled for over \$400 million while appeal to 9th Circuit was pending)
- *Rintel v. Wathen*, 806 F. Supp. 1467 (C.D. Cal. 1992) (securities fraud case brought against security company; dismissing claims against defendants)
- *In re American Continental Corp./Lincoln Savings & Loan Securities Litigation*, 794 F. Supp. 1424 (D. Ariz. 1992), 884 F.

Supp. 1388 (D. Ariz. 1995), 845 F. Supp. 1377 (D. Ariz. 1993), 140 F.R.D. 425 (D. Ariz. 1992), 782 F. Supp. 1382 (D. Ariz. 1991) (securities fraud/RICO class action arising out of collapse of savings and loan and parent company; district court refused to grant defendants' summary judgment motions)

Results achieved in prior matters are not meant to be a guarantee of success as the facts and legal circumstances vary from matter to matter.

Some of his significant state court cases include the following:

- Thiedemann v. Mercedes-Benz USA, LLC, 872 A.2d 783 (N.J. 2005) (construction and application of "ascertainable loss" requirement of New Jersey Consumer Fraud Act)
- Wayne v. DHL Express (USA), Inc., 2005 WL 1140686 (Cal. App. May 16, 2005) (violations of California consumer protection statutes through overcharges for "shipment insurance")
- Stanley v. California State Lottery Commission, 112 Cal. App. 4th 168 (2003), review granted, No. S120121 (Dec. 10, 2003) & 2003 Cal. App. Unpub. LEXIS 8296 (Aug. 29, 2003) (consumer actions alleging violations of Lottery Act in sales of "Scratcher" tickets)
- Shields v. Singleton, 15 Cal. App. 4th 1611, 19 Cal. Rptr. 2d 459 (1993) (shareholder derivative action involving aerospace contractor; affirming trial court's dismissal of claims against defendants)
- Drilling v. Berman, 589 N.W.2d 503 (Minn. App. 1999) (shareholder derivative action involving casino company; affirming trial court's dismissal of claims against defendants)

Other Significant Professional Activities:

During 1991-2011, as Chair of NASCAT's Amicus Committee, Mr. Roddy filed more than three dozen amicus curiae briefs filed in the U.S. Supreme Court, federal circuit courts and state supreme courts, including Merck & Co. v. Reynolds, No. 08-905 (securities litigation); Jones v. Harris Assocs., L.P., No. 08-586 (shareholder litigation); Morrison v. Nat'l Australia Bank, Ltd., No. 08-1191 (securities litigation); Boyle v. United States, No. 07-1309 (RICO); Bridges v. Phoenix Bond & Indem. Co., No. 07-210 (RICO); Tellabs, Inc. v. Makor Issues & Rights, Ltd., No. 06-484 (securities litigation); Mohawk Indus. v. Williams, No. 05-465 (RICO); Merrill Lynch, Pierce, Fenner & Smith, Inc. v. Dabit, No. 04-1371 (SLUSA preemption of "holder" actions; Metro-Goldwyn-Mayer Studios, Inc. v. Grokster, Ltd., 125 S. Ct. 2764 (2005); Dura Pharmaceuticals, Inc. v. Broudo, No. 03-932, 125 S. Ct. 1627 (2005) (securities fraud "loss causation"); Robinson Helicopter Co. v. Dana Corp., 102 P.3d 268 (Cal. 2004) ("economic loss rule" in consumer fraud cases); Borowiec v. Gateway 2000, Inc., 808 N.E.2d 957 (Ill.2004) (consumer protection action; validity of arbitration clauses); SEC v. Zandford, 535 U.S. 813 (2002) (broker-dealer's liability for securities fraud); Cedric Kushner Promotions, Ltd. v. King, 533 U.S. 158 (2001) (RICO; liability of corporate officers); Hanlon v. Berger, 526 U.S. 808 (1999) (media and privacy rights under First Amendment); Ortiz v. Fibreboard Corp., 527 U.S. 815 (1999) (asbestos class action settlements); Klehr v. A.O. Smith Corp., 521 U.S. 179 (1997) (RICO); Amchem Products v. Windsor, 521 U.S.

591 (1997) (asbestos class action settlements); BMW of North America v. Gore, 517 U.S. 559 (1996) (punitive damages in consumer protection cases); Varity Corp. v. Howe, 516 U.S. 489 (1996) (ERISA rights of employees); Curtiss-Wright Corp. v. Schoonejongen, 514 U.S. 73 (1995) (ERISA rights of employees); Boca Grande Club v. Florida Power & Light Co., 511 U.S. 222 (1994) (contribution rights of defendants); Central Bank, N.A. v. First Interstate Bank, N.A., 511 U.S. 164 (1994) (securities fraud; liability of aiders and abettors); TXO Production Corp. v. Alliance Resources Corp., 509 U.S. 443 (1993) (punitive damages under state law); Musick, Peeler & Garrett v. Employers Insurance, 508 U.S. 286 (1993) (contribution rights of defendants in securities fraud cases); Reves v. Ernst & Young, 507 U.S. 170 (1992) (RICO; liability of professional advisers); and Holmes v. Securities Investor Protection Corp., 503 U.S. 258 (1992) (RICO; proximate causation and recovery of damages).

EXHIBIT E

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JACOB SMITH,)
) Case No. 2:20-cv-03755
)
 Plaintiff,)
)
 v.) Judge Edmund A. Sargus
) Magistrate Judge Kimberly A. Jolson
)
 FIRSTENERGY CORP., *et al.*,)
)
 Defendants.)
)
 _____)

JAMES BULDAS,)
) Case No. 2:20-cv-03987
)
 Plaintiff,)
) Judge Edmund A. Sargus
 v.) Magistrate Judge Kimberly A. Jolson
)
)
 FIRSTENERGY CORP., *et al.*,)
)
 Defendants.)
)
 _____)

BRIAN HUDOCK and CAMEO)
 COUNTERTOPS, INC.,)
) Case No. 2:20-cv-03954
)
 Plaintiffs,)
) Judge Edmund A. Sargus
 v.) Magistrate Judge Kimberly A. Jolson
)
)
 FIRSTENERGY CORP., *et al.*,)
)
 Defendants.)
)
 _____)

**DECLARATION OF RICHARD M. KERGER IN SUPPORT OF AWARD OF
ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES, AND AWARD OF
INCENTIVE PAYMENTS TO CLASS REPRESENTATIVES**

I, RICHARD M. KERGER declare as follows:

1. I am an attorney licensed to practice in the State of Ohio, and am the sole member of The Kerger Law Firm, LLC (“Kerger Law”). I have personal knowledge of the facts stated in this Declaration and, if called as a witness, I would testify to them. I make this Declaration in support of Kerger Law’s request for attorneys’ fees and reimbursement of litigation expenses, as set forth in the Petition of Dennis E. Murray, Jr., Marvin A. Miller, and James L. Ward Jr. In Support Of Award of Attorneys’ Fees, Reimbursement Of Expenses, And Award of Incentive Payments To Class Representatives (the “Petition”).

2. I am counsel of record in this case for plaintiffs Brian Hudock and Cameo Countertops, Inc.

3. A brief description my firm, which includes a short summary of my experience and credentials, is attached as Exhibit 1 and incorporated herein by reference.

4. Throughout the course of this litigation, my firm kept files contemporaneously documenting all time spent, including tasks performed, and expenses incurred, and shared those reports on a regular basis with Dennis E. Murray, Jr. and Marvin A. Miller, who are Class Counsel for the Settlement Class, along with James L. Ward, Jr.. *See* ECF No. 142 (preliminary approval order appointing Messrs. Murray, Miller, and Ward as Class Counsel). All the time and expenses reported by my firm advanced the tremendous class-wide result achieved in this case.

