

# EXHIBIT 6

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

|                                    |   |
|------------------------------------|---|
| PERRY CLINE, on behalf of himself, | ) |
| and all others similarly situated, | ) |
|                                    | ) |
| Plaintiff,                         | ) |
|                                    | ) |
| v.                                 | ) |
|                                    | ) |
| SUNOCO, INC. (R&M); and            | ) |
| SUNOCO PARTNERS                    | ) |
| MARKETING & TERMINALS, L.P.,       | ) |
|                                    | ) |
| Defendants.                        | ) |

Case No. 6:17-cv-00313-JAG

**DECLARATION OF LAWRENCE R. MURPHY, JR.**

I, Lawrence R. Murphy, Jr. declare under penalty of perjury as follows:

1. I submit this declaration in support of Class Counsel’s Motion for Approval of Attorneys’ Fees (“Fee Motion”), Class Counsel’s Motion for Approval of Reimbursement of Litigation Expenses (“Expense Motion”), and Class Representative’s Motion for Approval of Case Contribution Award (“Case Contribution Award Motion”), which are filed contemporaneously herewith. Unless otherwise stated herein, the statements made herein are based upon my personal knowledge and information available to me to the best of my recollection, and while I do not believe there are any errors, omissions, incomplete or incorrect statements, to the extent any occur, they are wholly accidental and unintentional.

2. I have litigated class actions and complex commercial litigation in the Eastern District of Oklahoma, the Northern District of Oklahoma, the Western District of Oklahoma, the state courts of Oklahoma and numerous other state and federal courts around the country. I also served as “National Counsel for Bad Faith and Coverage Litigation” for an AM Best Top 50 Insurance Company for in excess of five (5) years.

3. I, along with Whitten Burrage (“WB”), am court-appointed Liaison Local Counsel for the Class. I personally rendered legal services in this Litigation. As Liaison Local Counsel for the Class, I contributed to this Litigation and performed work on behalf of and for the benefit of the Class. Specifically, I was involved in many aspects of the Litigation while the matter was pending. A summary of Class Counsel’s work in this matter is set forth in more detail in the Declaration of Bradley E. Beckworth (filed contemporaneously herewith).

4. We were retained by Mr. Cline to prosecute this case on a fully contingent basis. Mr. Cline negotiated, and we agreed to, a contract to prosecute this case on a fully contingent basis with a fee arrangement of 40% of any recovery obtained for Mr. Cline and/or the Class. I believe, and numerous state and federal courts in Oklahoma have determined, that a 40% contingent fee is within the appropriate market rate range for cases of this nature. Under Oklahoma law, the percentage of the common fund method is permitted as long as the resulting fee is reasonable. *See Strack v. Continental Resources, Inc.*, 2021 OK 21, ¶19, 507 P.3d 609, 617. Indeed, the application of the equitable common fund doctrine is a bedrock premise of litigation in this country and has repeatedly been applied by the United States Supreme Court, the Tenth Circuit, Oklahoma federal and state courts, every federal circuit, and legal scholars. Otherwise, the absent class members would get a windfall at the expense of Class Counsel and Mr. Cline. *See Boeing Co. v. Van Gemert*, 444 U.S. 472, 478 (1980); *Sprague v. Ticonic Nat’l Bank*, 307 U.S. 161, 165 (1939); *Brown v. Phillips Petroleum Co.*, 838 F.2d 451, 454 (10th Cir. 1988); *Court-Awarded Attorney Fees: Report of the Third Circuit Task Force*, 108 F.R.D. 237, 250 (3d Cir. 1985); *see generally* Miller Declaration.

5. I am personally experienced and qualified to offer evidence regarding what I believe are reasonable attorney rates in Oklahoma class actions. Among other things, my

qualifications are as follows: I have been practicing law for approximately 25 years in Oklahoma state and federal courts. I have defended various State Auto Insurance Companies against class actions, including *Johnson v. State Auto Mutual Insurance Company* in Miller County, Arkansas. I also defended various Tyson Chicken entities, as local counsel, in the matter of *In Re: Broiler Chicken Grower Litigation* in the United States District Court for the Eastern District of Oklahoma. I also served as local counsel for plaintiff in the matter of *CompSource Oklahoma v. BNY Mellon* in the United States District for the Eastern District of Oklahoma. Additionally, I have served as local counsel in numerous oil and gas class action cases in the Eastern District of Oklahoma, including *Chieftain Royalty Company v. XTO Energy, Inc.*; *Rhea v. Apache Corporation*; *Reirdon v. XTO Energy, Inc.*; *Reirdon v. Cimarex Energy Co.*; *Cockerell Oil Properties, Ltd. v. Unit Petroleum Company*; *McClintock v. Enterprise Crude Oil, LLC*; *Chieftain Royalty Company v. BP America Production Company*; *Reirdon v. Cimarex Energy Company*; and others. Through this experience, I have become experienced and familiar with the market rates for attorneys operating on various fee structures including contingent fees where expenses are advanced and hourly fees where expenses are not advanced.

