

IN THE DISTRICT COURT OF GARVIN COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA
GARVIN COUNTY

FILED

SS.

MICHAEL KERNEN and)
GLADYS MARIE WILKERSON,)
TRUSTEE OF THE GLADYS MARIE)
WILKERSON 1999 TRUST,)

Plaintiffs,)

v.)

CITIZEN ENERGY II, LLC and)
CITIZEN ENERGY III, LLC,)

Defendants.)

Case No. CJ-2018-7

NOV 22 2024
AT 3:00 P.M.
LAURA REE, Court Clerk
BY _____ DEPUTY

**CLASS REPRESENTATIVES' MOTION FOR APPROVAL OF
FINAL PLAN OF ALLOCATION ORDER**

Pursuant to the June 12, 2024 Stipulation and Agreement of Settlement (the "Settlement Agreement")¹ and the Court's August 26, 2024 Initial Plan of Allocation Order, Class Representatives Michael Kernan and Gladys Marie Wilkerson, Trustee of the Gladys Marie Wilkerson 1999 Trust ("Class Representatives"), on behalf of themselves and all others similarly situated, file this Motion for Approval of Final Plan of Allocation Order and would respectfully show the Court as follows:

¹ A copy of the Settlement Agreement was attached as Exhibit 1 to Plaintiffs' June 17, 2024 Memorandum of Law in Support of Plaintiffs' Motion to Certify Class for Settlement Purposes, Preliminarily Approve Class Action Settlement, Approve Form and Manner of Notice, and Set Date for Final Approval Hearing.

1. Defendant deposited \$4,668,120.00, the Gross Settlement Fund,² into the Escrow Account pursuant to the terms of the Settlement Agreement.

2. On August 26, 2024, the Court issued Orders Awarding Attorneys' Fees, Reimbursement of Litigation Expenses, and a Case Contribution Award, which approved the following:

- a. Attorneys' Fees to Class Counsel in the amount of \$1,867,248.00;
- b. Reimbursement of past Litigation Expenses to Class Counsel in the amount of \$132,528.00;
- c. Reimbursement of future Litigation Expenses incurred above \$132,528.00, but not exceeding the total noticed amount of \$200,000.00 upon 14 days' written notice to the Court;
- d. Payment of Administration, Notice, and Distribution Costs in an amount not to exceed \$250,000.00; and
- e. A Case Contribution Award of \$30,000.00 to Class Representatives.

3. In accordance with the Settlement Agreement and the above Orders, the foregoing amounts were distributed to the Class Representatives and Class Counsel.

4. Following the foregoing Court-approved distributions, and reserving \$67,472.00 for potential future Litigation Expenses, and \$250,000.00 for Administration, Notice, and Distribution Costs, the Net Settlement Fund available for distribution to Class Members currently equals \$2,320,872.00.

² All capitalized terms not otherwise defined herein shall have the meaning given to them in the Settlement Agreement.

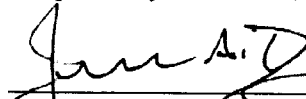
5. The Final Plan of Allocation Order was prepared on behalf of the Class pursuant to the terms of the Initial Plan of Allocation Order and shows the proportionate settlement payments to be made to the Class in accordance with the Allocation Methodology previously approved by the Court. *See* Affidavit of Barbara A. Ley (attached hereto as Exhibit 1) and Allocation Spreadsheet (attached hereto as Exhibit 2).

6. As evidenced by the Final Plan of Allocation Order, the parties and/or their agents have worked diligently to locate as many Class Members as possible, to update their information as necessary, and to calculate their interests consistent with the Settlement Agreement.

7. Upon the Court's approval, the distributions set out in the Final Allocation Order shall be made in accordance with the Initial Plan of Allocation Order. If payment cannot be made to 100% of the Class, any undistributed Net Settlement Funds will be handled as set forth in the Initial Plan of Allocation Order and the Settlement Agreement.

DATED: November 22, 2024

Respectfully submitted,



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Paula M. Jantzen, OBA No. 20464

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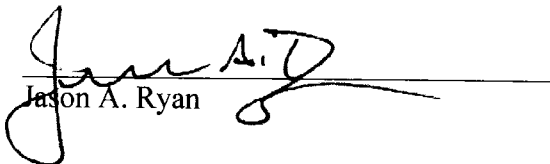
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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on November 22, 2024 a true and correct copy of the foregoing document was sent, via first class mail and/or electronic mail, to the following counsel of record:

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Cody McPherson
Mahaffey & Gore, P.C.
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Jason A. Ryan