

EXHIBIT 5

**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.)	Case No. 17-cv-313-JAG
)	
SUNOCO, INC. (R&M) and SUNOCO PARTNERS MARKETING & TERMINALS, L.P.,)	
)	
)	
Defendants.)	

**DECLARATION OF MICHAEL BURRAGE IN SUPPORT OF
MOTION FOR ATTORNEYS’ FEES AND REIMBURSEMENT OF EXPENSES
ON BEHALF OF WHITTEN BURRAGE**

I, Michael Burrage of Whitten Burrage (“WB”) declare as follows:

1. I am a partner at WB. 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 Case Contribution Award (“Case Contribution Award Motion”), which are filed contemporaneously herewith. Unless otherwise stated herein, the statements made herein are made 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, and my law firm, have litigated class actions and complex commercial litigation in the United States District Courts for the Eastern District of Oklahoma, the Western District of Oklahoma, and the Northern District of Oklahoma, the state courts of Oklahoma, and numerous

other state and federal courts around the country. A copy of WB's Summary Resume, as well as a brief biography of the attorney who worked on this litigation, is attached hereto as Exhibit 1.

3. I am personally experienced and qualified to offer evidence regarding what I believe are reasonable attorney rates in Oklahoma multi-state class actions.

4. I have been practicing law for more than 48 years in Oklahoma state and federal courts. I graduated with honors and Order of the Coif from University of Oklahoma College of Law in 1974, where I also served as editor of the Oklahoma Law Review. I began my career as a partner in the law firm of Stamper & Burrage from 1974 to 1994, where I represented clients on both civil and criminal matters throughout state and federal courts, at both the trial and appellate level. My clients included individuals who had sustained injuries through defective products, medical negligence, or vehicle accidents. I also represented insurance companies, oil and gas companies, banks, companies involved in wood processing and the paper industry, and hospitals in matters involving securities litigation, breach of contract, insurance law, and oil and gas law. During that time, I was named Outstanding Young Lawyer in Oklahoma, served as Vice President and President of the Oklahoma Bar Association, and received the Neil E. Bogan Professionalism Award by the Oklahoma Bar.

5. In 1994, I was appointed to serve as the United States District Judge for the Eastern District of Oklahoma. During my tenure as a federal district court judge, I served as the Chief Judge of the Eastern District of Oklahoma for approximately five years. During that time, I also served on the Tenth Circuit Court of Appeals by designation on approximately 40 cases.

6. In 2001, I resigned as a federal judge and returned to private practice, first as a senior partner in the Burrage Law Firm, and then in 2007, as a founding/managing partner in the Whitten Burrage Law Firm. During my time in private practice, I have litigated against and with

some of the most preeminent attorneys in the country. My practice has included bad faith insurance claims, oil and gas class actions, representation of state governments in litigation involving the nation's opioid crisis, wrongful death cases, securities litigation, stockholder derivative suits, and product liability cases, among many others. In 2008, my partner Reggie Whitten and I obtained what was then the largest jury verdict in Oklahoma history in a bad faith insurance case. In 2016, I served as co-lead counsel in settling the historic and unprecedented federal lawsuit brought by the Chickasaw and Choctaw nations against the federal government to preserve their water rights within the Tribes' original treaty territories. Nix Patterson, LLP ("NP") and WB also sued the federal government on behalf of the Choctaw and Chickasaw Nation for mismanagement of their unallotted lands That resulted in a settlement of approximately \$190,000.000.00. Along with NP, I have co-led the State of Oklahoma's and Indian Nation's opioid litigation against opioid manufacturers and distributors, recovering over \$1 billion for the State and Oklahoma tribes.

7. I have also served as a mediator in multiple class action cases, including in cases involving royalty underpayment disputes. And I have represented the Choctaw Nation as its General Counsel since 1974, except for the seven-year period during which I served as a federal district court judge. I am a fellow of the American Bar Foundation, was inducted into the American College of Trial Lawyers in 1993 and given the Order of the Owl honor by the University of Oklahoma College of Law in 2013. Through my involvement in the Oklahoma Bar Association, and in other professional associations, I have interacted with trial attorneys practicing not only throughout Oklahoma, but throughout the country, and through those relationships, have become familiar with the rate and fee structures utilized by attorneys in a wide range of matters.