6. The information in this declaration regarding my time and expenses is based upon my recollection and a detailed review of the records I have from this litigation. This declaration was prepared by me, and reviewed in detail by me, before signing.

7. I have been provided with access to material information supporting the fee request that is the subject of this declaration and have reviewed such materials. As a result of this review, reductions were made to my time in the exercise of “billing judgment.” As a result of the review and the adjustments made, I believe the time set forth below is reasonable in amount and was necessary for the effective and efficient prosecution and resolution of the Litigation.

8. Based on the work performed and the review of information reflecting work performed in this Litigation, I prepared the chart set forth below identifying the litigation activities in connection with the Litigation, my hourly rate, and the total number of hours I expended in connection with work on the Litigation.

9. As set forth below, the total number of hours I expended in this Litigation, from investigation through January 30, 2023, is 171.2 hours. I reviewed all filings made in this litigation, reviewed all transcripts, appeared at numerous court proceedings, and routinely consulted with Class Counsel. To that end, I stayed current with the Litigation in all respects including the facts of the case and the numerous legal and procedural arguments advanced on behalf of the Defendants. I also spoke with Class Counsel on a regular basis regarding the many filings made by the Defendants. The total amount for my firm for this time period based on my hourly rate in this case is \$149,800.

| Name                    | Title       | Hours | Rate  | Total     |
|-------------------------|-------------|-------|-------|-----------|
| Lawrence R. Murphy, Jr. | Sr. Partner | 171.2 | \$875 | \$149,800 |

10. In my judgment, the number of hours I expended and the services I performed were reasonable and expended for the benefit of the Class in this Litigation. I believe this total number of hours is a conservative and understated amount because, among other things, I work on many matters in a collaborative context where it is not possible to record every hour worked and/or not possible to reduce any given hour to only one case. During the pendency of this case, I was associated with the law firms of RICHARDS & CONNER and SMOLEN LAW in the capacity of “of-counsel” although I am no longer associated with either of those law firms. I, therefore, do not have access to any records that may have been maintained by either of those firms. Accordingly, I carefully reviewed the docket sheet for the Litigation and conservatively estimated my time

devoted to the Litigation. Accordingly, I believe that I worked many more hours on this case than the hours listed above.

11. Additionally, I have performed a reasonable and good faith estimate of my anticipated hours and services that I will devote to this Litigation through the Attorney Fees and Costs Hearing, currently scheduled for February 28, 2023. The total number of hours I anticipate in this Litigation, from January 31, 2023, through February 28, 2023, is 12 hours. The total estimated lodestar for this time period is \$10,500.00 consisting entirely of attorney time.

| Name                    | Title       | Hours | Rate  | Total       |
|-------------------------|-------------|-------|-------|-------------|
| Lawrence R. Murphy, Jr. | Sr. Partner | 12.00 | \$875 | \$10,500.00 |

12. My figures are based on my billing rates, which do not include charges for expense items. Expense items are billed separately and such charges are not duplicated in the billing rates.

13. Because I am essentially a solo practitioner, I was necessarily precluded from working on other cases and pursuing otherwise available opportunities due to my dedication of time and effort to the prosecution of this Litigation. This case was filed in 2017, and has required the devotion of significant time, manpower, and resources from me over that period. Moreover, numerous time limitations have been imposed on me throughout the course of this Litigation. The schedules of the courts, experts, and clients were accommodated on a regular basis. A case of the size and complexity of this one deserves and requires the commitment of a large percentage of the total time and resources of firms the size of those of Class Counsel and works a significant hardship on them over the course of over multiple years. Further, I had to forego taking on numerous additional cases because of this litigation and the burden it placed on its time and resources. While I cannot identify the specific cases without violating attorney client and work product privileges,

I can state that, during the period this case has been pending, I investigated and considered pursuing multiple cases that I ultimately was not able to pursue due to the time and resource constraints imposed by this case.

Dated: January 30, 2023.

*s/Lawrence R. Murphy, Jr.*

---

Lawrence R. Murphy, Jr.