5. Such work included drafting pleadings, legal research, drafting briefs, participation in various conferences with co-counsel, clients, the Court and opposing counsel, reviewing discovery, preparing for and participating in mediation.

6. The total lodestar for my firm at current rates from services rendered in this case from inception through July 31, 2022, is \$118,957.50. This amount does not include time spent preparing this Declaration or preparing Class Plaintiffs’ fee petition. My firm’s time entries are available for

inspection by the Court if necessary.

7. Expense items are billed separately and are not duplicated in my firm's lodestar. The expenses my firm incurred in litigating this action are reflected in the books and records of my firm. These books and records are prepared from expense vouchers, invoices, receipts, check records, and other source materials and accurately reflect the expenses incurred. My firm's expense records are available for inspection by the Court if necessary.

8. My firm incurred a total of \$8,066.76 in unreimbursed expenses, all of which were reasonable and necessary for the prosecution of this litigation. Of this amount, \$7,600.00 was for assessment payments for common litigation expenses or direct payments to experts or other vendors made at the request of Class Counsel, and an additional \$466.76 was for non-common litigation expenses incurred by my firm, such as travel, meals and lodging, copying, legal research, telephone, etc. A summary of those expenses by category is attached as Exhibit 2.

9. In the event my firm provides additional services or incurs additional costs, I will supplement this declaration.

I declare under penalty and perjury that the foregoing is true and correct. Executed this 6th day of September, 2022, in Toledo, Ohio.

s/ Richard M. Kerger
RICHARD M. KERGER

EXHIBIT 1
(Resumes)

RICHARD M. KERGER

Professional Experience

Richard M. Kerger was one of the founding partners in the law firm of Kerger & Kerger, now The Kerger Law Firm, LLC, located in Toledo, Ohio where he specializes in trials and appeals. Before that he was a partner in the firm of Marshall & Melhorn, also located in Toledo. He joined that firm as a trial lawyer and came to head the firm's Litigation Department. He also served as a managing partner of the firm for nearly 20 years. Before coming to that firm he served as a law clerk for Chief Judge Thomas D. Lambros of the United States District Court for the Northern District of Ohio. He served in the United States Air Force and while in college, he served as legislative correspondent, city editor and editor of The Ohio State Lantern.

Business Experience

He was one of three Special Directors serving on the Board of Triarc Corporation in connection with the settlement of shareholder litigation. He served for several years as a member of the Independent Review Board of The Medical College of Ohio. He was a member of the Board of Directors on The Fahey Bank in Marion, Ohio. He has also served on the boards of several local businesses.

Professional Activities

He was selected as a fellow of the American College of Trial Lawyers, Litigation Counsel of America, International Society of Barristers and American Board of Trial Advocates. He is a Senior Counsel in The College of Master Advocates and Barristers and was elected a Fellow in the American Board of Criminal Lawyers. He is a member of the Million Dollar Advocates Forum. He is a member of the Ohio State and Toledo Bar Foundations. He is a Life Member of the Sixth Circuit Judicial Conference and was Chair of the Life Member Advisory Committee. He was a member of the Board of Governors of the Ohio State Bar Association, having previously served as Chairman of its Federal Courts and Practice Committee. He was a member of the Board of Trustees of the Toledo Bar Association and chaired both its Federal Courts and Grievance Committees. He is recognized by Corporate Counsel as one its Top Lawyers in America. He is listed in the 2019 edition of The Super Lawyers and The Best Lawyers in America in the fields of Bet-the-Company Litigation, Commercial Litigation, Complex Litigation, First Amendment, Construction Litigation, Labor and Employment, White-Collar Criminal Defense and General Criminal Litigation. He is described in the international legal resource Chambers and Partners as a lawyer to handle "cases involving serious risk to organisations or their members, be the risk civil or criminal." He is further described in that same publication as "a well-thought of lawyer whose experience includes product liability and patent cases." He has served as an Adjunct Professor at the University of Toledo College of Law teaching Litigation - Strategy & Tactics. He is the author of the novel When You Practice to Deceive and the nonfiction books The Art of Being a Trial Lawyer, The Client's Guide to Litigation and a co-author of Commercial Litigation in Ohio. He has also been selected as one of Ohio's Super Lawyers by Cincinnati Magazine since 2004. He lectures and writes on legal topics for a variety of organizations and publications.

KIMBERLY A. CONKLIN

PROFESSIONAL EXPERIENCE

Kimberly A. Conklin is an experienced civil litigator with emphasis in commercial litigation and employment law. She is licensed to practice in the State of Ohio (Admitted May 2002). Additionally admitted to practice before the United States Supreme Court, the United States Sixth Circuit Court of Appeals, the United States District Courts for the Northern District of Ohio, Southern District of Ohio and the Eastern District of Michigan.

PROFESSIONAL HISTORY

Kimberly attended her undergraduate studies at the Bowling Green State University. She was commissioned as a Second Lieutenant in the United States Army immediately after graduation and served the next four years as a platoon leader and executive officer of a Patriot Missile Battery based at Fort Bliss, Texas.

Kimberly graduated in the top third of her class at the University of Toledo College of Law in 2001. She was a member of the moot court team and participated in the Wechsler First Amendment Competition, American University, Washington D.C. While in law school Kimberly spent two years as an intern for the City of Toledo, Ohio's employment and labor attorney and actively participated in labor negotiations with several of the city's employee associations.

Beginning in 2001 Kimberly served as a staff attorney for the Honorable Thomas F. Bryant of the Ohio Third District Court of Appeals in Lima, Ohio. During her two years in this position she managed a docket of three appellate cases per week and drafted nearly 100 opinions on both civil and criminal matters.

Kimberly joined the firm of Kerger & Kerger in May 2003, now The Kerger Law Firm, LLC. Over the course of the last nineteen years Kimberly has represented both employers and employees in various Title VII, FMLA, ADEA, ADA, ERISA and FLSA matters in Federal and State courts as well as the EEOC, OCRC and SERB. Kimberly currently acts as outside counsel for a local teachers association where she provides representation for labor arbitrations, grievance hearings, unfair labor practices and outside civil litigation.

In addition to her employment practice, she routinely represents clients in commercial disputes in both Federal and State courts to include contract actions, trade secret disputes, construction claims and professional malpractice. Kimberly also has experience in personal injury cases and has volunteered her time on pro bono cases in various domestic matters. Kimberly has tried cases in both State and Federal courts and has argued numerous cases before the United States Sixth Circuit Court of Appeals.

PROFESSIONAL AFFILIATIONS

Kimberly is a member of the Toledo Bar Association where she serves on the Grievance Investigation Committee, the Federal Court Committee and the Litigation Committee. Kimberly is also a member of the Ohio State Bar Association, Litigation Section and has served on the Employment Law Section Counsel.

Kimberly was appointed to the Sylvania City School's Board of Education in November 2020. In November 2021 she was elected to complete the term of the seat to which she was appointed.

EXHIBIT 2
(Expenses)

FirstEnergy Corp.

<u>Expense</u>	<u>Qty/Price</u>	
7/31/2020 - RMK Filing Fee - Southern District (Cincinnati)	1 400.00	400.00
8/27/2020 - BM Postage to Clerk of Courts	1 7.75	7.75
11/24/2020 - RMK Postage charge.	1 4.40	4.40
3/23/2021 - RMK Postage charge.	1 0.71	0.71
5/14/2021 - RMK Expert fee.	1 3,500.00	3,500.00
6/1/2021 - RMK Filing Fee - Pro Hac Vice - Eric J. Marcy	1 200.00	200.00
7/26/2021 - RMK Westin Hotel charge - mediation.	1 287.70	287.70
- RMK Travel to Cleveland for mediation.	250 0.56	140.00

FirstEnergy Corp.

