

**IN THE DISTRICT COURT OF HUGHES COUNTY
STATE OF OKLAHOMA**

DAVID LANDON SPEED, on behalf of)
himself and all others similarly situated,)
)
Plaintiff,)
)
v.)
)
JMA ENERGY COMPANY, L.L.C.,)
)
Defendant.)

Case No. CJ-2016-59
Judge Timothy Olsen

FILED
HUGHES COUNTY
MAY 17 2019
ASHLEY SANFORD, Court Clerk
By _____
DEPUTY

DECLARATION OF REAGAN E. BRADFORD ON BEHALF OF CLASS COUNSEL

Reagan E. Bradford of The Lanier Law Firm, on behalf of Class Counsel, declares:

1. I, Reagan E. Bradford of The Lanier Law Firm, submit this declaration in support of Plaintiff's Motion for Attorney Fees, Case Contribution Award, and Litigation Costs from the Common Fund.
2. The statements made in this Declaration are based on my personal knowledge.
3. I, on behalf of The Lanier Law Firm, entered into a fee agreement with Plaintiff in which the firm agreed to represent him and a putative class against Defendant based on a contingency fee of forty percent of the amount recovered short of appeal.
4. I filed Plaintiff's Original Class Action Petition on November 18, 2016, and have litigated every step of the case since.
5. On January 4, 2017, Defendant removed the case to the United States District Court for the Eastern District of Oklahoma on the basis of federal jurisdiction under the

Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1332(d). *See Speed v. JMA Energy Co., LLC*, No. CIV–17–006–RAW, Dkt. No. 2 (E.D. Okla. Jan. 4, 2017).

6. The parties then engaged in limited jurisdictional discovery in the federal action, after which I, on behalf of Plaintiff, filed a Motion to Remand the proceeding back to state court under CAFA’s discretionary exception. *See Id.*, Dkt. No. 10 (E.D. Okla. Jan. 31, 2017); *see also* Amended Mot. to Remand, *id.*, Dkt. No. 21 (E.D. Okla. May 8, 2017).

7. On June 13, 2017, Chief Judge White granted Plaintiff’s Motion and remanded the action back to the District Court of Hughes County, Oklahoma. *Id.*, Dkt. No. 25 (E.D. Okla. June 13, 2017).

8. Defendant then appealed the Eastern District’s remand to the United States Court of Appeals for the Tenth Circuit. *Speed v. JMA Energy Co.*, No. 17-7040, Dkt. No. 1 (10th Cir. July 25, 2017).

9. After full briefing and oral argument, the Tenth Circuit affirmed the District Court’s remand on October 2, 2017. *Id.*, 872 F.3d 1122 (10th Cir. 2017).

10. Upon remand to state court, the parties engaged in settlement discussions, ultimately agreeing upon the terms of the Settlement Agreement, which this Court preliminarily approved on April 12, 2019.

11. Class Counsel has expended substantial time and effort over nearly three years to obtain this settlement for the Class. This successful outcome required engaging in significant discovery, including a corporate representative deposition, and fully briefing and arguing the remand issue in both the Eastern District of Oklahoma and the Tenth Circuit to get the case back to state court.

12. Plaintiff David Landon Speed, as Class Representative for the Class, has also provided substantial value to the Class by giving of his time and taking on significant risk on behalf of the Class. For example, Plaintiff agreed to bring this case on behalf of the Class despite the risk that he could have potentially been liable for Defendant's attorney fees and litigation costs had Defendant prevailed. Plaintiff fully understood his duty as named plaintiff and has at all times been fully committed to achieving a successful outcome for the Class.

13. The litigation costs and expenses advanced on behalf of the Class by Class Counsel were reasonable and necessary to the successful outcome of this litigation. Class Counsel expended these amounts over several years of litigation, losing the use of those funds and risking loss of the funds had the litigation not been successful.

14. The amounts Plaintiff seeks in his Motion for Attorney Fees, Case Contribution Award, and Litigation Costs from the Common Fund are reasonable and consistent with similar awards routinely granted by Oklahoma district courts.

Respectfully submitted,



REAGAN E. BRADFORD

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**CLASS COUNSEL AND
ATTORNEYS FOR PLAINTIFF**

CERTIFICATE OF SERVICE

This is to certify that on May 14th, 2019, a true and correct copy of the above and foregoing was mailed, postage prepaid, to:

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Reagan E. Bradford