

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO**

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**SECOND MOTION FOR AWARD OF ATTORNEYS' FEES, EXPENSES, AND  
CLASS REPRESENTATIVE INCENTIVE AWARDS  
AND MEMORANDUM IN SUPPORT THEREOF**

Plaintiffs, for their Second Motion for Award of Attorneys’ Fees, Expenses and Class Representative Incentive Awards (“Plaintiffs’ Motion”),<sup>1</sup> request an order awarding them \$14,947,800 in the aggregate in relation to the pending twenty-eight class-action settlements, itemized as follows: \$241,000 in incentive awards for the eighty settlement class representatives; \$3,000,000 for litigation expenses, and \$11,706,800 in attorney fees. In further support, Plaintiffs state as follows:

**I. HISTORY AND OVERVIEW**

Since the Costco settlement, Plaintiffs have entered into additional class action settlements (“Settlements”) with the following twenty-eight (28) defendants: Dansk Investment Group, Inc. f/k/a USA Petroleum Corporation, BP Products North America Inc. and BP West Coast Products LLC, Casey’s General Stores, Inc., CITGO Petroleum Corporation, ConocoPhillips Company, Sam’s Club, Motiva Enterprises LLC and Equilon Enterprises LLC d/b/a Shell Oil Products US, Sinclair Oil Corporation, Exxon Mobil Corporation, Esso Virgin

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<sup>1</sup> Plaintiffs filed their first motion for approval of attorney fees and class representative incentive awards in conjunction with the Costco settlement. *See* Doc. #1820. That motion has been briefed, argued and is ripe for a ruling. *See* Doc. #1820 (motion); #1869, 1870, 2004, and 2006 (responses and objections to motion); #1951 (supplement to motion), #2068 (reply). In April 2012, the Court gave final approval to the Costco settlement but deferred action on the Plaintiffs’ motion for attorney fees in order to consider that request in relation to fee requests for other settlements. *See* Doc. #4248, pp. 39-40.

Islands, Inc. and Mobil Oil Guam, Inc., Valero Marketing and Supply Company, B-B Oil Company, Inc., Chevron U.S.A. Inc., Coulson Oil Company, Inc., Diamond State Oil, LLC, E-Z Mart Stores, Inc., Flash Market, Inc., J&P Flash, Inc., Love’s Travel Stops & Country Stores, Inc., Magness Oil Company, M.M. Fowler, Inc., Port Cities Oil, LLC, Thorntons Inc., United El Segundo, Inc., World Oil Corp., W.R. Hess, G&M Oil Company, Inc. and G&M Oil Co., LLC, Sunoco, Inc. (R&M) and Tesoro Refining and Marketing Company LLC (the “Settling Defendants”). This Court granted preliminary approval of the Settlements through several orders:

- Order dated Sept. 28, 2012 (Doc. #4424)(preliminary approval of Dansk settlement);
- Order dated Nov. 20, 2012 (Doc. #4464)(preliminary approval to settlements with BP, Casey’s, ConocoPhillips, CITGO, Sam’s Club, Shell and Sinclair);
- Order dated Dec. 10, 2012 (Doc. #4478)(preliminary approval to settlements with Exxon and Valero);
- Order dated Oct. 27, 2014 (Doc. #4775)(preliminary approval to settlements with B-B Oil, CUSA, Coulson, Diamond State, Flash Market, J&P Flash, Magness, MM Fowler, Port Cities, Thorntons, United El Segundo, World Oil, W.R. Hess and G&M);
- Order dated Dec. 10, 2014 (Doc. #4786)(preliminary approval to settlements with E-Z Mart, Love’s, Sunoco and Tesoro).

The Settlements are of two separate varieties: (1) settlements involving installation of retail ATC similar to the Costco settlement this Court previously approved<sup>2</sup> (the “ATC Settlements”), and (2) settlements where the defendant is paying a lump sum to create a fund to facilitate retailers’ and regulators’ transition to ATC (the “Fund Settlements”).

Regarding the ATC Settlements, four defendants—Sam’s Club, Valero, Casey’s and Dansk—have agreed to phase-in ATC, where permitted, over a certain number of years in certain states. That relief is substantive, tangible and designed to compensate consumers for the effect of temperature on motor fuel. Temperature compensation is already systemic in the

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<sup>2</sup> Doc. #4248.

petroleum industry but ends at the wholesale level; retail consumers are neither sold a uniform compensated gallon, nor told they are receiving a non-uniform gallon. Through this litigation, Plaintiffs are making headway on changing that status quo. Costco has already agreed to implement ATC where permitted, and Sam's Club, Valero, Casey's and Dansk now join Costco in that effort.

The Fund Settlements involve lump-sum payments from twenty-four defendants, ranging from \$5 million from certain large refiner defendants (such as Shell and BP), to \$20,000 from smaller single-state retailers. The funds created by these payments will be used in two ways: (1) for some settlements, branded gas stations can use the funds to offset costs for installation of retail ATC pumps; (2) for all settlements, at least some portion of the funds can be used by state weights and measures regulators to help offset costs of inspection and oversight when retailers begin installation of ATC.

The Settlements are the result of sustained diligence by Plaintiffs and their counsel in the face of concerted and vigorous opposition. The work that went into the litigation of this complex case, and the resulting Settlements, has been substantial. Plaintiffs and their counsel now respectfully request an order approving a fee and expense award that will include class-representative incentive awards, attorneys' fees, and expenses. First, Plaintiffs request incentive awards for Class Plaintiffs in recognition of their services and effort on behalf of the class members.<sup>3</sup> Like the requested award for attorneys' fees and expenses, the incentive awards are fair and reasonable given the significant time and attention the Class Plaintiffs have devoted to this litigation. Because some Class Plaintiffs are class representatives for several of the Settlements, Plaintiffs have agreed to cap the aggregate incentive awards to any one Class

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<sup>3</sup> A chart reflecting the settlement class representatives and their requested incentive payments is attached hereto as Exhibit 1.

Plaintiff across all Settlements at no more than \$4,000.

Second, concerning attorneys' fees and expenses, the four ATC Settlement Defendants have each agreed to pay a set amount, subject to court approval, as set forth below. For the Fund Settlements, Plaintiffs request a percentage of the common funds created by some of those settlements.<sup>4</sup> From these amounts, Class Plaintiffs will obtain reimbursement for more than \$3,000,000 in litigation expenses and costs that have been incurred during the eight years this MDL has been pending.

## II. ATTORNEY FEES ARE APPROPRIATE FOR THE ATC SETTLEMENTS

With respect to the ATC Settlements, Plaintiffs request combined attorney fee/expense/incentive awards as follows:

<b>Defendant</b>	<b>Requested Amount</b>
Casey's	\$700,000
Dansk	\$58,000
Sam's	\$3 million
Valero	\$4 million
<b>TOTAL</b>	<b>\$7,758,000</b>

These four Settling Defendants have contractually agreed to pay any fee/expense/incentive awards that are ordered by the Court up to these amounts.<sup>5</sup> Their settlement agreement language creates a right for Plaintiffs to seek attorneys' fees and costs that is independent of any underlying fee-shifting statute or common-law principle. There can be no question that such attorneys' fee agreements are permissible—they are specifically allowed by Rule 23 of the Federal Rules of Civil Procedure.<sup>6</sup>

<sup>4</sup> To maximize the monies available to branded stations and state regulators for activities related to ATC conversion, Plaintiffs do not seek attorney fees or expenses related to twelve of the Fund Settlements that involve common fund payments below \$50,000. *See* Section III, below.