8. During the course of my career, I have personally entered into many fee agreements with clients, including agreements based on hourly compensation at an hourly rate, contingent fee

agreements and, as is particularly relevant here, contingent fee agreements with putative class representatives in class actions, including royalty owner underpayment litigation. My experience litigating on both sides of the docket—representing both plaintiffs and defendants in a variety of fee arrangements, including billing by the hour—gives me special expertise in what constitute reasonable attorney rates in Oklahoma in complex class actions like this one.

9. Due to my experience and knowledge of reasonable attorneys' fees in common fund class actions in Oklahoma, I have served as an expert witness on the reasonableness of attorneys' fees in numerous cases, including in oil and gas class actions in both state and federal court. For example, I served as an expert witness in *Hill v. Marathon Oil Company*, No. CIV-08-37-R, a royalty underpayment class action in the Western District of Oklahoma. I also submitted declarations in similar royalty underpayment cases, including *Chieftain Royalty Company v. QEP Energy Co.*, No. CIV-11-212-R (W.D. Okla.), and *Hitch Enterprises, Inc. v. Cimarex Energy Co.*, No. CIV-11-13-W (W.D. Okla.).

10. Through my experience as a federal district court judge, my own private practice, and my work as an expert witness, I have become 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. I have also become familiar with the typical awards granted to class counsel and class representatives by Oklahoma courts in this type of case.

11. WB is court-appointed Local Counsel for Plaintiff, Perry Cline, on behalf of himself and all others similarly situated (“Plaintiff” or “Class Representative”), and the Certified Class. I personally rendered legal services and had co-responsibility for coordinating and leading the activity carried out by attorneys at WB in this litigation. WB contributed to this litigation and performed work on behalf of and for the benefit of the Class.

12. The information in this declaration regarding WB's time is based upon a review of WB records maintained by WB in the ordinary course of business. I am the partner who oversaw and/or conducted the day-to-day activities in the Litigation. This declaration was prepared by me, with the assistance of staff members at WB, and reviewed in detailed by me before signing.

13. 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* Ex. 7.¹

14. The application of hourly rates on a pay as you go basis could not and would not work here. Mr. Cline could not afford to pay for the fees and expenses it took to litigate this matter, which remains ongoing. And, as a professional matter, neither me, my firm, nor my partner could

¹ References to "Ex. ___" are to the exhibits attached to Class Counsel's Motion for Approval of Attorneys' Fees filed contemporaneously herewith.

or would have agreed to take on this litigation on an hourly basis where we advanced costs and expenses and worked at risk of non-payment only to be paid an hourly rate if, and only if, we obtained a full recovery for our client and absent class members. This case is unique in that we have also had to go beyond a trial and appeals to actual enforcement efforts due to Defendants' refusal to pay the judgment. This fact of business is a troublesome one for most firms and their clients and that trouble is compounded by the fact that the defendant in most royalty cases, including this one, is a well-funded oil company with its own internal legal department and a cadre of top outside counsel lawyers who work by the hour.

15. Nevertheless, in addition to the contractually agreed upon 40% contingent fee market rate, Mr. Cline also negotiated an hourly rate that Class Counsel and additional Plaintiff's Counsel would bill at in the event this Court determined that it was appropriate to consider Plaintiff's Counsel's hourly rates to determine whether any fee request is fair and reasonable. To be clear, Mr. Cline did not agree to pay these rates, nor could he afford to. The use of an hourly rate in a contingent fee case is an inefficient endeavor and, to put it simply, patently unreasonable in the context of commercial litigation. This is so because unlike our adversaries, who work by the hour, with no out of pocket expenses, we advance all costs and expenses, work entirely at risk, lose the ability to take on other paying work, and run the risk that we will lose both the value of our time and expenses if we lose. Further, our goal is always to achieve the best result possible for the class under the circumstances at the time, and if possible, resolve all claims as quickly and efficiently as possible. If that means we can obtain a fair and reasonable settlement the day we file the case, we will do so; if that means we must get a case certified, uphold that certification on appeal, then try the case to verdict and judgment, and then uphold that judgment on appeal, we

will do so. Put simply, we will—as we have demonstrated in many cases—prosecute a case through trial and all appeals, completely at risk of non-payment and total and utter loss.

16. Based upon my experience, knowledge, education, study, and professional qualifications, I believe that the 40% contingent fee we agreed to with Mr. Cline is the market rate for this case and is fair and reasonable and, further, that the hourly rates Mr. Cline agreed upon for me, NP and our co-counsel are well below market rate for cases prosecuted on a contingent basis and approved by Oklahoma state and federal courts for this type of case.