	<u>Qty/Price</u>	<u>Amount</u>
7/26/2021 - RMK Uber fee - Mediation travel.	1 20.00	20.00
1/19/2022 - RMK Copy Charges (62 @ \$.10)	62 0.10	6.20
4/7/2022 - RMK Rate Payer Fund payment	1 3,500.00	3,500.00
SUBTOTAL:		[8,066.76]
Total costs		<u>\$8,066.76</u>

EXHIBIT F

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JACOB SMITH,)
) Case No. 2:20-cv-03755
)
 Plaintiff,)
)
 v.) Judge Edmund A. Sargus
) Magistrate Judge Kimberly A. Jolson
)
 FIRSTENERGY CORP., *et al.*,)
)
 Defendants.)
)
 _____)

JAMES BULDAS,)
) Case No. 2:20-cv-03987
)
 Plaintiff,)
) Judge Edmund A. Sargus
 v.) Magistrate Judge Kimberly A. Jolson
)
)
 FIRSTENERGY CORP., *et al.*,)
)
 Defendants.)
)
 _____)

BRIAN HUDOCK and CAMEO)
 COUNTERTOPS, INC.,)
) Case No. 2:20-cv-03954
)
 Plaintiffs,)
) Judge Edmund A. Sargus
 v.) Magistrate Judge Kimberly A. Jolson
)
)
 FIRSTENERGY CORP., *et al.*,)
)
 Defendants.)
)
 _____)

**DECLARATION OF JOHN R. ALPHIN IN SUPPORT OF AWARD OF ATTORNEYS'
FEES, REIMBURSEMENT OF EXPENSES, AND AWARD OF INCENTIVE
PAYMENTS TO CLASS REPRESENTATIVES**

I, John R. Alphin declare as follows:

1. I am an attorney licensed to practice before the courts of South Carolina, and am the managing attorney for Strom Law Firm, LLC (“Strom Law Firm”). I have personal knowledge of the facts stated in this Declaration and, if called as a witness, I would testify competently to them. I make this Declaration in support of Strom Law Firm’s request for attorneys’ fees and reimbursement of litigation expenses, as set forth in the Petition of Dennis E. Murray, Jr., Marvin A. Miller, and James L. Ward Jr. In Support Of Award of Attorneys’ Fees, Reimbursement Of Expenses, And Award of Incentive Payments To Class Representatives (the “Petition”).

2. Jessica Fickling and I are counsel of record for Plaintiff Michael Emmons in a class action lawsuit pending in the Cuyahoga County Court of Common Pleas styled *Emmons v. FirstEnergy Corp.*, Case No. CV-20 935557.

3. A brief description of my firm, which includes a short summary of our firm’s experience and credentials, is attached as ***Exhibit 1*** and incorporated herein by reference.

4. Throughout the course of this litigation, my firm kept files contemporaneously documenting all time spent, including tasks performed, and expenses incurred, and shared those reports on a regular basis with James L. Ward, Jr., who is Class Counsel for the Settlement Class along with Dennis E. Murray, Jr. and Marvin A. Miller. *See* ECF No. 142 (preliminary approval order appointing Messrs. Murray, Miller, and Ward as Class Counsel). All the time and expenses reported by my firm advanced the tremendous class-wide result achieved in this case.

5. Our firm’s work in this matter included extensive work in the underlying litigation including drafting pleadings, and motions, and work on discovery and damages, as well as extensive work, cooperation, and coordination in settlement discussions and mediations.

6. The total lodestar for my firm at my firm’s billing rates in its most recently approved class settlement, *Jessica Cook, et al. v. South Carolina Public Service Authority, et al.*, Case No.

2019-CP-23-06675, for services rendered in this case from inception through July 31, 2022, is \$426,118.75. This amount does not include time spent preparing this Declaration or preparing Class Plaintiffs' fee petition. My firm's time entries are available for inspection by the Court if necessary.

7. Expense items are billed separately and are not duplicated in my firm's lodestar. The expenses incurred in litigating this action are reflected in the books and records of my firm. These books and records are prepared from expense vouchers, invoices, receipts, check records, and other source materials and accurately reflect the expenses incurred. My firm's expense records are available for inspection by the Court if necessary.

8. Strom Law Firm incurred a total of \$15,098.45 in unreimbursed expenses, all of which were reasonable and necessary for the prosecution of this litigation. A summary of these expenses by category is attached as *Exhibit 2*.

9. In the event the Strom Law Firm provides additional services or incurs additional costs not related to this petition, I will supplement this declaration.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 6th day of September, 2022, in Columbia, South Carolina.

s/ John R. Alphin
John R. Alphin

EXHIBIT

1

Strom Law Firm, L.L.C.

Columbia, South Carolina

6923 N. Trenholm Road

Columbia, South Carolina 29206

Phone: 803-252-4800

Toll Free: 888-490-2847

Fax: 803-252-4801

www.stromlaw.com

Strom Law Firm, L.L.C. practices in the following areas of law:

Complex Litigation, Multi-District Litigation, Mass Torts, Personal Injury, Worker's Compensation, Nursing Home Malpractice, Pharmaceutical Liability, Products Liability, Consumer Protection, Toxic Torts, Premises Liability, Business Litigation, Social Security Disability, Business Formations, Tax Planning, State and Federal Criminal Defense, White Collar Crimes, Grand Jury Practice, and Appeals.

Firm Size: 8 Attorneys

J. Preston "Pete" Strom, Jr. (Principal) born Columbia, South Carolina, May 21, 1959; admitted to bar, 1984, South Carolina; U.S. District Court, District of South Carolina; U.S. Court of Appeals, Fourth Circuit. Education: University of South Carolina (B.A., 1981; J.D., 1984). Law Clerk to the Honorable Frank Eppes, Thirteenth Judicial Circuit, 1984-1985. Assistant Solicitor, Richland County Solicitor's Office, 1985-1986. Leventis, Strom & Wicker, Columbia, South Carolina, 1986-1988. Law Offices of J.P. Strom, Jr., 1998-1990. Partner: Bolt, Popowski, McCullough & Strom, 1990-1993. United States Attorney for the District of South Carolina, 1993-1996 (Appointed by President Clinton). Member: South Carolina Bar (Member of the Board of Governors); South Carolina Association for Justice (Past President); American Association for Justice (Member of the Board of Governors); Southern Bar Association; South Carolina Criminal Defense Lawyer's Association; Fourth Circuit Judicial Conference; National Association of Former United States Attorneys; National Crime Victim Bar Association. Practice Areas: Complex Litigation; Class Actions; Criminal Defense; Federal Criminal Law.

Mario A. Pacella (Associate) born Buffalo, New York, 1972; admitted to bar, 1998, New York; 1999, Georgia; 2000, South Carolina, U.S. District Court, District of South Carolina and U.S. District Court, Northern and Southern Districts of Georgia; 2001, U.S. Court of Appeals, Fourth Circuit; 2002, U.S. District Court, Middle District of Georgia; 2007, United States Supreme Court. Education: College of William & Mary (B.A., 1994); College of William & Mary School of Law (J.D., 1997). 1997-1999, Law Clerk to the Honorable James E. Graham, United States Magistrate Judge (S.D. Ga.); 1999-2000, Assistant Public Defender, DeKalb County, Georgia. Member: South Carolina Bar; South Carolina Association for Justice; American Association for Justice; State Bar of Georgia; Richland County Bar Association; Glynn County Bar Association. Practice Areas: Administrative Law; Civil Rights; Class Actions; Civil Litigation; Criminal Law; Social Security Disability.