<sup>5</sup> *See* Sam's Club agreement, ¶ 7.1; Valero agreement, ¶ 4.11; Casey's agreement, ¶ 7.1; Dansk agreement, ¶ 8.1.

<sup>6</sup> *See* Fed. R. Civ. P. 23(h) ("In a certified class action, the court may award **reasonable** attorney's fees and nontaxable costs that are authorized by law **or by the parties' agreement.**") (emphasis added); *see also* *Wing v. Asarco Inc.*, 114 F.3d 986, 988 (9th Cir. 1997) (where the parties agreed, in their class-action settlement agreement,

Thus, the only remaining question is whether the requested fees are reasonable in light of the factors set forth in *Johnson v. Georgia Highway Express, Inc.*<sup>7</sup> This Court is well-aware of those factors—it cited *Johnson* in its order granting final approval to the Costco settlement while deferring action on Plaintiffs’ request for attorneys’ fees for that settlement.<sup>8</sup> For Costco, Plaintiffs submitted the expert affidavit of Dr. Andrew Safir, who concluded that the economic value of the Costco settlement exceeded \$100 million over a five-year period.<sup>9</sup> In light of that pecuniary benefit, Plaintiffs moved for an attorney fee award based on the “percentage-of-fund” value of the injunctive relief or, alternatively, a fee based on the *Johnson* factor methodology.<sup>10</sup> In approving the Costco settlement, the Court indicated that it would base an attorney fee from the Costco settlement on the *Johnson* factors.<sup>11</sup>

Accordingly, with respect to their request for attorneys’ fees in relation to the four pending settlements involving ATC that are similar to Costco, Plaintiffs’ analysis focuses on application of the relevant *Johnson* factors:<sup>12</sup> (1) the novelty and difficulty of the questions presented by the case; (2) the amount involved and the results obtained; (3) the time and labor required; (4) the skill requisite to perform the legal service properly; (5) the experience, reputation and ability of the attorneys; (6) the preclusion of other employment by the attorneys due to the acceptance of the case, (7) the customary fee; (8) whether the fee is fixed or

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that the defendant would pay the reasonable attorney’s fee set by the Court, the only restriction on the district court’s fee analysis was that the fee must be “reasonable”)

<sup>7</sup> 488 F.2d 714 (5th Cir. 1974), cited with approval in *Gottlieb v. Barry*, 43 F.3d 474 (10th Cir. 1994).

<sup>8</sup> Doc. #4248, p. 40.

<sup>9</sup> Affidavit of Dr. Andrew Safir, Doc. #1620-1, p. 5.

<sup>10</sup> Plaintiffs’ First Motion for Attorney Fees, Doc. #1820.

<sup>11</sup> Order, Doc. # 4248, p. 40 (“The Court intends to defer any consideration of fees until all settlements have been finalized, so as to fashion a total fee award which comprehensively and equitably addresses all of the factors articulated in *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714 (5th Cir. 1974).” In that order, the Court also indicated that it was not relying on the opinions of Dr. Safir. *Id.* at n. 24, 27.

<sup>12</sup> See *Rosenbaum v. Macallister*, 64 F.3d 1439, 1147 (10th Cir. 1995) (holding that “application of the twelve *Johnson* factors” was appropriate in common benefit—rather than common fund—case).

contingent; and (9) awards in similar cases.<sup>13</sup>

1. *The Novelty And Difficulty Of The Issues*

This case indisputably involved difficult, novel questions; both the Court and Professor Dean Klonoff have observed that fact.<sup>14</sup> Plaintiffs' claims involved the law of twenty-eight jurisdictions. Defendants raised procedural, jurisdictional, constitutional, and substantive arguments and defenses, such as the *Perlman* doctrine, equitable abstention, First Amendment concerns, *Burford* abstention, remand issues under *Lexecon*, the political question doctrine, the *Cohen* doctrine, primary jurisdiction, the *Noerr-Pennington* defense and field preemption. Defendants initiated eight Court of Appeals and Supreme Court proceedings<sup>15</sup> and sought a ninth.<sup>16</sup> Defendants filed more than *two hundred and fifty* dispositive motions that required a massive, coordinated effort by Plaintiffs' counsel.<sup>17</sup> The issues in this case have been novel, protracted and complex.<sup>18</sup>

2. *The Amount Involved and the Results Obtained*

Class Counsel achieved significant results in the ATC Settlements. Since the inception of this litigation in 2006, this case has been about the inherent unfairness in the petroleum industry's double standard of temperature compensating when they buy and sell among themselves, while refusing to temperature compensate motor fuel sold to the public. At every stage before it gets to the consumer, the wholesale motor fuel trade allows for adjustment of

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<sup>13</sup> Courts recognize that not all twelve factors will apply in every case, and this fact does not affect the appropriateness of awarding a percentage of the fund. *See In re Sprint Corp. ERISA Litig.*, 443 F. Supp. 2d 1249, 1270 (D. Kan. 2006) (noting the inapplicability of three of the *Johnson* factors).

<sup>14</sup> *See* Order denying final approval to the first Costco settlement, Doc. #1707, p. 40 (“[T]he case presents serious questions of law and fact which place the ultimate outcome of litigation in doubt.”); Klonoff Dec., Doc. #3806-16 submitted in relation to the ATC settlement with Costco, p. 14.

<sup>15</sup> Specifically: (1) Tenth Circuit case number 10-3086; (2) Tenth Circuit case number 10-3101; (3) Tenth Circuit case number 10-601; (4) Tenth Circuit case number 10-602; (5) United States Supreme Court case number 11-350; (6) Tenth Circuit case number 12-600; (7) Tenth Circuit case number 13-601; and (8) Tenth Circuit case number 13-602.

<sup>16</sup> *See* Order denying certain defendants' Motion for Certification Pursuant to 28 U.S.C. § 1292 (Doc. #1711).

<sup>17</sup> *See e.g.*, Doc. #2204 to 2893.