17. WB has served as class counsel in numerous cases in state and federal court and has also defended class cases.

18. Based upon my own personal experiences, and the knowledge, skill and experience I have gained from my own work and study on this issue, I believe I am qualified to testify regarding the reasonableness of attorney's fees in a contingent fee class action such as this one. Based on my qualifications and experience, I can attest that a 40% contingent rate is the market rate for a complex royalty multistate class action like this one. There are very few firms who have the skill, ability, and funding to prosecute a case like this one to verdict and judgment and even fewer who can do it correctly. The vast majority of law firms could not and would not take such a case on a contingent basis. Moreover, in my experience, I have not found a single law firm that would agree to take on a case like this at an hourly rate and also agree that they would (1) advance all costs and expenses and (2) would only get paid that straight hourly rate if they obtained a settlement or judgment and, even then, (3) could only get paid upon judicial review and approval.

19. The lawyers at WB who worked on this case are me and Randa Reeves, a senior associate in the firm. We did not keep time for our legal service, except for my time associated with the trial which was 27.6 hours. I spent considerable time and effort from the beginning of this

case to date, reviewing pleadings and briefs, making suggested edits, consulting with co-counsel on strategy in both the trial court and appellate courts. We also attended hearing.

20. Further, we anticipate expending several more hours in defending Sunoco's continued appeals with the Tenth Circuit, inevitable second appeal to the U.S. Supreme Court, and working with Class Members and JND on distribution. The chart below sets forth the recorded time, but the work actually performed was much greater.

WHITTEN BURRAGE		
Partners	Hours	Rate
Michael Burrage	27.6	\$875.00
Total	\$24,150.00	

21. In my judgment, the services performed by the attorneys at WB were reasonable and expended for the benefit of the Class.

22. As set forth in the chart below, WB has incurred a total of \$4,981.59 in unreimbursed expenses in connection with this litigation as of the date of this declaration. In my judgment, these expenses were reasonable, necessary, and critical to the prosecution of this litigation:

**Whitten & Burrage, LLP
Expense Report**

	Total Category Expense
Administrative Expenses	
Copy Expenses	\$494.00
Court Fees/ Filing/ Reporting	\$64.00
Travel Expenses	
Lodging and Transportation	\$4,423.59
TOTAL SUBMITTED EXPENSES	\$4,981.59

23. These expenses are reflected on the books and records of WB. It is WB's policy and practice to prepare such records from expense vouchers, check records, credit card records, and other source materials. Based on my oversight of WB's work in connection with this litigation and my review of these records, I believe them to constitute an accurate record of the expenses actually incurred by the Firm in connection with this litigation.

24. Finally, Mr. Cline is seeking a Case Contribution Award. I and other members of my firm have worked with Mr. Cline for years on this case both prior to its filing and throughout its prosecution. Mr. Cline has been instrumental in the successful pursuit of this case and put the Class's interests ahead of his own. For example, Mr. Cline rejected Defendants' attempts to pay him off for his damages and elected to pursue the case on the Class's behalf. He was deposed multiple times, testified at trial, kept himself aware of everything in the litigation, attended multiple mediations, and has demonstrated incredible fortitude in his pursuit of this case on behalf of the Class. Through his efforts, he was able to obtain a Judgment for the Class that is twice their actual damages. Therefore, we believe the Case Contribution Award he is seeking is more than fair and reasonable and should be granted.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 31, 2023.

A handwritten signature in black ink that reads "Michael Burrage". The signature is written in a cursive, flowing style.

Michael Burrage
WHITTEN BURRAGE

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SUMMARY RESUME

Whitten Burrage is one of the most accomplished trial law firms in Oklahoma. Our two Founders, Reggie Whitten and Michael Burrage, have 85 years of combined trial experience having successfully tried several hundreds of jury trials. With an extensive background in complex litigation, Whitten Burrage is engaged in several of the largest and most significant ongoing lawsuits in the United States. It is extremely unique that our firm’s Co-Founders were both inducted into the Oklahoma Hall of Fame, the University of Oklahoma College of Law Hall of Fame, and the prestigious American College of Trial Lawyers, which is reserved to the top 1% of attorneys. The firm primarily focuses on trial work in the areas of civil litigation, class action litigation, Indian law, insurance bad faith, wrongful death, and products liability. The lawyers of the firm have enjoyed a successful trial practice including numerous multi-million dollar settlements.