John R. Alphin (Associate), born Clarksville, Tennessee, 1979; admitted to bar, 2005, South Carolina; U.S. District Court, District of South Carolina, 2007; U.S. Tax Court 2011; U.S. Court of Claims 2016. Education: University of South Carolina (B.S., Accounting, 2001; J.D., 2004), University of Florida (LL.M. (Tax), 2005). Member: South Carolina Bar; South Carolina Association for Justice; American Association for Justice; American Bar Association. Practice Areas: Complex Litigation; Class Actions; Alcohol Beverage Licensing; Criminal Tax Law.

Bakari T. Sellers (Associate) born in 1984 and raised in Denmark, South Carolina; admitted to bar 2010, South Carolina; Education: Morehouse College (B.A. 2005); University of South Carolina School of Law (J.D. 2008). Member: South Carolina Bar; South Carolina Association for Justice. Practice Areas: Complex Litigation; Class Actions; Criminal Defense; Federal Criminal Law.

Jessica L. Fickling (Associate) born in 1986 and raised in Ft. Lauderdale, Florida; admitted to the South Carolina bar in 2011, United States District Court for the District of South Carolina, 2011; Education: Mercer University in Macon, Georgia, (B.A. 2008); University of South Carolina School of Law, in Columbia, South Carolina, (J.D. 2011); Law Clerk to the Honorable J. Cordell Maddox, Jr., Circuit Court Judge for the 10th Judicial Circuit, (2010-2011); Member, South Carolina Bar Association; American Bar Association; American Association for Justice; South Carolina Association for Justice. Practice Areas: Complex Litigation; Class Actions.

Alexandra Benevento (Associate) born in 1984 and raised in Buffalo, New York; admitted to the South Carolina bar in 2010, United States District Court for the District of South Carolina, 2010; Education: Clearwater Christian College in Clearwater, Florida, (B.S. 2005); University of South Carolina School of Law, in Columbia, South Carolina, (J.D. 2009); Member, South Carolina Bar Association; Richland County Bar Association; South Carolina Association of Criminal Defense Lawyers. Practice Areas: Criminal Defense; Federal Criminal Law.

Amy E. Willbanks (Associate) born in Columbus, Ohio in 1973; admitted to the South Carolina bar in 2001; Education: University of South Carolina in Spartanburg, South Carolina (B.A. 1995); University of South Carolina School of Law in Columbia, South Carolina (J.D. 2001); Member, South Carolina Bar Association, Spartanburg County Bar Association, South Carolina Association for Justice. Practice Areas: Class Actions, Complex Civil Litigation, Social Security Disability.

Matthew B. Robins (Associate) born in 1991 and raised in Columbia, South Carolina; admitted to the South Carolina bar in 2018; Education: Auburn University (B.A., Political Science, & B.S., Economics, 2015); University of South Carolina School of Law (J.D. 2018); Law Clerk to the Honorable John D. Geathers, South Carolina Court of Appeals (2018-2020); Member, South Carolina Bar Association; Order of the Coif. Practice Areas: Appeals.

Class and Complex Actions Litigated by Attorneys at Strom Law Firm, LLC

Lead Counsel in Anderson v. Comprehensive Care Centers, Inc., et al, Case No. 02-CP-18-1756 in South Carolina consolidated before the Honorable Diane Shafer Goodstein, which resulted in a class action settlement.

Lead Counsel in Preisendorf v. JK Harris & Company, LLC, Case No. 05-CP-10-317 in South Carolina before the Honorable Perry M. Bucker III, which resulted in a class action settlement.

Liaison Counsel in In re American General Life and Accident Co. Industrial Insurance Litigation, MDL 1429, before the Honorable Cameron McGowan Currie which resulted in a mass tort settlement.

Lead counsel in Newsom, et al v. Blue Cross and Blue Shield of South Carolina, et al, 02-CP-40-4997, before the Honorable J. Ernest Kinard in Richland County, South Carolina. The case has resulted in a class action settlement in Love v. Blue Cross Blue Shield Association, 1:03cv21296, pending before the Honorable Federico Moreno in the United States District Court for the Southern District of Florida where a class action settlement is pending. Strom Law Firm, LLC has served as Class Counsel in Love.

Class Counsel in Hospital Pricing Litigation before the Honorable Kenneth G. Goode, which resulted in settlements for four South Carolina hospital systems.

Class counsel in In re Insurance Brokerage Antitrust Litigation, MDL 1663 pending in the District of New Jersey, which resulted in several settlements.

Lead counsel in Webber, et al v. Intertape Polymer Group, Inc., 3:01-3396-19 in the United States District Court for the District of South Carolina, which resulted in a class action settlement.

Powell, et al v. Atlantic Coast Life Insurance Co., 00-CP-40-3723 in Richland County, South Carolina, which resulted in a class action settlement.

Class counsel in In re Industrial Life Insurance Litigation, MDL 1371, which resulted in a number of class action settlements.

Class counsel and Plaintiff's Liaison Counsel in In re Graniteville Cases, 1:06mn6000, which resulted in two class action settlements before the Honorable Margaret B. Seymour in the United States District Court for the District of South Carolina.

Class counsel and Steering Committee member in In re ConAgra Peanut Butter Products Liability Litigation, MDL 1845, which resulted in settlements.

Class counsel in Waterbury Hospital v. U.S. Foodservice, Inc., 06-01657, which resulted in a class action settlement in the United States District Court for the District of Connecticut.

Lead Counsel in In re Payday and Title Loan Litigation, 2007-CP-40-7710, in Richland County, South Carolina, which resulted in several class action settlements.

Lead Counsel in In re South Carolina Pharmaceutical Pricing Litigation, 2006-CP-40-4394, which was pending in the Court of Common Pleas, Richland County, South Carolina and resulted in several settlements.

Class Counsel in Demsheck v. The Ginn Development Company, 3:09-CV-335, in United States District Court for the Middle District of Florida, which resulted in a class action settlement.

Lead Counsel in Lightsey v. SCANA, et al, 2017-CP-25-00335, in the Court of Common Pleas for Hampton County, South Carolina, which resulted in a class action settlement.

Class Counsel in Cook v. Santee Cooper, et all, 2019-CP-23-6675, in the Court of Common Pleas for Greenville County, South Carolina, which resulted in a class action settlement.

EXHIBIT

2

Expense Category	Amount
Airfare	\$4,882.56
FedEx	\$305.99
Filing Fees	\$2,436.90
Mileage	\$87.78
Hotel	\$7,217.81
Parking	\$131.00
Postage	\$36.41
	\$15,098.45

EXHIBIT G

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JACOB SMITH,)
) Case No. 2:20-cv-03755
)
 Plaintiff,)
)
 v.) Judge Edmund A. Sargus
) Magistrate Judge Kimberly A. Jolson
)
 FIRSTENERGY CORP., *et al.*,)
)
 Defendants.)
)
 _____)

JAMES BULDAS,)
) Case No. 2:20-cv-03987
)
 Plaintiff,)
) Judge Edmund A. Sargus
 v.) Magistrate Judge Kimberly A. Jolson
)
)
 FIRSTENERGY CORP., *et al.*,)
)
 Defendants.)
)
 _____)

BRIAN HUDOCK and CAMEO)
 COUNTERTOPS, INC.,)
) Case No. 2:20-cv-03954
)
 Plaintiffs,)
) Judge Edmund A. Sargus
 v.) Magistrate Judge Kimberly A. Jolson
)
)
 FIRSTENERGY CORP., *et al.*,)
)
 Defendants.)
)
 _____)

**DECLARATION OF GREGORY MICHAEL GALVIN IN SUPPORT OF AWARD OF
ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES, AND AWARD OF
INCENTIVE PAYMENTS TO CLASS REPRESENTATIVES**

I, Gregory Michael Galvin declare as follows:

1. I am an attorney licensed to practice before the courts of Ohio, South Carolina, District of Columbia and the United States Patent and Trademark Office as a Patent Attorney, and am the sole partner in the law firm Galvin Law Group, LLC (“GLG”). I have personal knowledge of the facts stated in this Declaration and, if called as a witness, I would testify competently to them. I make this Declaration in support of GLG’s request for attorneys’ fees and reimbursement of litigation expenses, as set forth in the Petition of Dennis E. Murray, Jr., Marvin A. Miller, and James L. Ward Jr. In Support Of Award of Attorneys’ Fees, Reimbursement Of Expenses, And Award of Incentive Payments To Class Representatives (the “Petition”).