<sup>18</sup> *See* Klonoff Dec., Doc. #3806-16, p. 14.

motor fuel to a standard volume of 60 degrees Fahrenheit.<sup>19</sup> That adjustment is made for the retailer but not for the consumer,<sup>20</sup> and the Court is well aware of the resulting inequity—it noted as much in its order approving the Costco settlement:

The bottom line is that without ATC, class members have no idea whether they come out ahead (by purchasing cool fuel) or behind (by purchasing warm fuel) . . . Without an ATC option, class members do not know whether they receive warm or cool fuel, i.e., whether they are receiving less or more energy per gallon. On the same day at the same retail gas station, the temperature of dispensed fuel can vary throughout the day while the price per gallon remains the same . . . Thus, fuel purchasers at the same station on the same day can pay the same price per gallon and receive different amounts of energy content per gallon . . . Because fuel purchasers have no way to determine the temperature of the fuel which they purchase, they do not know whether they are receiving more or less energy content for their fuel dollar.<sup>21</sup>

The Court is also aware that ATC corrects this inequity. It has already found that ATC has real value:

By acquiring an option to purchase ATC fuel in conversion states, class members can achieve accuracy and consistency of fuel measurement for their fuel dollar, regardless of fuel temperature at the time of pumping . . . By gaining an option to purchase ATC fuel from Costco in conversion states, class members receive a material benefit – price transparency and fairness at the pump in knowing that they can get accuracy and consistency of fuel measurement for their fuel dollar, regardless of fuel temperature at the time of pumping. Thus, even if the average price per gallon of fuel remains unchanged and/or if Costco passes along an extra penny per motor fuel transaction to recoup the cost of converting to ATC pumps, the Court finds that class members will benefit from having an option to buy ATC fuel from Costco.<sup>22</sup>

Indeed, given the number of stations that are subject to conversion to ATC under these four settlements, these settlements provide substantial benefits to the class:<sup>23</sup>

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<sup>19</sup> See excerpts from the deposition of Defendants' expert John O'Brien, filed with Doc. #1503 as Exhibit A, p. 134.

<sup>20</sup> Deposition of O'Brien, pp. 39-41.

<sup>21</sup> Order approving Costco settlement, Doc. #4248, pp. 31-33. The Court's conclusion is also consistent with discovery in this case.

<sup>22</sup> Doc. #4248, pp. 32-34.

<sup>23</sup> These figures only reflect the number of physical stations (i.e., locations), not the number of dispensers at each station that are subject to phase-in under the settlements. Also, this chart only includes Sam's Club locations in conversion states; it does not include Sam's Club stores in non-conversion states that are potentially subject to future conversion to ATC.

<u>State</u>	<u>Casey's</u>	<u>Dansk</u>	<u>Sam's</u>	<u>Valero</u>
Alabama	--	--	14	--
Arizona	--	--	17	52
Arkansas	30	--	11	26
California	--	13	21	76
Florida	--	--	39	--
Georgia	--	--	19	--
Indiana	84	--	--	--
Kansas	148	--	9	--
Kentucky	--	--	8	--
Louisiana	--	--	16	28
Mississippi	--	--	7	--
Missouri	326	--	16	--
Nevada	--	--	6	--
New Mexico	--	--	8	37
North Carolina	--	--	20	--
Oklahoma	8	--	11	2
South Carolina	--	--	10	--
Tennessee	--	--	15	--
Texas	--	--	75	629
Virginia	--	--	21	--
<b>Total</b>	<b>596</b>	<b>13</b>	<b>343</b>	<b>850</b>

Clearly, the benefits provided by the four ATC Settlement are real, tangible and an “exceptional result for the class.”<sup>24</sup> Plaintiffs have been able to secure those benefits despite encountering substantial difficulties throughout this litigation. Early on in the case, the Court determined that actual damages were unlikely to be susceptible to class-wide proof, leaving injunctive relief as the leading form of class benefit in the case.<sup>25</sup> Then, a trial on the Kansas claims resulted in a jury verdict, and Court ruling, against Plaintiffs on the merits. That was followed by orders granting summary judgment on all pending claims in the California cases.<sup>26</sup> Against the backdrop of those setbacks, Plaintiffs submit that all twenty-eight settlements

<sup>24</sup> Klonoff Dec., Doc. #3806-16, p. 16.

<sup>25</sup> See Order, Doc. #1675 (granting in part Plaintiffs’ request for certification of a Kansas class, denying certification of a Rule 23(b)(3) damages class).

<sup>26</sup> See Orders, Doc. #4600 and 4616.

represent outstanding “results obtained.”

3. Time/Labor Required

This factor of the *Johnson* analysis is to be distinguished from strict application of the “lodestar” methodology. When considering attorneys’ fees outside of the strict lodestar context, such as here, the focus is *not* on the “necessity and reasonableness of every hour” of the lodestar, but on the broader question of whether the fee award appropriately reflects the degree of time and effort expended by the attorneys.<sup>27</sup> Such a results-oriented focus “lessens the possibility of collateral disputes [regarding time records] that might transform the fee proceeding into a second major litigation.”<sup>28</sup>

Although Plaintiffs’ counsel were successful in achieving favorable results through these settlements, a substantial amount of time and expense was required to reach this point—the five thousand docket entries in this MDL are a testament to that fact. Almost four hundred depositions were taken in this case and millions of pages of documents produced and reviewed between 2008 and 2011. When the Court indicated an intention to remand all non-Kansas cases to their respective transferor courts and set the Kansas case for trial, the MDL defendants inundated Plaintiffs with hundreds of dispositive motions that required an exhaustive amount of time, collaboration and coordination to defend. Some of the early settlements—such as Sam’s Club, Valero and the six refiner defendants—were reached only after preparation for the 2012 Kansas trial was at its zenith. Other Settlements were consummated after the Kansas trial and on the eve of this Court’s remand of non-Kansas cases. All of the pending settlements occurred after years of discovery had concluded, experts had been designated and deposed and the cases were preparing for either trial, or remand and then trial.

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<sup>27</sup> See *In re Thirteen Appeals*, 56 F.3d 295, 307 (1st Cir. 1995).

<sup>28</sup> *Id.*

Thus, it should be no surprise that Plaintiffs' counsel spent a considerable amount of time prosecuting this case. As early as March 2011, well *before* work in this MDL reached its high-water mark, Class Counsel and the other members of the Plaintiffs' Steering Committee had devoted almost 65,000 hours of common, joint time to the prosecution of this litigation, which had a value well above the amount of attorney fees now being requested.<sup>29</sup> Since that time, Plaintiffs' counsel has expended thousands more hours on this litigation, placing the value of their total time in this case in excess of \$55 million.<sup>30</sup>

Finally, in addition to the time and expense that has already been spent litigating these claims by Plaintiffs' counsel, many more hours will be required of Plaintiffs' counsel to administer the settlements during the seven-year implementation period reflected in some of the settlements.<sup>31</sup> In other words, the time and commitment that Plaintiffs' counsel have devoted to this case will not end with final approval. They intend to see these settlements through to conclusion and they respectfully request compensation for that commitment.

4. & 5. *Skills Required/ Experience, Reputation and Ability of the Attorneys*

The skills, experience, reputation and ability of Plaintiffs' counsel also weigh in favor of the requested attorneys' fees. First, it is well-known that a large scale consumer class action of this type is, by its very nature, complicated and time-consuming. A law firm undertaking representation of a plaintiff consumer class case must be prepared to make a tremendous investment of time, energy, and resources. That fact was especially apparent in this case, which has already spanned eight years and will span another seven years through the end of the settlement implementation periods. Further, due to the contingent nature of the customary fee

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<sup>29</sup> See exhibits to Robert A. Horn's March 22, 2011 Affidavit (Doc. #1820-2, filed under seal at Doc. #1846).

<sup>30</sup> See Declaration of Co-Lead Counsel Robert A. Horn, Exhibit 2 hereto.