NOTEWORTHY ACHIEVEMENTS

Litigation on Behalf of Sovereign Entities

State of Oklahoma v. Purdue Pharma, L.P., et al.

Attorneys at Whitten Burrage, led by co-lead trial attorneys, Michael Burrage and Reggie Whitten, along with co-counsel Nix Patterson (“NP,” see pages A-9 & A-10), with whom we regularly litigate complex national cases, represented the State of Oklahoma in its historic litigation against opioid manufacturers, filed on June 30, 2017, in Cleveland County, Oklahoma on behalf of the State of Oklahoma and Oklahoma Attorney General Mike Hunter against several major pharmaceutical companies that manufacture highly addictive and often deadly opioid painkillers. Over the course of two years, Whitten Burrage worked aggressively on behalf of the State to hold these companies accountable for the devastating impacts the opioid crisis had on Oklahoma. The lawsuit alleged that the defendants—including Purdue Pharma, Johnson & Johnson, Janssen, and Teva Pharmaceuticals—intentionally misled Oklahoma healthcare providers and residents about the addictive and harmful nature of opioid medications in order to increase sales of their drugs in the State. These companies advertised opioids as being essentially non-addictive and harmless, which caused massive volumes of dangerous drugs to be unnecessarily prescribed to Oklahomans, creating a severe public health nuisance.

Whitten Burrage and its co-lead counsel NP recovered nearly **\$1 billion** on behalf of the State of Oklahoma.

EXHIBIT 1***The Chickasaw Nation and The Choctaw Nation v. United States Dept. of Interior, et al.***

Whitten Burrage, along with NP, represented the Chickasaw Nation and the Choctaw Nation in an historic settlement with the federal government. This litigation involved allegations that the federal government mismanaged over 1.3 million acres of the timber lands belonging to the Chickasaw and Choctaw Nations. Along with NP, WB conducted comprehensive fact and expert discovery—including analyzing millions of pages of historical trust-related documents and taking or defending 37 depositions across the country. WB also played an integral role in settlement negotiations and the mediation process, which was overseen by court-appointed Special Master and former federal judge, John Robertson (Ret.). Ultimately, the case settled for \$186 million, the fifth largest settlement out of 86 tribal trust actions that have been filed. The settlement also represented a significant milestone in the tribal trust relationship between the United States and the Chickasaw and Choctaw Nations

The Chickasaw Nation and The Choctaw Nation v. Fallin, et al.

In 2016, Whitten Burrage, led by Michael Burrage as lead counsel, settled a historic and unprecedented federal lawsuit preserving the treaty rights of the Chickasaw and Choctaw Nations' water rights within the Tribes' original treaty territories.

Complex Insurance Litigation***General Contractor Overhead & Profit Class Action***

Beginning in 2004, led by Reggie Whitten and Michael Burrage, along with NP, filed a series of nationwide lawsuits on behalf of millions of insureds against the largest insurance companies in the United States, alleging the defendant property insurers failed to properly pay “contractor overhead and profit” on property damage claims. WB and NP’s leadership on these cases resulted in the taking and defending of scores of depositions all across the country, the review, analysis and synthesis of millions of pages of insurance company documents, and argument in countless court hearings. As a result of WB and NP’s efforts, all seven families of property insurer defendants agreed to settlements requiring them to make supplemental payments to affected customers and change certain practices with respect to adjustment of property damage claims. Collectively, the estimated settlement benefits to the customers exceeded \$2.8 billion.

Burgess v. Farmers Insurance

Attorneys at Whitten Burrage, led by Reggie Whitten and Michael Burrage, tried a class action for eight days and obtained a \$130 million jury verdict on behalf of insureds of Farmers Insurance in state court in Oklahoma, wherein the class alleged that Farmers improperly withheld payments for general contractors’ overhead and profit in connection with homeowners’ claims made by Farmers insured in Oklahoma. This class action settled after the jury verdict and judgment was ultimately entered in favor of the class in the amount of \$137,188,329.70, which has received final approval. This was and still is today the state record for the largest class action jury verdict in Oklahoma state history.