2. I am counsel of record for Plaintiff Michael Emmons in a class action lawsuit pending in the Cuyahoga County Court of Common Pleas styled *Emmons v. FirstEnergy Corp.*, Case No. CV-20 935557.

3. A brief description my firm, which includes a short summary of my experience and credentials, is attached as Exhibit 1 and incorporated herein by reference.

4. Throughout the course of this litigation, my firm kept files contemporaneously documenting all time spent, including tasks performed, and expenses incurred, and shared those reports on a regular basis with James L. Ward, Jr., who is Class Counsel for the Settlement Class along with Dennis E. Murray, Jr. and Marvin A. Miller. *See* ECF No. 142 (preliminary approval order appointing Messrs. Murray, Miller, and Ward as Class Counsel). All the time and expenses reported by my firm advanced the tremendous class-wide result achieved in this case.

5. Such work included acting as lead counsel for the Emmons litigation. In addition, I assisted in performing the initial examination of the case to determine if the case was viable under Ohio, or Federal Law and I managed all discovery both produced and received in this case. My management of discovery ranged from creation of load files with custom software to the ingestion of

all discovery produced in any manner in the litigation to allow co-counsel to quickly review the information produced. In addition, as lead counsel I played a significant role in mediation and to coordinate with co-counsel to develop strategies to both advance the litigation and ultimately to reach a resolution to this matter.

6. The total lodestar for my firm at current rates for services rendered in this case from inception through July 31, 2022, is \$423,280.00. This amount does not include time spent preparing this Declaration or preparing Class Plaintiffs' fee petition. My firm's time entries are available for inspection by the Court if necessary.

7. Expense items are billed separately and are not duplicated in my firm's lodestar. The expenses my firm incurred in litigating this action are reflected in the books and records of my firm. These books and records are prepared from expense vouchers, invoices, receipts, check records, and other source materials and accurately reflect the expenses incurred. My firm's expense records are available for inspection by the Court if necessary.

8. My firm incurred a total of Four Thousand Three Hundred Ninety-Eight and 52/100ths Dollars (\$4,398.52) in unreimbursed expenses, all of which were reasonable and necessary for the prosecution of this litigation. Of this amount, One Thousand Seven Hundred Seventy-Three and 09/100ths (\$1,773.09) was for assessment payments for common litigation expenses or direct payments to experts or other vendors made at the request of class counsel, or as determined was needed by lead counsel, and an additional Two Thousand Six Hundred Twenty Five and 43/100ths Dollars (\$2,625.43) was for non-common litigation expenses incurred by my firm, such as travel, meals and lodging, copying, legal research, and telephone. A summary of these expenses by category is attached as Exhibit 2.

9. In the event my firm provides additional services or incurs additional costs, I will supplement this declaration.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 6th day of September, 2022, in Bluffton, South Carolina.

s/ Gregory Michael Galvin
Gregory Michael Galvin

GALVIN LAW GROUP, LLC
EXHIBIT 1

The Galvin Law Group, LLC is a law firm focusing on civil and criminal litigation as well as real estate closings. For the past 20 years, Gregory Michael Galvin, Esq. has earned a reputation for handling some of the most difficult and complex cases, including federal and state criminal defense, class actions, and personal injury cases. Galvin Law Group also brings extensive computer expertise in reviewing computer logs, phone records, and other important aspects of your case that are stored on computers or electronic devices. Indeed, Mr. Galvin received an award from the U.S. District Court for the District of South Carolina for assisting the court with technology issues.

EXHIBIT 2

Date	Parent Category	Subcategory	Merchant	Description	Amount
08/07/20	Office Expenses & Postage	Postage	USPS	Preservation letters with envelope costs	\$30.00
10/26/20	Office Expenses & Postage	Office Expenses & Postage	USPS	Certified Letter costs	\$6.00
10/26/20	Rent or Lease	Equipment	amazon	Hard Drives for Data Storage	\$331.68
11/08/20	Contractors	Contractors (general)	Bennett Marsh	Puco Webscraping	\$50.00
12/06/20	Professional Services	Professional Services (general)	Bennett Marsh	Write Webscraping for PUCO Filings	\$65.00
06/23/21	Other Expenses	Other Expenses (general)	Best buy	Router for casedoxx	\$267.49
06/24/21	Car & Truck Expenses	Mileage		1510 miles to travel to mediation	\$845.60
06/27/21	Other Expenses	Food	Gronders		\$96.45
07/23/21	Travel	Hotel/Lodging	The Ballantine		\$497.63
07/25/21	Meals & Entertainment	Restaurants/Dining	Barrio		\$284.61
08/24/21	Office Expenses & Postage	Software	amazon	Acronis Backup for server	\$99.99
10/15/21	Office Expenses & Postage	Software	amazon	Backup software for discovery data	\$69.99
12/10/21	Other Expenses	misc		backup hard drive	\$288.90
12/10/21	Other Expenses	misc		Backup Enclosure	\$32.09
12/10/21	Supplies	Supplies (general)	Amazon	backup for case documents	\$288.90
12/19/21	Other Expenses	Other Expenses (general)	Peking Chinese Restaurant		\$16.16
12/20/21	Car & Truck Expenses	Mileage		Travel to Mediation - 1510 miles	\$845.60
12/20/21	Meals & Entertainment	Meals & Entertainment	Domino's		\$23.38
12/21/21	Other Expenses	Other Expenses (general)	West va	Tolls	\$16.00
01/14/22	Office Expenses & Postage	Postage		Subpoena to CRA mailing costs	\$13.33
01/20/22	Office Expenses & Postage	Postage	USPS		\$7.13
04/13/22	Other Expenses	Other Expenses (general)	amazon	Hard drive for transfer of data.	\$222.59

Grand Total	\$4,398.52
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EXHIBIT H

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JACOB SMITH,)
) Case No. 2:20-cv-03755
)
 Plaintiff,)
) Judge Edmund A. Sargus
 v.) Magistrate Judge Kimberly A. Jolson
)
)
 FIRSTENERGY CORP., *et al.*,)
)
)
 Defendants.)

JAMES BULDAS,)
) Case No. 2:20-cv-03987
)
 Plaintiff,)
) Judge Edmund A. Sargus
 v.) Magistrate Judge Kimberly A. Jolson
)
)
)
 FIRSTENERGY CORP., *et al.*,)
)
)
 Defendants.)

BRIAN HUDOCK and CAMEO)
 COUNTERTOPS. INC.,)
) Case No. 2:20-cv-03954
)
 Plaintiffs,)
) Judge Edmund A. Sargus
 v.) Magistrate Judge Kimberly A. Jolson
)
)
)
 FIRSTENERGY CORP., *et al.*,)
)
)
 Defendants.)