<sup>31</sup> See, e.g., BP settlement, ¶ 16, providing that settlements funds will be available for disbursement for up to seven years, and Plaintiffs have requested that the undersigned counsel be appointed to administer the settlement payment process.

arrangement, lawyers must be prepared to make this investment with the very real possibility of an unsuccessful outcome and no fee of any kind. The demands and risks of this type of litigation overwhelm the resources, and deter participation, of many plaintiffs law firms. Class Counsel and Plaintiffs' counsel involved in these Settlements have experience in prosecuting complex consumer class actions, and committed eight years ago to see this case through to conclusion.

The skills required of Plaintiffs' counsel in this case ran the gamut from complex MDL case management and civil discovery to highly specialized appellate advocacy and class-action trial expertise. That expertise and skill was further necessitated by the fact that the defendants in this litigation included large, well-financed global companies represented by large, sophisticated, and capable defense firms. Clearly, the expertise and skill required of Plaintiffs' counsel to assist with effectively steering this massive litigation was a cut above the average.

Finally, in terms of the reputation of the attorneys involved, the Court has already noted those characteristics in Class Counsel through prior orders related to leadership and class certification.<sup>32</sup>

#### 6. Preclusion of Other Employment

The opportunity costs of these cases were substantial. Plaintiffs' counsels' commitment to this litigation severely limited their ability to pursue other cases. Plaintiffs' counsel have invested tens of thousands of hours over the eight-year history of this litigation and for some Plaintiffs' counsel, it demanded all, or nearly all, of their available time and energy for years at a time. The significant hours devoted to this lawsuit necessarily precluded Plaintiffs' counsel from

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<sup>32</sup> See Orders, Doc. #145 (appointing Thomas V. Bender as Plaintiffs' Liaison Counsel), Doc. #150 (appointing Thomas V. Girardi and George A. Zelcs as Plaintiffs' Co-Lead Counsel), and Doc. #179 (appointing Robert A. Horn as Plaintiffs' Co-Lead Counsel and Chair of the Plaintiffs' Lead Counsel Group). See also, Order, Doc. # 1707, p. 32 n.25 (finding second part of adequacy element satisfied with respect to prosecution through qualified counsel).

spending that time on other cases, which weighs in favor of an award.<sup>33</sup>

Moreover, many more hours will be spent administering the settlements if they are given final approval, further precluding certain Plaintiffs' counsel from future employment. This *Johnson* factor weighs in favor of granting the requested attorney fees.

7 & 8. Customary Fee/Whether the Fee is Fixed or Contingent

In cases such as this the attorneys' fees are normally contingent upon a successful outcome.<sup>34</sup> In prosecuting plaintiff class actions, Plaintiffs' counsel customarily enter into contingent attorney fee agreements providing for a percentage of any recovery.

In this case, the Class Plaintiffs executed retainer agreements that allow Plaintiffs' counsel to receive a contingent fee in line with the 30% sought herein. Thus, the fees requested above are consistent with the contingency percentage typical in the marketplace.<sup>35</sup> This *Johnson* factor weighs in favor of granting the requested attorneys' fees.

9. Awards in Similar Cases

This factor has limited relevance to the four ATC settlements, since they involve tangible injunctive relief and not a common cash fund, which is usually the context in which this factor is construed.<sup>36</sup> However, compared to common fund/percentage-of-fund cases, the requested fees are reasonable. The fee requested in the four ATC settlements (\$7,758,000) would be the functional equivalent of a 30% fee in a \$26,000,000 common fund settlement.<sup>37</sup>

Plaintiffs' expert Dr. Andrew Safir determined that the Costco settlement alone would produce

<sup>33</sup> See *In re Sprint Corp. ERISA Litig.*, 443 F. Supp. at 1270.

<sup>34</sup> See *Ramah Navajo Chapter v. Babbit, et al.*, 50 F. Supp. 2d 1091, 1104 (D.N.M. 1999)

<sup>35</sup> See *Swedish Hosp. Corp. v. Shalala*, 1 F.3d 1261, 1269 (D.C. Cir. 1993).

<sup>36</sup> See, e.g., *Bruner v. Sprint/United Management Co.*, 2009 WL 2058762, at \*9-10 (D. Kan. July 14, 2009) (construing factor in relation to other percentage common fund awards).

<sup>37</sup> Federal courts in this District and elsewhere regularly award attorneys' fees in common fund cases that are in the range of 30% of a common fund. See *Barnwell, et al. v. Corrections Corp. of Am.*, Order Approving Settlement Agreement, Case No. 08-cv-02151-JWL-DJW (D. Kan. Feb. 12, 2009) (approving as an attorneys' fee award thirty-three percent (33%) of settlement fund); *Perry v. Nat'l City Bank*, Order, Case No. 05-cv-00891-DRH-PMF (S.D. Ill. Mar. 3, 2008) (approving requests for attorneys' fees and costs in the amount of 33% of the Settlement Fund).

more than \$100 million in economic value to the class members by capturing and accounting for the “swellage” that results when fuel retailers buy fuel temperature-corrected and sell fuel without correcting for temperature.<sup>38</sup> The settlements with the four ATC defendants include, in the aggregate, multiples more stations than those covered by the Costco settlement.

Plaintiffs have spent a very substantial amount of time prosecuting these claims, have successfully worked through many of the issues and arguments raised by the Defendants and have entered into settlements that will benefit consumers nationwide. Application of the *Johnson* factors demonstrates that Plaintiffs’ requested attorney fee is reasonable.

### **III. ATTORNEYS’ FEES ARE APPROPRIATE FOR THE FUND SETTLEMENTS**

The twenty-four Fund Settlement defendants have agreed to pay common funds in the amounts set forth below:<sup>39</sup>

<b>Defendant</b>	<b>Settlement Amount</b>
B-B Oil	\$21,000
BP	\$5 million
CUSA	\$2.125 million
CITGO	\$900,000
ConocoPhillips	\$5 million
Coulson	\$21,000
Diamond State	\$21,000
ExxonMobil	\$5 million
E-Z Mart Stores	\$90,000
Flash Market	\$21,000
G&M	\$40,000
J&P Flash	\$21,000
Love’s	\$105,000
Magness	\$21,000
MM Fowler	\$23,500
Port Cities	\$21,000
Shell	\$5 million
Sinclair	\$800,000

<sup>38</sup> See Affidavit of Andrew Safir, Doc. #1620-1.

<sup>39</sup> From these amounts, \$990,000 was earmarked to offset the cost of providing notice to the millions of settlement class members.