Colossus Software Class Action

Similarly, in 2005, led by Reggie Whitten and Michael Burrage, along with co-counsel NP, filed nationwide litigation against several hundred automobile insurance companies and a software developer, alleging that the insurance companies used the “Colossus” software program to systematically underpay uninsured and underinsured motorist claims. After years of contentious litigation with WB and NP at the helm, twenty-seven families of insurance companies and the

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computer software developer agreed to settlements requiring supplemental cash payments to qualifying customers and changes in how the Colossus software program is used in the adjustment of claims. The estimated collective class benefit of the settlements exceeded \$3 billion. All settlements received final approval.

Securities Fraud Litigation***In Re: Williams Securities Litigation***

Attorneys at Whitten Burrage served as Liaison Counsel in a securities class action entitled, *In Re: Williams Securities Litigation*, Case No. 02-CV-72-SPF (FHM), filed in the United States District Court for the Northern District of Oklahoma, which settled for \$311 million to the settlement class. At the time, this settlement represented the largest securities class action settlement in Oklahoma history and ranked in the top fifteen highest securities class action recoveries of all time.

CompSource et al. v. BNY Mellon, N.A. et al.

Attorneys at Whitten Burrage, led by Reggie Whitten and Michael Burrage, along with co-counsel NP, were involved in the securities lending class action entitled, *CompSource Oklahoma, et al. v. BNY Mellon, N.A., et al.*, Case No. CIV-08-469-KEW, filed in the United States District Court for the Eastern District of Oklahoma, on behalf of CompSource Oklahoma—a statutorily-created state workers compensation insurance company—and other participants in BNY Mellon’s securities lending program, alleging that BNY Mellon breached its fiduciary duties (under both common law and ERISA), breached its securities lending agreements, and was negligent in connection with its investment of its clients’ funds in medium-term notes of Sigma Finance, Inc. After three and a half years of hard-fought, intense litigation, which included nearly five million pages of documents produced and reviewed and a total of 59 depositions taken or defended (which took place in seven different states and resulted in 16,483 pages of recorded testimony and the inclusion of 1,738 exhibits), the parties reached a settlement in this matter for \$280 million payment to the class. The Court granted final approval of this settlement.

Significant Miscellaneous Matters***Drummond et al. v. Range Resources-Midcontinent, LLC, et al.***

Attorneys at Whitten Burrage, led by partners, Reggie Whitten and Michael Burrage, along with co-counsel NP, represented a class of royalty owners in this action against Range Resources, an energy company with substantial interests in Oklahoma oil and gas wells. The class members in this case alleged Range unlawfully deducted certain pre-marketing costs from the class members’ royalty payments. WB and its co-counsel NP prosecuted this action for over two years, overcoming Range’s initial dispositive motions, conducting comprehensive fact and expert discovery—such as analyzing the thousands of oil and gas leases involved—and obtaining class certification. As Range was preparing to appeal the court’s class certification order, the parties began settlement negotiations and a mediation process with highly respected mediator and former federal judge, Layn Phillips. After multiple mediation sessions in Oklahoma City and New York City, WB and NP achieved an \$87.5 million cash settlement for the class, which the court approved.

United States ex rel. Allison v. Southwest Orthopaedic Specialists, PLLC, et al.

Attorneys at Whitten Burrage, led by Michael Burrage and Reggie Whitten, along with co-counsel NP, served as co-lead counsel representing Relator, Wayne Allison, in a whistleblower action filed on behalf of the State and the federal government, captioned *United States ex rel. Allison v. Southwest*

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Orthopaedic Specialists, PLLC, et al., No. CIV-16-569 (W.D. Okla.), wherein the Oklahoma Center for Orthopaedic and Multi-Specialty Surgery (“OCOM”), a specialty hospital in Oklahoma City, Oklahoma, its part-owner and management company, USP OKC, Inc. and USP OKC Manager, Inc. (collectively “USP”), Southwest Orthopaedic Specialists, PLLC (“SOS”), an Oklahoma City-based physician group, and two SOS physicians, reached a \$77.2 million settlement to resolve allegations under the Oklahoma Medicaid False Claims Act and the federal False Claims Act of improper relationships between OCOM and SOS, resulting in the submission of false claims to the Oklahoma Medicaid, Medicare, and TRICARE programs.

Seminole Mud Co., LLC v. CompSource Mutual Ins. Co.

