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2021 Dec 03 PM 5:48  
CLERK OF THE GRANT COUNTY DISTRICT COURT  
CASE NUMBER: 2016-CV-000039

## **EXHIBIT 2**

IN THE DISTRICT COURT OF GRANT COUNTY, KANSAS

COOPER CLARK FOUNDATION and  
PHILLIP FINK,  
on behalf of themselves  
and all others similarly situated,

Plaintiffs,

vs.

Oxy USA Inc.,

Defendant.

Case No. 2016-CV-39

**LEAD CASE**

**Consolidated with:**

Case No. 2016-CV-17

(Haskell County)

and

Case No. 2016-CV-13

(Morton County)

and

Case No. 2017-CV-3

(Grant County)

(Pursuant to Chapter 60)

**DECLARATION OF CLASS COUNSEL REGARDING  
SUMMARY FINAL DISTRIBUTION REPORT**

The undersigned Class Counsel submits this declaration under penalty of perjury in support of the Motion for Final Approval Of Class Action Settlement, Approval Of Plan Of Allocation, And Award Of Attorneys' Fees, Expenses, And Case Contribution Awards.<sup>1</sup> The facts stated in this declaration are true and correct to the best of my knowledge thereof.

1. Pursuant to paragraph 9 of the Plan of Allocation and Distribution (Exhibit E to the Settlement Agreement), attached as Exhibit 1 is a Summary Final Distribution Report prepared by Class Counsel with assistance of the Settlement Class's expert and the Settlement Administrator.

2. Pursuant to paragraph 10 of the Plan of Allocation and Distribution, the Summary Final Distribution Report lists the amounts to be distributed from the Net Common Fund Amount to each Class Member. The Summary Final Distribution Report assumes the Court will award:

- a. \$48,000.000 from the Common Fund Settlement Proceeds as Administration Expenses;

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<sup>1</sup> Capitalized terms not otherwise defined shall have the meaning ascribed to them in the Settlement Agreement (attached as Exhibit 1 to Plaintiffs' Unopposed Motion to Certify the Settlement Class).

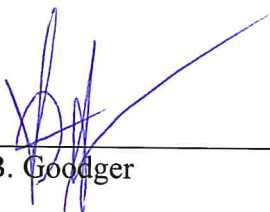
- b. \$3,000,000 from the Common Fund Settlement Proceeds as Class Counsel Fees;
- c. \$135,403.02 from the Common Fund Settlement Proceeds as Litigation Expenses; and
- d. \$75,000 from the Common Fund Settlement Proceeds as case contribution awards to the Class Representatives.

3. The Summary Final Distribution Report also assumes the return to Defendant of monies attributable to Settlement Class Members who opted out of the Settlement, as required under paragraph 3.5 of the Settlement Agreement, in the amount of \$1,321.25.

4. The Summary Final Distribution Report shows the distribution of the Net Common Fund Amount of \$4,240,275.73 to each Settlement Class Member according to the methodology set forth in the Plan of Allocation and Distribution.

DECLARATION UNDER PENALTY OF PERJURY UNDER *K.S.A. 53-601*

I declare under penalty of perjury that the foregoing is true and correct. Executed in Prairie Village, Kansas, on December 2, 2021.

  
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Scott B. Goodger