Sunoco (R&M)	\$61,000
Thorntons	\$60,000
Tesoro	\$50,000
United	\$40,000
World	\$40,000
W.R. Hess	\$21,000
<b>TOTAL</b>	<b>\$24,502,500</b>

The proceeds of these funds will be available to state agencies and certain branded stations for use in the implementation, inspection and regulation of retail ATC.<sup>40</sup> As noted in Section II above, the Court has already held that retail ATC provides a real and substantive benefit to consumers.<sup>41</sup>

Plaintiffs are *not* requesting attorney fees for the twelve Fund Settlements that are less than \$50,000, in order to maximize the size of the funds available under those Settlements for distribution to weight-and-measures agencies. For the other twelve Fund Settlements that involve common funds of \$50,000 or more, Plaintiffs request a combined attorney fee/expense/incentive award of 30% of specific settlement funds, as follows:

<b>Defendant</b>	<b>Requested Amount</b>
BP	\$1,500,000
CUSA	\$600,000
CITGO	\$240,000
ConocoPhillips	\$1,500,000
ExxonMobil	\$1,500,000
E-Z Mart Stores	\$27,000
Love's	\$31,500
Shell	\$1,500,000
Sinclair	\$240,000
Sunoco (R&M)	\$18,300
Thorntons	\$18,000
Tesoro	\$15,000
<b>TOTAL</b>	<b>\$7,189,800</b>

<sup>40</sup> See, e.g., BP Settlement Agreement, ¶ 14 (explaining use of settlement funds).

<sup>41</sup> See Order approving Costco settlement, Doc. #4248, pp. 27-28, 30-34.

“In class actions, the district court has broad authority over awards of attorneys’ fees.”<sup>42</sup> Rule 23(h) provides that, “[i]n a certified class action, the court may award reasonable attorney’s fees and nontaxable costs that are authorized by law or the parties’ agreement.” Here, Plaintiffs’ request for a percentage-of-the-fund attorney fee is “authorized by law” because it is well-settled that a Court may award fees on a percentage basis in “common fund” cases.<sup>43</sup> “The common fund doctrine ‘rests on the perception that persons who obtain the benefit of a lawsuit without contributing to its costs are unjustly enriched at the successful litigant’s expense.’ Common fund fees derive in part from the common law premise that a trustee is entitled to reimbursement from the fund administered.”<sup>44</sup> Courts in this District have held that “[t]he preferred method in common fund cases is the percentage of the fund analysis.”<sup>45</sup>

In this context, the 30% fee/costs/incentive award sought by Plaintiffs is reasonable and within the range of percentage-fee awards authorized in this Circuit.<sup>46</sup> Indeed, after accounting for expenses and incentive awards, the actual requested attorney fee is far less than 30% of the twelve fund settlements at issue. That amount falls well within the range of “reasonable” for a common fund class settlement.

Further the lack of opposition or objection to the request from the millions of class

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<sup>42</sup> *Law v. Nat’l Collegiate Athletic Ass’n*, 4 F. App’x. 749, 751 (10th Cir. 2001) (citation omitted).

<sup>43</sup> *Brown v. Phillips Petroleum Co.*, 838 F.2d 451, 454 (10th Cir. 1988) (quoting *Blum v. Stenson*, 465 U.S. 886, 900, n. 16, (1984)).

<sup>44</sup> *Id.* (citations omitted).

<sup>45</sup> *In re Sprint Corp. ERISA Litig.*, 443 F. Supp. 2d 1249, 1269 (D. Kan. 2006).

<sup>46</sup> See *Lucken Family Ltd. P’ship, LLLP v. Ultra Resources, Inc.*, No. 09-cv-01543-REB-KMT, 2010 WL 5387559, at \*5-6 (D. Colo. Dec. 22, 2010) (“The customary fee awarded to class counsel in a common fund settlement is approximately one third of the total economic benefit bestowed on the class.”) (citing, inter alia, *Vaszlavik v. Storage Technology Corp.*, No. 95-B-2525, 2000 WL 1268824, at \*10 (D. Colo. Mar. 9, 2000) (stating that “requested fee of 30% of the settlement is well within the ordinary range of common fund awards,” and “[a] 30% common fund award is in the middle of the ordinary 20%-50% range and is presumptively reasonable”); *Cimarron Pipeline Construction, Inc. v. National Council on Compensation*, Nos. CIV 89-822-T, CIV 89-1186-T, 1993 WL 355466, at \*2 (W.D. Okla. June 8, 1993) (noting that “[f]ees in the range of 30-40% of any amount recovered are common in complex and other cases taken on a contingent fee basis,” and finding that “attorneys’ fees of 33 1/3% of the common fund created by the efforts of counsel for the Class are in line with comparable other cases, [and] consistent with prevailing case law of this circuit...”).

members is another indicator of the overall reasonableness of Plaintiffs' attorney fee request. For the Fund Settlements, notice of the fee request was provided in the class notice and set forth on the settlement website administered by the class notice administrator, Dahl Administration.<sup>47</sup> The notice informed class members that class counsel intended to request an attorney fee up to 30% of all settlement funds paid by the Fund Settlement defendants.<sup>48</sup> Despite notice to millions of class members, *three* people—all of whom devote a substantial amount of their professional lives objecting to class action settlements—have objected to the requested attorney fees.<sup>49</sup>

Even assuming *arguendo* the Court elects to adopt a traditional lodestar analysis, which has been noted to have “encouraged inefficient behavior, turned judges into bean counters and created antagonistic interests between the class and class counsel,”<sup>50</sup> Plaintiffs' fee request is appropriate. This MDL has been pending since August 2007, reached a fever pitch in late 2011 and continued unabated into early 2013 with briefing *hundreds* of summary judgment motions (containing more than 7,000 pages of briefing and more than 50,000 pages of exhibits), a decertification effort,<sup>51</sup> numerous appeals and attempted appeals to the Tenth Circuit,<sup>52</sup> a *certiorari* petition to the United States Supreme Court,<sup>53</sup> the Kansas trial, and countless other

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<sup>47</sup> See the long form class notice approved by the Court, Exhibit 3 hereto Doc. #4749-1.

<sup>48</sup> *Id.*, p. 14.

<sup>49</sup> See Doc. #4808, objection of Ted Frank and two of his employees.

<sup>50</sup> *O'Keefe v. Mercedes-Benz USA, LLC*, 214 F.R.D. 266, 304 (E.D. Pa. 2003) (citing *Third Circuit Task Force: Court Awarded Attorney Fees*, 108 F.R.D. 237, *passim* (1985); see also *In re Cendant Corp. Litig.*, 264 F.3d 201, 256 n. 32 (3d Cir. 2001) (noting criticisms of lodestar method, including that it is taxing on the judiciary and mis-aligns class and counsel interests; providing an extensive reading list to consider the percentage-of-recovery method); *In re GM*, 55 F.3d 768 at 821 (3d Cir. 1995) (faulting lodestar for failing to align class and class counsel interests); *Matter of Continental Illinois Securities Litig.*, 962 F.2d 566, 572 (7th Cir. 1992) (criticizing lodestar); *Swedish Hosp. Corp. v. Shalala*, 1 F.3d at 1268 (noting inefficiencies in using lodestar method in common-fund cases).

<sup>51</sup> See Motion to Decertify, Doc. #3039; Order denying the same, Doc. #3208.

<sup>52</sup> See note 15, *supra*.