Attorneys at Whitten Burrage, led by Reggie Whitten and Michael Burrage, served as Co-Lead Counsel in the class action filed in Oklahoma state court, *Seminole Mud Co., L.L.C. v. CompSource Mutual Ins. Co.*, Case No. CJ-2015-2459, representing Plaintiffs Seminole Mud Co., L.L.C., Trivestco Energy Company, and Toma Explorations, L.L.C., against CompSource Mutual Insurance Company for its breach of trust, contractual, and fiduciary duties owed to its policyholders for failure to pay dividends to its policyholders. After five years of litigation, a three-day class certification hearing was held, and the Court originally denied certification. However, the Court later reversed this ruling, and granted Plaintiff’s Motion for New Trial/Reconsideration, which CompSource appealed. In 2020, Whitten Burrage obtained a \$53 million settlement while pending on appeal, which was granted final approval by the Court.

In Re SandRidge Energy Shareholder Derivative Litigation

Attorneys at Whitten Burrage, led by Reggie Whitten, Michael Burrage and Randa Reeves, served as court-appointed Co-Lead Counsel in this consolidated shareholder derivative action filed on behalf of SandRidge Energy and its shareholders, in the United States District Court for the Western District of Oklahoma, alleging claims of breach of fiduciary duties, usurpation of corporate opportunities, and misappropriation of trade secrets, among others. After zealously litigating this action for years and multiple mediation sessions with highly respected mediator and former federal judge, Layn Phillips, in Oklahoma City and California, Whitten Burrage achieved a \$38.5 million cash settlement on behalf of SandRidge and its shareholders and the company further agreed to implement extensive corporate governance reforms. The district court granted final approval of the settlement, which was subsequently affirmed on appeal by the United States Court of Appeals for the Tenth Circuit. The settlement was the largest shareholder derivative action recovery in the history of Oklahoma at the time.

Whitten Burrage also have multiple records for the largest verdicts and settlements for insurance bad faith, wrongful death, and class actions in Oklahoma state history.

Attorneys Biography

MICHAEL BURRAGE is a co-Founder of Whitten Burrage. Michael earned his Juris Doctorate, with honors, from the University of Oklahoma, where he served as editor of the Oklahoma Law Review and was a member of the Order of the Coif before graduating with honors in 1974. He is admitted to practice in all Oklahoma District Courts, Oklahoma Supreme Court, District Court of the Choctaw Nation, Chickasaw Nation Supreme Court, the United States District Courts of Eastern, Northern and Western Districts of Oklahoma, United States District Courts of Northern District of Texas, Tenth Circuit Court of Appeals and United States Supreme Court. In 2019, Michael served as co-lead counsel on behalf of the State of Oklahoma in its historic litigation

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against opioid manufacturers for their role in creating the opioid crisis. Under Michael's leadership, Whitten Burrage recovered over \$800 million for the State of Oklahoma including over \$460 million from Johnson & Johnson after a two-month long trial. Michael became the first Native American Federal Judge when he was appointed by President William Jefferson Clinton in 1991. In 2016, he was inducted into the Oklahoma Hall of Fame and in 2013, the University of Oklahoma College of Law inducted Michael into the Order of the Owl Hall of Fame. Michael is an inductee of the prestigious fellowship of the American College of Trial Lawyers, which is reserved to the top 1% of attorneys in the Nation. Michael began his career as a partner in the law firm of Stamper & Burrage from 1974 to 1994. In 1977, he was voted Outstanding Young Lawyer in Oklahoma and served as a member of the Board of Governors from 1984 through 1986. Michael served as president of the Oklahoma Bar Association in 1990 and was awarded the Neil E. Bogan Professionalism Award in 1991. He subsequently served as a United States District Judge for the Eastern District of Oklahoma from 1994 to 2001. Michael also sat by designation of the Chief on approximately 40 cases for the United States Court of Appeals for the 10th Circuit. In 2001, Michael returned to private practice, Senior Partner in the Burrage Law Firm. Since 2007, Michael has been Co-Founder and Managing Partner in Whitten Burrage and enjoys a successful career litigating in various areas of the law. Michael served as Chair of the Oklahoma State Committee from 2008-2009 for the American College of Trial Lawyers and in 2008, was selected as one of the Top Attorneys in Oklahoma by Oklahoma Magazine. He is a member of the Oklahoma and American Bar Associations, a Fellow of the American Bar Foundation and is a member of the Oklahoma Supreme Court Committee for Civil Jury Instructions. Michael lectures at a variety of Continuing Legal Education seminar programs.