**DECLARATION OF A. GIBSON SOLOMONS III IN SUPPORT OF AWARD OF
ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES, AND AWARD OF
INCENTIVE PAYMENTS TO CLASS REPRESENTATIVES**

I, A. Gibson Solomons declare as follows:

1. I am an attorney licensed to practice before the courts of South Carolina and the Fourth Circuit of the Federal Courts, and am a partner in the law firm Speights & Solomons, LLC ("S&S"). I have personal knowledge of the facts stated in this Declaration and, if called as a witness, I would testify competently to them. I make this Declaration in support of S&S's request for attorneys' fees and reimbursement of litigation expenses, as set forth in the Petition of Dennis E. Murray, Jr., Marvin A. Miller, and James L. Ward Jr. In Support Of Award of Attorneys' Fees, Reimbursement Of Expenses, And Award of Incentive Payments To Class Representatives (the "Petition").

2. I am counsel of record for Plaintiff Michael Emmons in a class action lawsuit pending in the Cuyahoga County Court of Common Pleas styled *Emmons v. FirstEnergy Corp.*, Case No. CV-20 935557.

3. A brief description my firm, which includes a short summary of my experience and credentials, is attached as Exhibit 1 and incorporated herein by reference.

4. Throughout the course of this litigation, my firm kept files contemporaneously documenting all time spent, including tasks performed, and expenses incurred, and shared those reports on a regular basis with James L. Ward, Jr., who is Class Counsel for the Settlement Class along with Dennis E. Murray, Jr. and Marvin A. Miller. *See* ECF No. 142 (preliminary approval order appointing Messrs. Murray, Miller, and Ward as Class Counsel). All the time and expenses reported by my firm advanced the tremendous class-wide result achieved in this case.

5. Such work included participating in the foundational research and drafting of the Complaint, participating in mapping the case for discovery and trial, participating in discovery and third party discovery, participating in preparation of Motions and briefs on dispositive and procedural issues, participating in coordinating with counsel in the companion federal case for both negotiating and case prosecution, participating in finding and consultation with experts, and negotiation of the

settlement with Defendants. Our approach is a team approach and each of the members of our team serve multiple functions. We coordinate those functions to promote the efficacy of our prosecution of the class interests.

6. The total lodestar for my firm at current rate for services rendered in this case from inception through July 31, 2022, is \$937,000.00. This amount does not include time spent preparing this Declaration or preparing Class Plaintiffs' fee petition. My firm's time entries are available for inspection by the Court if necessary.

7. Expense items are billed separately and are not duplicated in my firm's lodestar. The expenses my firm incurred in litigating this action are reflected in the books and records of my firm. These books and records are prepared from expense vouchers, invoices, receipts, check records, and other source materials and accurately reflect the expenses incurred. My firm's expense records are available for inspection by the Court if necessary.

8. My firm incurred a total of \$2,301.56 in unreimbursed expenses, all of which were reasonable and necessary for the prosecution of this litigation. These were for non-common litigation expenses incurred by my firm, such as travel, meals and lodging, and filing fees. A summary of these expenses by category is attached as Exhibit 2.

9. In the event my firm provides additional services or incurs additional costs, I will supplement this declaration.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 6th day of September, 2022, in Hampton, South Carolina.

s/ A. Gibson Solomons
A. Gibson Solomons

Speights & Solomons, LLC
Exhibit 1

The firm's partners have been involved with complex class action practice for nearly fifty years. Mr. Speights, along with Arthur Miller and other notable co-counsel, developed the law and model for addressing property damages from asbestos through the class device. See *Cent. Wesleyan Coll. v. W.R. Grace Co.*, 6 F.3d 177 (4th Cir. 1993); *In re School Asbestos Litigation*, 789 F.2d 996 (3d Cir. 1986). Over the next forty years, the firm has expanded its understanding of the technical needs and proper use of class actions as it worked on a wide array of class actions in both state and federal courts.

Mr. Solomons has been a part of that development for nearly twenty years, serving as Plaintiffs' lead counsel in products liability class actions subject to MDL treatment (*see Brooks v. GAF Materials Corp.*, 41 F. Supp. 3d 474, 482 (D.S.C. 2014)) and as class counsel in actions on behalf of farmers, property owners seeking redress for improper fees, and employees in wage and hour matters. Most relevant, the firm recently served on the lead team (along with many others on the *Emmons* team) in a pair of class actions brought on behalf of customers against two utilities for improper charges stemming from deception around a failed nuclear project. The two cases delivered over \$700 million in cash benefits and over \$3 billion in total benefits to the utility customers.

Coming on the heels of that action, the *Emmons* team has worked to play a role in protecting the rights of utility customers in Ohio. Mr. Solomons served as a coordinator for the team, mapping and planning the litigation, setting the theme and priorities, and designating individuals and groups for specific tasks to avoid duplication of effort.

EXHIBIT 2

08/23/2022 S&S

SPEIGHTS & SOLOMONS, LLC
P. O. BOX 685
100 OAK STREET, E
HAMPTON, SOUTH CAROLINA 29924

EMMONS vs FIRSTENERGY CORP OF OHIO
 &
 FIRSTENERGY SERVICE COMPANY

Client #: 1
 File #: 312
 As of Date: 08/23/2022

SPEIGHTS & SOLOMONS

RE: EMMONS V FIRSTENERGY CORP OF OHIO &
 FIRSTENERGY SERVICE COMPANY

COSTS ADVANCED

08/20/2020	Gibson Solomons - 8/6/20 Supreme Court of Ohio Pro Hac (Filing Fee) #3150	300.00
08/20/2020	United Parcel Service - Express Mail: 8/6/20 Supreme Court of Ohio - Office of Attorney Services - Columbus OH #3153	29.82
10/29/2020	Gibson Solomons - 10/9/20 Meeting with Galvin (Lunch - \$36.52) #3273	36.52
06/21/2021	6/21/21 Travel to/from Orangeburg/Columbia for Attendance at Meetings with Co-Counsel. (Pro-rata share Auto Mileage - 135 miles - \$74.25)	74.25
07/28/2021	7/25/21 - 7/28/21 Travel to/from Cleveland for preparation and attendance at mediation. (Airfare and baggage fee - \$481.80) (Hotel - \$770.24) (Airport parking - \$43.00) (Meals - \$227.05)	1,522.09
01/06/2022	Gibson Solomons - Pro Hac Vice Renewal Fee with Supreme Court of Ohio for A. Gibson Solomons. #4031	300.00
01/11/2022	United Parcel Service - Express Mail: 12/28/21 Office of Attorney Supreme Court of Ohio - Columbus, OH. #4054	35.78
08/01/2022	Pacer on-Line Research (4/1/22 - 6/30/22)	3.10

FIRSTENERGY SERVICE COMPANY

Page#: 2

File #: 312

TOTAL COSTS ADVANCED:	<u>\$2,301.56</u>
PREVIOUS BALANCE:	0.00
CURRENT CHARGES:	2,301.56
LESS PAYMENTS:	0.00
TOTAL AMOUNT DUE:	<u>\$2,301.56</u>

EXHIBIT I

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JACOB SMITH,)
) Case No. 2:20-cv-03755
)
 Plaintiff,)
)
 v.) Judge Edmund A. Sargus
) Magistrate Judge Kimberly A. Jolson
)
 FIRSTENERGY CORP., *et al.*,)
)
)
 Defendants.)
)
 _____)

JAMES BULDAS,)
) Case No. 2:20-cv-03987
)
 Plaintiff,)
) Judge Edmund A. Sargus
 v.) Magistrate Judge Kimberly A. Jolson
)
)
 FIRSTENERGY CORP., *et al.*,)
)
)
 Defendants.)
)
 _____)