<sup>53</sup> See Doc. #2135, 3213.

issues. The lodestar of Plaintiffs' counsel far exceeds the fees requested in this Motion.<sup>54</sup> Thus, under a lodestar analysis, the requested attorney fees are reasonable.<sup>55</sup>

Finally, Tenth Circuit authority suggests that in addition to utilizing the percentage methodology, the Court should also give some consideration to the twelve *Johnson* factors.<sup>56</sup> Those factors were discussed in detail above in relation to the ATC Settlements, and that analysis is equally applicable to the Fund Settlements with the exception of the factor related to “the results obtained,” which obviously differs between the ATC Settlements and Fund Settlements. Regarding the “results obtained” by the Fund Settlements, this *Johnson* factor weighs in favor of approving the requested award. Some of the Fund Settlement defendants—specifically, BP, CITGO, Conoco, Exxon, Shell and Sinclair—never owned, or no longer own, retail motor fuel stations and thus, are not in a position to install ATC. The Fund Settlements achieve the next best relief by making funds available for the franchisees of those defendants to install ATC, thus providing a stimulus to move towards ATC. Most of the Fund Settlement defendants are small regional retailers that operate few stores in one or two states, and do not have franchisees. The settlement funds from those defendants, and a portion of settlement funds from the larger refiner defendants, will help state weights and measures officials oversee and regulate the implementation of ATC.

Overall, a total of **\$16,672,000** (after deduction of the requested attorney fees, expenses and incentive awards) will be available from the twenty-four Fund Settlements to help facilitate a market transition to retail ATC. The Fund Settlements provide clear, tangible benefits and the results obtained are targeted to promote activities that will address the issue at the heart of

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<sup>54</sup> See Declaration of Co-Lead Counsel Robert A. Horn, Exhibit 2.

<sup>55</sup> Should the Court determine that a full-blown, detailed lodestar methodology using current time data is the appropriate tool to use in determining a reasonable fee, Plaintiffs request leave to submit detailed attorney time and expense records *in camera* to assist with the Court's lodestar determination.

<sup>56</sup> *Gottlieb*, 43 F.3d at 483 citing *Johnson*, 488 F.2d at 717-19.

Plaintiffs' claims – the unfairness of how retail motor fuel is sold. This *Johnson* factor weighs in favor of Plaintiffs' request.

**IV. PLAINTIFFS' COSTS WERE REASONABLY INCURRED AND SHOULD BE REIMBURSED**

With respect to costs and expenses, an order allowing reimbursement is proper and warranted. On March 23, 2011, Plaintiffs submitted the affidavit of Co-Lead Counsel Robert Horn and other materials which detailed that as of that date, Plaintiffs' overall costs totaled approximately \$3,000,000. Since that time, Plaintiffs have incurred thousands more in costs and expenses.<sup>57</sup> Each of the cost/expense categories underlying this request are appropriate for payment, such as expert witness costs, deposition costs,<sup>58</sup> travel expenses<sup>59</sup> and electronic legal research.<sup>60</sup> Because these expenses are of the type routinely charged to paying clients, Plaintiffs are entitled to an award reimbursing them for these costs and expenses.

**V. THE CLASS REPRESENTATIVES ARE ENTITLED TO INCENTIVE AWARDS**

In relation to the first Costco settlement, the Court expressed concern with class representatives attempting to represent settlement class members from other states. The Court suggested that one way to ameliorate that concern would be sub-classification of the settlement class members by state, with each state subclass having a class representative from that state (i.e., a member of that particular subclass).<sup>61</sup> Plaintiffs and Costco re-tooled their settlement to address that problem (among others), and the Court approved the revised Costco settlement.

Here, for each of the twenty-eight settlements at issue, Plaintiffs and the Settling

<sup>57</sup> See Horn Declaration, Exhibit 2.

<sup>58</sup> See *Callicrate v. Farmland Industries, Inc.*, 139 F.3d 1336, 1341 (10th Cir. 1998) (affirming award of expenses for depositions ultimately not used in disposition of case).

<sup>59</sup> See *Nelson v. State*, Case No. 99-4184-JTM, 2003 WL 22871685, \*4 (D. Kan. Nov. 13, 2003) (allowing reimbursement for travel expenses).

<sup>60</sup> *Case v. Unified School Dist. No. 233, Johnson County, Kan.*, 157 F.3d 1243, 1257-1258 (10th Cir. 1998); *Godinet v. Management and Training Corp.*, 182 F. Supp. 2d 1108, 1114 (D. Kan. 2002).

<sup>61</sup> Order, Doc. #1707, pp. 36-37.

Defendants adopted the same structure—each state is a separate subclass, represented by a class representative from that state. Because of the number of settlements and states at issue, eighty class representatives are involved in the pending class settlements. Those class representatives have spent significant time on this matter, and they now seek an incentive award in recognition of their service. The time an individual devotes to a lawsuit which inures to the common benefit of the class warrants entitlement to an incentive award “above and beyond what the typical class member is receiving.”<sup>62</sup> In light of their efforts resulting in a favorable settlement on behalf of the class members, Plaintiffs request incentive awards in the amounts set forth on Exhibit 1 hereto. Some class representatives are involved in numerous settlements, but no class representative will receive more than \$4,000 in incentive awards in the aggregate, and some will only receive \$1,000.

The class representatives provided invaluable guidance and assistance to Plaintiffs’ counsel in prosecuting these claims. The class representative responded to multiple sets of interrogatories, multiple requests for documents and requests for admissions. The class representative gathered and produced documents responsive to requests including, in some instances, substantial documents.<sup>63</sup> Class representatives set aside the necessary time (in many instances, taking unpaid leave from their employment to do so) to give lengthy depositions.<sup>64</sup> Such time and commitment warrants compensation. Further, there is no question that class representatives’ conduct has inured to the substantial benefit of the respective classes. Without their efforts, this case would not have been brought and these settlements would not have been achieved. Each class representative has attested to the time they have spent on this case, their

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<sup>62</sup> *In re Sprint Corp. ERISA Litig.*, 443 F. Supp. 2d at 1271 (awarding \$5,000 incentive award to each of four class representatives); *see also Cimarron Pipeline Constr., Inc.*, 1993 WL 355466, at \*2 (W.D. Okla. June 8, 1993) (awarding \$10,000 incentive award to each of three class representatives); *Camp v. The Progressive Corp.*, No. Civ. A. 01-2680, 2004 WL 2149079, at \*7 (E.D. La. 2004) (approving up to \$10,000 in incentive awards to class representative and other plaintiffs participating in the litigation).

<sup>63</sup> For example, class representative Zach Wilson alone produced several thousand pages of documents.

<sup>64</sup> For example, the deposition of class representative Dennis Mann lasted almost seven hours.

understanding of the terms of the settlements, their duties as class representatives and their belief that the settlements are fair, reasonable and in the best interests of the class members they represent.<sup>65</sup> Under these circumstances, incentive bonuses are appropriate for the eighty class representatives.

## **VI. CONCLUSION**

This litigation has been a massive undertaking, involving hundreds of parties and attorneys. It was hard-fought and contested at every turn. After the implementation periods for the settlements expire, this MDL will have spanned well over a decade. The time and commitment devoted by Plaintiffs and their counsel to this case cannot credibly be challenged or questioned. They now respectfully request an award that fairly reflects their efforts.

