

CONSTANCE JURICH, on behalf of  
herself and all others similarly situated,

Plaintiffs,

v.

VERDE ENERGY USA, INC.,

Defendant.

SUPERIOR COURT

COMPLEX LITIGATION DOCKET  
AT HARTFORD

January 3, 2020

**AFFIDAVIT OF SETH R. KLEIN IN SUPPORT OF PLAINTIFF'S MOTIONS FOR  
FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND FOR AWARD OF  
ATTORNEYS' FEES & EXPENSES AND CASE CONTRIBUTION AWARD**

I, Seth R. Klein, hereby declare as follows:

1. I am an attorney with the law firm of Izard, Kindall & Raabe, LLP ("IKR"), and am competent to declare the matters stated herein.

2. IKR represents the named plaintiff Constance Jurich. I submit this declaration in support of (1) Plaintiff's Motion for Modification of the Certified Class Definition and Motion for Approval of Class Action Settlement, and (2) Plaintiff's Motion for Award of Attorneys' Fees & Expenses and Case Contribution Award.

### *Course of the Litigation*

3. On September 18, 2019, I previously submitted the Affidavit of Seth R. Klein in Support of Preliminary Approval [Dkt. No. 258.00] (“Klein Prelim. App. Aff.”) setting forth the history of this litigation and attaching certain relevant documents. I hereby reaffirm the accuracy of, and adopt herein the entirety of, that prior affidavit.

### *Notice to the Settlement Class*

4. In accord with the Preliminary Approval Order [Dkt. No. 262.00], the Parties worked with Heffler Claims Group (“Heffler”) to provide the class with information about the case and the proposed settlement. Details of the provision of Notice to the Settlement Class are set forth in the accompanying Affidavit of Scott Fenwick, Chief of Operations at Heffler.

5. Based upon data provided by Verde, Class Members who used significant amounts of electricity are eligible to receive substantial payments. For example, of 116,681 Class Members, approximately 14,875 are eligible to receive between \$50 and \$99.99; a further approximate 23,346 are eligible for awards of \$100 to \$299.99; approximately 5,221 Class Members are eligible for awards of \$300 to \$499.99; and approximately 2,242 Class Members are eligible to receive over \$500 (including 379 who are eligible to receive over \$1,000)

### *IKR’s Time, Lodestar and Expenses*

6. This firm’s experience, as well the experience of the IKR attorneys involved in this litigation, is described in detail in the IKR Firm Resume attached as Ex. 2 to the Klein Prelim. App. Aff.

7. As of January 2, 2020, IKR attorneys and staff have spent 1345.25 hours prosecuting this case to date, including time devoted to investigating, drafting pleadings, engaging in discovery, reviewing documents, negotiating and finally settling this case. IKR's aggregate lodestar is \$1,056,705.00, broken down as follows:

<b>Attorney</b>	<b>Position</b>	<b>Rate</b>	<b>Hours</b>	<b>Lodestar</b>
Robert A. Izard	Partner	925	317.50	293,687.50
Mark P. Kindall	Partner	850	38.75	32,937.50
Craig A. Raabe	Partner	850	32.75	27,837.50
Seth R. Klein	Partner	750	919.50	689,625.00
Christopher M. Barrett	Associate	550	6.00	3,300.00
Nicole A. Veno	Associate	350	22.25	7,787.50
Eileen McGee	Assistant	180	8.50	1,530.00
<b>Total</b>			<b>1,345.25</b>	<b>\$1,056,705.00</b>

8. The schedule shown in the preceding paragraph was prepared from contemporaneous daily time records regularly prepared and maintained by IKR, which are available at the request of the Court.

9. The hourly rates shown in paragraph 7 are the same as the regular current rates generally charged for services in non-contingent hourly rate billing matters. In addition, numerous courts throughout the country and in this state have accepted IKR's rates as the basis for lodestar calculations in other class actions in which we have served as counsel.

10. IKR has incurred a total of \$112,920.74 in unreimbursed expenses in connection with the prosecution of the Action as of January 2, 2020 (the vast majority of which are related to expert fees), broken down as follows:

<b>Category</b>	<b>Amount</b>
Court Fees	1,089.85
Expert/Investigation Fees	99,728.75
Mediation/Arbitration	7,875.00
Research/Discovery	79.64
Sheriff/Service Fees	267.30
Transcripts	3,391.00
Travel	445.44
Postage/Delivery	43.76
<b>Total Expenses</b>	<b>\$112,920.74</b>

11. The expenses shown in the preceding paragraph were actually incurred and paid over the course of the litigation. They were all paid by IKR, with no guarantee that they would ever be recovered except in the event that the litigation was successful and the Court approved the reimbursement. I have reviewed these expenses and believe that they were both necessary and appropriate for the prosecution of the case.

***Lead Plaintiff Constance Jurich***

12. Lead Plaintiff Constance Jurich has spent significant personal time and effort in prosecuting this litigation. She has produced documents and responded to interrogatories in response to Defendant's discovery requests and has sat for deposition conducted by Defendant's counsel. She has also remained closely involved both in monitoring and supervising the conduct of this case.



Seth R. Klein

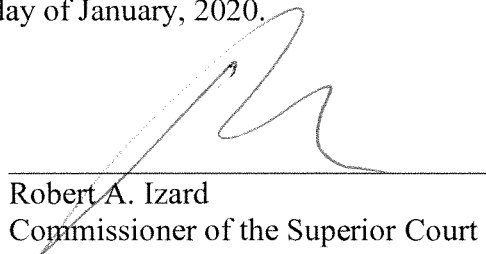
COUNTY OF HARTFORD )

) ss.

West Hartford, Connecticut

STATE OF CONNECTICUT )

Subscribed and sworn to before me this 3<sup>rd</sup> day of January, 2020.



Robert A. IZard  
Commissioner of the Superior Court

**CERTIFICATION**

I certify that on this 3<sup>rd</sup> day of January, 2020, a copy of the foregoing was sent by email to all counsel of record as follows:

Kevin P. Allen      [kpallen@eckertseamans.com](mailto:kpallen@eckertseamans.com)

Joel L. Lennen      [jlennen@eckertseamans.com](mailto:jlennen@eckertseamans.com)

Thomas J. Murphy      [tmurphy@cowderymurphy.com](mailto:tmurphy@cowderymurphy.com)

/s/ Seth R. Klein \_\_\_\_\_  
Seth R. Klein