BRIAN HUDOCK and CAMEO)
 COUNTERTOPS, INC.,)
) Case No. 2:20-cv-03954
)
 Plaintiffs,)
) Judge Edmund A. Sargus
 v.) Magistrate Judge Kimberly A. Jolson
)
)
 FIRSTENERGY CORP., *et al.*,)
)
)
 Defendants.)
)
 _____)

**DECLARATION OF DANIEL R. KARON IN SUPPORT OF AWARD OF ATTORNEYS'
FEES, REIMBURSEMENT OF EXPENSES, AND AWARD OF INCENTIVE
PAYMENTS TO CLASS REPRESENTATIVES**

I, Daniel R. Karon declare as follows:

1. I am an attorney licensed to practice before the courts of Ohio and am owner of the law firm Karon LLC. I have personal knowledge of the facts stated in this Declaration and, if called as a witness, I would testify competently to them. I make this Declaration in support of Karon LLC's request for attorneys' fees and reimbursement of litigation expenses, as set forth in the Petition of Dennis E. Murray, Jr., Marvin A. Miller, and James L. Ward Jr. In Support Of Award of Attorneys' Fees, Reimbursement Of Expenses, And Award of Incentive Payments To Class Representatives (the "Petition").

2. I am counsel of record for Plaintiff Michael Emmons in a class action lawsuit pending in the Cuyahoga County Court of Common Pleas styled *Emmons v. FirstEnergy Corp.*, Case No. CV-20 935557.

3. A brief description my firm, which includes a short summary of my experience and credentials, is attached as Exhibit 1 and incorporated herein by reference.

4. Throughout the course of this litigation, my firm kept files contemporaneously documenting all time spent, including tasks performed, and expenses incurred, and shared those reports on a regular basis with James L. Ward, Jr., who is Class Counsel for the Settlement Class along with Dennis E. Murray, Jr. and Marvin A. Miller. *See* ECF No. 142 (preliminary approval order appointing Messrs. Murray, Miller, and Ward as Class Counsel). All the time and expenses reported by my firm advanced the tremendous class-wide result achieved in this case.

5. Such work included formulating case theory, working with experts, attending court hearings, reviewing documents, conducting legal research, drafting briefs, and participating in mediation and settlement negotiations.

6. The total lodestar for my firm at current rates for services rendered in this case from inception through July 31, 2022, is \$156,085.50. This amount does not include time spent preparing

this Declaration or preparing Class Plaintiffs' fee petition. My firm's time entries are available for inspection by the Court if necessary..

7. My firm incurred a total of \$0.00 in unreimbursed expenses.

8. In the event my firm provides additional services or incurs costs, I will supplement this declaration.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 6th day of September, 2022, in Cleveland, Ohio.

s/ Daniel R. Karon

Daniel R. Karon

**KARON LLC
EXHIBIT 1**

Mr. Karon is a class-action trial attorney specializing in antitrust, consumer–fraud, and wage-and-hour litigation. He began his class-action career with Much Shelist Freed Denenberg Ament & Rubenstein, P.C. in Chicago. He graduated Indiana University and The Ohio State University Moritz College of Law. He now manages Karon LLC. He represents individuals in antitrust, consumer-fraud, wage-and-hour, and other class-actions, and he has represented domestic and international corporations in domestic and international antitrust class-action matters. He also defends corporations in consumer-fraud and antitrust class actions.

Mr. Karon teaches consumer law at the University of Michigan Law School and The Ohio State University Moritz College of Law and taught complex litigation at Columbia Law School. He has taught class actions at Cleveland State University’s Cleveland-Marshall College of Law. He lectures on class-action law at multiple other law schools and serves on Loyola University Chicago School of Law’s Institute for Consumer Antitrust Studies’ U.S. Advisory Board. He chairs the ABA’s National Institute on Class Actions, writes a bimonthly column for Law360, was an editorial board member and contributing author to the ABA’s Litigation Section’s *Class Actions Today-Jurisdiction to Resolution* magazine, was a member of the Ohio Association of Justice’s Board of Trustees, and served as an editorial board member for the Ohio Academy of Justice’s *Ohio Trial* magazine. He has published multiple law review and bar journal articles on class-action topics, and he lectures nationally on class actions for the ABA and other bar associations.

In addition to various antitrust and consumer-fraud class actions, Mr. Karon was extensively involved in the *LCD–TFT Indirect Purchaser Antitrust Litigation* (nationwide price-fixing class action that settled for \$1.1 billion), *Vitamins Direct Purchaser Antitrust Litigation* (nationwide price-fixing class action that resolved for \$2 billion), *NASDAQ Market-Makers Antitrust Litigation* (nationwide price-fixing class action that settled for \$1.027 billion), *Cathode Ray Tubes (CRT) Antitrust Litigation* (nationwide price-fixing class action that settled for \$500 million), *Monosodium Glutamate Antitrust Litigation* (nationwide price-fixing class action that settled for \$130 million), *Methionine Antitrust Litigation* (nationwide price-fixing class action that settled for \$101 million), and *Sorbates Direct Purchaser Antitrust Litigation* (nationwide price-fixing class action that settled for \$94.5 million). He serves or served as lead counsel in multiple cases, including *Magnesium Oxide Antitrust Litigation*, *Aftermarket Sheet Metal Indirect Purchaser Antitrust Litigation*, *City of Lorain v. Medical Mutual Insurance Co.*, *Dairy Indirect-Purchaser Antitrust Litigation*, *Johnson v. Evangelical Lutheran Church of America*, *Schwartz v. Avis Rent-A-Car Corp.*, *Klein v. Budget Rent-A-Car Group*, *Bausch & Lomb Contact Lens Product Liability Litigation*, *Roth v. Life Time Fitness*, and *Schwartz v. Alltel Corp.* He is on the executive committee in the *Beef Antitrust Litigation*, was discovery co-chair in the *Bulk Graphite Antitrust Litigation*, class-certification co-chair in the *Pressure Sensitive Labelstock Antitrust Litigation*, and briefing co-chair in the *EPDM Antitrust Litigation* and *Carbon Black Antitrust Litigation*.

EXHIBIT J

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JACOB SMITH,)
) Case No. 2:20-cv-03755
)
 Plaintiff,)
)
 v.) Judge Edmund A. Sargus
) Magistrate Judge Kimberly A. Jolson
)
 FIRSTENERGY CORP., *et al.*,)
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 Defendants.)
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JAMES BULDAS,)
) Case No. 2:20-cv-03987
)
 Plaintiff,)
) Judge Edmund A. Sargus
 v.) Magistrate Judge Kimberly A. Jolson
)
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 FIRSTENERGY CORP., *et al.*,)
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 Defendants.)
)
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BRIAN HUDOCK and CAMEO)
 COUNTERTOPS, INC.,)
) Case No. 2:20-cv-03954
)
 Plaintiffs,)
) Judge Edmund A. Sargus
 v.) Magistrate Judge Kimberly A. Jolson
)
)
 FIRSTENERGY CORP., *et al.*,)
)
 Defendants.)
)
 _____)

**DECLARATION OF VINCE A. SHEHEEN IN SUPPORT OF AWARD OF
ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES, AND AWARD OF
INCENTIVE PAYMENTS TO CLASS REPRESENTATIVES**

I, Vincent A. Sheheen declare as follows:

1. I am an attorney licensed to practice before the courts of South Carolina, the United States District Court for the District of South Carolina, and the United States Fourth Circuit Court of Appeals, and am a partner in the law firm Savage, Royall, and Sheheen LLP (“Savage Firm”). I have personal knowledge of the facts stated in this Declaration and, if called as a witness, I would testify competently to them. I make this Declaration in support of the Savage Firm’s request for attorneys’ fees and reimbursement of litigation expenses, as set forth in the Petition of Dennis E. Murray, Jr., Marvin A. Miller, and James L. Ward Jr. In Support Of Award of Attorneys’ Fees, Reimbursement Of Expenses, And Award of Incentive Payments To Class Representatives (the “Petition”).