Dated: May 29, 2015

Respectfully Submitted by,

/s/ Robert A. Horn

Robert A. Horn      KS#70254  
 HORN AYLWARD & BANDY, LLC  
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 Kansas City, Missouri 64108  
 Telephone: (816) 421-0700  
 Facsimile: (816) 421-0899  
 rhorn@hab-law.com

CO-LEAD COUNSEL FOR PLAINTIFFS

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<sup>65</sup> See affidavits of the eighty class representatives, collectively attached hereto in alphabetical order as Exhibits 4A, 4B and 4C.

**CERTIFICATE OF SERVICE**

I hereby certify that on May 29, 2015, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically send a notice of electronic filing to all person registered for ECF as of that date.

/s/ Joseph A. Kronawitter  
Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**IN RE: MOTOR FUEL TEMPERATURE** )  
**SALES PRACTICES LITIGATION** )  
) **MDL No: 1840**  
**(This Document Relates to All Cases)** )  
) **No: 07-md-1840-KHV-JPO**

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**SECOND MOTION FOR AWARD OF ATTORNEYS' FEES, EXPENSES, AND  
CLASS REPRESENTATIVE INCENTIVE AWARDS**

# Exhibit 1

<b>Class Representative</b>	<b>States/Settlements</b>	<b>Incentive Amount</b>
Dennis Mann	Ala. BP and Chevron Miss. BP and Conoco	\$4,000
Rayshaun Glanton	Ala. CITGO, Exxon and Valero Miss. CITGO, Exxon, and Valero	\$4,000
Annie Smith	Ala. Conoco, Sam's and Shell Miss. for Shell	\$4,000
Jim Anliker	Ariz. BP and Valero	\$4,000
Christopher Payne	Ariz. CITGO, Conoco, Exxon, Sam's, Shell, Sinclair and Chevron	\$4,000
Charles Jones	Ark. BP, Casey's, Conoco, Valero, B-B Oil, Diamond State, E-Z Mart and Port Cities	\$4,000
Michael Gauthreaux	Ark. CITGO, Exxon, Sam's, Shell, Sinclair, Coulson, J&P Flash, Flash Market, Magness and Port Cities	\$4,000
William Boyd	Cal. BP	\$2,000
Fred Aguirre	Cal. CITGO and Shell	\$4,000
John Telles	Cal. Conoco, and Valero	\$4,000
Phyllis Lerner	Cal. Dansk	\$1,000
Herb Glazer	Cal. Dansk	\$1,000
Mark Wyatt	Cal. Exxon	\$2,000
Barbara Cumbo	Cal. Sam's and World Oil	\$3,000
Allen Ray Klein	Cal. Chevron	\$1,000
Max Candiotty	Ca. United El Segundo	\$1,000
Steven Rubin	Cal. G&M Oil	\$1,000
James Jarvis	Del. BP and Conoco	\$4,000
Garland Williams	Del. CITGO, Exxon and Shell	\$4,000
Anna Legates	Del. Sam's	\$2,000
Joy Howell	Del. Valero	\$2,000
Richard Patrick	Fla. BP, Conoco, Exxon and Shell	\$4,000
Mara Redstone	Fla. CITGO, Sam's, Valero and Chevron	\$4,000
Dixcee Millsap	Ga. BP	\$2,000
Sam Ely	Ga. CITGO	\$2,000
Wendell Hicks	Ga. Conoco	\$4,000
Carl Rittenhouse	Ga. Exxon and Love's	\$4,000
Steve Rutherford	Ga. Sam's and Chevron	\$3,000
Melvin Ellison	Ga. Shell	\$2,000
Brent Crawford	Ga. Valero	\$2,000
Victor Ruybalid	Ind. BP, Casey's, CITGO, Conoco, Exxon, Sam's, Shell, Valero, Chevron and Sunoco	\$4,000
Matthew Cook	Kan. BP, Casey's, CITGO, Conoco and Valero	\$4,000

Zachary Wilson	Kan. Sam's, Shell, Sinclair and Chevron	\$4,000
Lisa McBride	Ky. BP, CITGO, Conoco, Exxon, Sam's, Shell, Valero and Chevron	\$4,000
Dawn Lalor	La. BP, CITGO, Conoco, Exxon, Sam's, Shell, Valero, Chevron and Thorntons	\$4,000
Raphael Sagalyn	Md. BP, CITGO, Conoco, Exxon, Shell and Chevron	\$4,000
Andrea Frayser	Md. Sam's and Valero	\$4,000
Betty Cherry	Miss. Sinclair	\$2,000
J.C. Wash	Miss. Sam's	\$2,000
Team Trucking	Miss. Chevron	\$1,000
Sam Baylard	Mo. BP, CITGO, Exxon, Sinclair, Valero and Chevron	\$4,000
Brent Donaldson	Mo. Casey's, Conoco, Sam's and Shell	\$4,000
Gary Kohut	Nev. BP	\$2,000
Debra Berg	Nev. CITGO	\$2,000
Scott Campbell	Nev. Conoco, Sam's and Shell	\$4,000
Tia Gomez	Nev. Exxon, Sinclair, Valero, Chevron and Tesoro	\$4,000
Richard Galauski	N.J. BP, CITGO, Conoco, Exxon, Sam's, Shell, Valero and Sunoco	\$4,000
Charles W. Byram	N.M. CITGO, Conoco, Exxon, Sam's, Shell, Sinclair, Valero and Chevron	\$4,000
Cecil Wilkins	N.C. BP and Shell	\$4,000
Jean Neese	N.C. CITGO, Conoco, Exxon, Sam's, Valero, Chevron and MM Fowler	\$4,000
Craig Massey	Okla. Casey's and CITGO	\$4,000
Kristy Mott	Okla. Conoco	\$2,000
Bobby Roberson	Okla. Exxon, Sinclair, Chevron, E-Z Mart and Love's	\$4,000
Hadley Bower	Okla. Sam's and Valero	\$4,000
Heartland Landscape	Okla. Shell	\$2,000
Shonna Butler	Ore. BP, Conoco, Exxon, Shell, Sinclair and Chevron	\$4,000
Gerald Panto	Penn. BP, CITGO, Conoco, Exxon, Sam's, Shell, Valero and Sunoco	\$4,000
David Friedman	Penn. Chevron	\$1,000
JoAnn Korleski	S.C. BP, CITGO, Conoco, Exxon, Sam's, Shell, Valero, Chevron and Sunoco	\$4,000