REGGIE WHITTEN is a co-Founder of Whitten Burrage. Reggie earned his Juris Doctorate from the University of Oklahoma in 1980. He is admitted to the Oklahoma Supreme Court, the Western, Northern and Eastern District Courts of Oklahoma, Tenth Circuit Court of Appeals and the United States Supreme Court. In 2013, Reggie was inducted into the Oklahoma Hall of Fame, and in 2015, the University of Oklahoma inducted him into the Order of the Owl College of Law Hall of Fame and later that year presented Reggie with an honorary degree for his contributions to the university, state and nation. Reggie has been inducted into the prestigious fellowship of the American College of Trial Lawyers, which is reserved to the top 1% of attorneys in the Nation. Reggie is from Seminole, Oklahoma, and was the first of his family to graduate from college. He received a Bachelor's degree from the University of Oklahoma in 1977 and his Juris Doctorate from OU Law in 1980. In 2019, Reggie served as co-lead counsel on behalf of the State of Oklahoma in its historic litigation against opioid manufacturers for their role in creating the opioid crisis. Under Reggie's leadership, Whitten Burrage recovered over \$800 million for the State of Oklahoma including over \$460 million from Johnson & Johnson after a two-month long trial. In 2008, Reggie and his law partner Michael Burrage obtained one of the largest verdicts in the United States, *Burgess v. Farmers Insurance Co.* It was the largest jury verdict in State of Oklahoma history. He is past President of the Oklahoma Association for Justice and has been the recipient of several honors including Journal Record Leadership in Law, Oklahoma Association of Justice Tommy D. Frasier Award, and the Oklahoma Bar Association Trailblazer Award. In 2004, Reggie co-founded the Whitten-Newman Family Foundation in memory of his eldest son, Brandon Whitten, who passed away in 2002 as a result of a traffic accident caused by alcohol and drug addiction. Reggie and his lifelong friend, John Hargrave, created the Brandon Whitten Institute for Addiction and Recovery and FATE (Fighting Addiction Through Education). Reggie has spoken to thousands of high school and college students throughout Oklahoma about the dangers of addiction and substance abuse. In partnership with the Sam Noble Museum of Natural History, Reggie's family foundation co-

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founded the ExplorOlogy educational program which has impacted over 50,000 young people in Oklahoma. His family foundation is also the leading supporter of Sister Rosemary Nyirumbe, of Gulu, Uganda, a CNN Heroes Award recipient and the first Veritis Splendor laureate, in honor of Saint John Paul II. Reggie has co-authored two books about his life experiences, titled, *What's Your Fate?*, and *Sewing Hope*. He also served as Executive Producer of the Netflix documentary, *Sewing Hope*, a powerful film about Sister Rosemary Nyirumbe, narrated by Academy Award winner Forest Whitaker. In 2019, Reggie produced a documentary film called *Killing Pain* (www.killingpain.com) about addiction and the opioid crisis.

RANDA K. REEVES, Associate, was admitted to the Oklahoma Bar in 2011. She is admitted to practice law before the Northeastern and Western Districts of Oklahoma. Randa received her B.A. with distinction from the University of Oklahoma in 2008 and her J.D. from the University of Oklahoma College of Law in 2011, with honors. She is the recipient of the American Indian Law Review Am Jur Award for Legal Research and Writing and Civil Procedure II and was recognized as having the highest score in her class.

Randa was named by the Oklahoma Bar Association as the Outstanding First Year Law Student in 2008, and a Top 10 Outstanding Graduating Criminology Student. Randa is a member of the Bryant County and Oklahoma County Bar Associations, Oklahoma Association for Justice (OAJ), Oklahoma Lawyers Care, and the American Association for Justice, Luther Bohanon American Inn of Court XXIII.

Randa was appointed to the OAJ Advisory Board in 2015 and the CLE Committee in 2014. She is a 2013 OAJ recipient of the President's Award for contributions as a founding member of Oklahoma Lawyers Care, a group formed to provide aid following the devastating tornados in May 2013. Randa recently helped try a precedent setting case, the first product liability case to be tried against an energy drink company in the United States. She has also served as the second chair trial lawyer on many significant multi-million dollar civil cases, taken trial depositions, and written, responded to and argued a large variety of complex motions.

Randa is from Atoka, Oklahoma, and a valedictorian graduate of Atoka High School.