2. I am counsel of record for Plaintiff Michael Emmons in a class action lawsuit pending in the Cuyahoga County Court of Common Pleas styled *Emmons v. FirstEnergy Corp.*, Case No. CV-20 935557.

3. A brief description my firm, which includes a short summary of my experience and credentials, is attached as Exhibit 1 and incorporated herein by reference.

4. Throughout the course of this litigation, my firm documented the time spent, including tasks performed, and expenses incurred, and shared those reports with James L. Ward, Jr., who is Class Counsel for the Settlement Class along with Dennis E. Murray, Jr. and Marvin A. Miller. *See* ECF No. 142 (preliminary approval order appointing Messrs. Murray, Miller, and Ward as Class Counsel). All the time and expenses reported by my firm advanced the tremendous class-wide result achieved in this case.

5. Such work included leading settlement negotiations in the Emmons case and leading the liaison discussions between the Emmons counsel and the Smith counsel. The Savage Firm was deeply involved in creating the settlement strategy, leading negotiations, creating litigation strategy, and managing case progress. The Savage Firm also reviewed and assisted in motions, pleadings,

research, and briefings.

6. The total lodestar for my firm at current rates for services rendered in this case from inception through July 31, 2022, is \$490,143.75. This amount does not include time spent preparing this Declaration or preparing Class Plaintiffs' fee petition. My firm's time entries are available for inspection by the Court if necessary.

7. Expense items are billed separately and are not duplicated in my firm's lodestar. The expenses my firm incurred in litigating this action are reflected in the books and records of my firm. These books and records are prepared from expense vouchers, invoices, receipts, check records, and other source materials and accurately reflect the expenses incurred. My firm's expense records are available for inspection by the Court if necessary.

8. My firm incurred a total of \$5,680.38 in unreimbursed expenses, all of which were reasonable and necessary for the prosecution of this litigation. This amount was for non-common litigation expenses incurred by my firm, such as travel, meal, and lodging, copying, legal research, and telephone. A summary of these expenses by category is attached as Exhibit 2.

9. In the event my firm provides additional services or incurs additional costs, I will supplement this declaration.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 6th day of September 2022, in Camden, South Carolina.

s/ Vincent A. Sheheen
Vincent A. Sheheen

SAVAGE ROYALL AND SHEHEEN, LLP
EXHIBIT ONE

The law firm of Savage Royall and Sheheen, LLP has been in existence for almost 100 years. During that time, the firm has handled thousands of cases of many varieties in numerous courts.

Vincent A. Sheheen has been a member of the South Carolina and federal bars since 1996. He has wide experience in complex litigation, including business, personal injury and class action cases on both the Plaintiff and Defense sides. He has appeared in state and federal trial and appellate courts, has tried numerous cases, and is a member of the Inn of Court and American Board of Trial Advocates. Mr. Sheheen has served in the South Carolina House of Representatives and the South Carolina Senate and is a member of numerous local, state, and national civic groups. Mr. Sheheen has obtained multi-million dollar settlements and verdicts as lead counsel.

In the current matter, Mr. Sheheen led settlement negotiations in the Emmons case and led the liaison discussions between the Emmons counsel and the Smith counsel. Mr. Sheheen was deeply involved in creating the settlement strategy, leading negotiations, creating litigation strategy, and managing case progress. Mr. Sheheen also reviewed and assisted in motions, pleadings, and briefings. Mr. Sheheen reviewed discovery, research and other relevant materials.

Michael D. Wright has been a member of the South Carolina and federal bar since 2009. Mr. Wright is a trial attorney who has a sprawling and diverse practice, representing clients in municipal, state, and federal courts at both the trial and appellate level. Mr. Wright represents both individuals and businesses in civil litigation, business disputes, employment disputes, and criminal matters and has also helped individuals in the formation of companies and has aided businesses, physicians, and other professional practices with asset purchases, mergers, and acquisitions. In addition to his work at the firm, Mr. Wright serves as the Chief Judge of the City of Camden

Municipal Court, having previously served as the prosecutor for the City of Camden. Mr. Wright has served on the executive committees of the Camden Rotary Club, the United States Junior Chamber of Commerce, and the United Way of Kershaw County.

With respect to the current matter, Mr. Wright poured through legislative documents and hearing testimony regarding the enactment of HB6, drafted pleadings and memorandums in opposition to various motions, assisted in the coordination and review of discovery, and performed the necessary legal research to assist in the litigation strategy in this case.

EXHIBIT 2

Savage, Royall & Sheheen, LLP Proprietary And Confidential

**Savage, Royall & Sheheen, LLP
Time/Expense**

Matter	Date	Timekeeper	Task/Exp	Description	Value
030690-EMMONS VS. FIRST ENERGY	01/03/2022	Michael D. Wright	Client Disbursements Other	Reimburse for Flight, Luggage and Parking	755.31
030690-EMMONS VS. FIRST ENERGY	12/21/2021	Vincent A. Sheheen	Travel Gas & Mileage	Cab Fare	40.00
030690-EMMONS VS. FIRST ENERGY	12/21/2021	Vincent A. Sheheen	mileage reimbursement	140 miles driven	78.40
030690-EMMONS VS. FIRST ENERGY	12/16/2021	Vincent A. Sheheen	Pro Hac Vice renewal	Pro Hac Vice renewal for VAS	300.00
030690-EMMONS VS. FIRST ENERGY	12/16/2021	Michael D. Wright	Pro Hac Vice renewal	PHV renewal fee charged to credit card 12.16.21	300.00
030690-EMMONS VS. FIRST ENERGY	09/15/2021	Vincent A. Sheheen	Travel Expense	Travel Expenses	1,863.12
030690-EMMONS VS. FIRST ENERGY	08/02/2021	Vincent A. Sheheen	Travel Gas & Mileage	Reimburse for flight and mileage to and from Charlotte airport.	785.30
030690-EMMONS VS. FIRST ENERGY	07/28/2021	Michael D. Wright	Meals	Flannery's Pub	120.00
030690-EMMONS VS. FIRST ENERGY	07/28/2021	Vincent A. Sheheen	Mileage	Mileage	100.50
030690-EMMONS VS. FIRST ENERGY	07/26/2021	Vincent A. Sheheen	Travel Gas & Mileage	Taxi in Ohio	43.20
030690-EMMONS VS. FIRST ENERGY	07/02/2021	Vincent A. Sheheen	Travel Gas & Mileage	Change in Flight price difference	65.02
030690-EMMONS VS. FIRST ENERGY	07/01/2021	Vincent A. Sheheen	Travel	Additional cost for flight change	50.24
030690-EMMONS VS. FIRST ENERGY	06/29/2021	Vincent A. Sheheen	Travel Airfare	Round trip airfare from Charlotte to Detroit.	495.29
030690-EMMONS VS. FIRST ENERGY	06/22/2021	Vincent A. Sheheen	Travel Gas & Mileage	Mileage	84.00
030690-EMMONS VS. FIRST ENERGY	08/07/2020	Michael D. Wright		ProhacVice Registration Certificate	300.00
030690-EMMONS VS. FIRST ENERGY	08/07/2020	Vincent A. Sheheen		ProhacVice Registration Certificate	300.00
					5,680.38