Jan Rutherford	Tenn. BP	\$2,000
Ben Dozier	Tenn. CITGO	\$2,000
Mark Scrivner	Tenn. Conoco	\$2,000
Charles Cockrell	Tenn. Exxon	\$2,000
William Rutherford	Tenn. Sam's	\$2,000
Jonathan Conlin	Tenn. Shell	\$2,000
Tamara Miller	Tenn. Valero and Chevron	\$3,000
Priscilla Craft	Tex. BP, Sam's and Sinclair	\$4,000
Kennedy Kraatz	Tex. CITGO and Chevron	\$3,000
Michael Warner	Tex. Conoco	\$2,000
Clinton Davis	Tex. Exxon	\$2,000
Lisa Ann Lee	Tex. Shell	\$2,000
Melissa Murray	Tex. Valero	\$2,000
Sara Terry	Utah BP and Conoco	\$4,000
Sam Hotchkiss	Utah Exxon and Sam's	\$4,000
Jacob Steed	Utah Shell and Tesoro	\$4,000
Jeff Jenkins	Utah Sinclair and Chevron	\$3,000
James Graham	Va. BP, CITGO, Conoco, Exxon, Sam's, Shell, Valero, Chevron and Sunoco	\$4,000
Jessica Honigberg	D.C. BP, CITGO, Conoco, Exxon and Shell	\$2,000
Marvin Bryan	V.I. Exxon and Chevron	\$3,000
Edgar Paz	Guam Conoco and Exxon	\$4,000

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**IN RE: MOTOR FUEL TEMPERATURE** )  
**SALES PRACTICES LITIGATION** )  
) **MDL No: 1840**  
**(This Document Relates to All Cases)** )  
) **No: 07-md-1840-KHV-JPO**

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**SECOND MOTION FOR AWARD OF ATTORNEYS' FEES, EXPENSES, AND  
CLASS REPRESENTATIVE INCENTIVE AWARDS**

**Exhibit 2**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO**

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**DECLARATION OF CO-LEAD COUNSEL ROBERT A. HORN IN SUPPORT OF  
PLAINTIFFS' SECOND MOTION FOR AWARD OF ATTORNEYS' FEES, EXPENSES,  
AND CLASS REPRESENTATIVES INCENTIVE AWARDS**

I, Robert A. Horn, hereby declare as follows:

I am an active member of the Missouri Bar, a founding partner of the law firm of Horn Aylward & Bandy, LLC and the Court-appointed Chairman of the Lead Counsel Group for Plaintiffs in this matter. This declaration is based on my personal knowledge and if called as a witness I could, and would, testify competently thereto. I make this declaration in support of Plaintiffs' Second Motion for Award of Attorneys' Fees, Expenses, and Class Representative Incentive Awards ("Plaintiffs' Motion for Fees").

1. I have reviewed attorney-time records that were submitted to me by the plaintiffs' steering committee firms at my request. Those records detail that more than 150,000 hours have been spent by the thirteen steering committee firms pursuing this litigation since its inception in late 2006. That figure does not include the time spent by plaintiffs' counsel that are not on the steering committee.

2. The time spent by the thirteen steering committee firms began with investigation and preparation prior to the filing of lawsuits in December 2006. Time was then spent arguing this matter to the JPML and associated briefing, before this MDL was formed in late 2007.

Briefing related to the plaintiffs' consolidated amended complaint, and the defendants' related motion to dismiss, consumed the remainder of 2007 and written discovery commenced in 2008. More than one hundred plaintiffs were produced and deposed around the country in the first five months of 2009, in preparation for class certification briefing. During that same time period, and continuing through mid-2011, plaintiffs conducted more than two hundred depositions of defendants' officers and employees. More than four dozen additional depositions were taken of experts from both sides and of non-parties, such as state weights and measures officials and trade association personnel. During this same time period, plaintiffs received and reviewed millions of pages of information and discovery from the defendants.

3. Aside from written and deposition discovery, plaintiffs spent significant time on pleadings and motion practice related to this litigation. That work includes briefing on numerous joint defendant motions, numerous defense appeals and attempted appeals, dozens of class certification motions and literally hundreds of dispositive motions, all of which consumed a substantial amount of time. The ECF filings in the MDL alone exceed 4,800 documents.

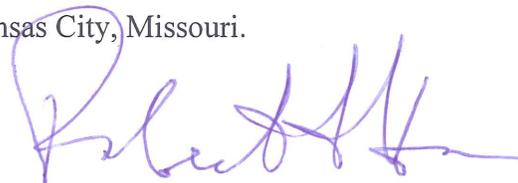
4. The plaintiffs' counsel's time referenced above has a combined value in excess of \$55 million. Although a portion of that time was defendant-specific, including time specific to the twenty-eight settling defendants, the vast amount of time was spent on activities common to all defendants and the litigation in general.

5. If my firm is appointed as the settlement administrator for the twenty-eight pending class settlements, many more hours will be expended by the plaintiffs' counsel administering these settlements over their anticipated seven year life span.

6. In addition to attorney time, plaintiffs have incurred well over \$3 million in expenses in this litigation.

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

Executed this 26<sup>th</sup> day of May, 2015 in Kansas City, Missouri.



Robert A. Horn

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**IN RE: MOTOR FUEL TEMPERATURE** )  
**SALES PRACTICES LITIGATION** )  
) **MDL No: 1840**  
**(This Document Relates to All Cases)** )  
) **No: 07-md-1840-KHV-JPO**

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**SECOND MOTION FOR AWARD OF ATTORNEYS' FEES, EXPENSES, AND  
CLASS REPRESENTATIVE INCENTIVE AWARDS**

**Exhibit 3**

LEGAL NOTICE BY ORDER OF  
THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

**IF YOU PURCHASED GASOLINE OR DIESEL FUEL IN  
CERTAIN STATES (LISTED BELOW) ON OR AFTER  
JANUARY 1, 2001, SETTLEMENTS IN A CLASS ACTION  
LAWSUIT MAY AFFECT YOUR RIGHTS.**

READ THIS NOTICE CAREFULLY

*A federal court authorized this notice. This is not a solicitation from a lawyer.*

- **There are proposed settlements (“Settlements”) with twenty-eight (28) defendants (the “Companies”) in a class action lawsuit, *In re: Motor Fuel Temperature Sales Practices Litigation*.**
- **Persons or entities that purchased gasoline or diesel fuel (“Plaintiffs”) on or after January 1, 2001, in the following States and jurisdictions—Alabama, Arizona, Arkansas, California, Delaware, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Nevada, New Jersey, New Mexico, North Carolina, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, D.C., Guam and the U.S. Virgin Islands (the “States at Issue”)—brought lawsuits claiming that selling motor fuel without disclosing or adjusting for the effects of temperature violates consumer protection and other laws. All of the cases relating to the States at Issue and all of the Companies are consolidated in a multidistrict proceeding titled *In re: Motor Fuel Temperature Sales Practices Litigation*, MDL No. 1840, which is before the United States District Court for the District of Kansas (the “Court”).**
- **The Plaintiffs have entered into the Settlements with the following defendants in the lawsuits (collectively, the “Companies”):**
  - **B-B Oil Company, Inc.**
  - **BP Products North America Inc. and BP West Coast Products LLC (together, “BP”)**
  - **Casey’s General Stores, Inc.**
  - **Chevron U.S.A. Inc. (“CUSA”)**
  - **CITGO Petroleum Corporation**
  - **ConocoPhillips Company**
  - **Coulson Oil Company, Inc.**
  - **Dansk Investment Group, Inc. (f/k/a USA Petroleum Corporation)**
  - **Diamond State Oil, LLC**
  - **ExxonMobil Corporation, Esso Virgin Islands, Inc., and Mobil Oil Guam, Inc. (together, “ExxonMobil”)**
  - **E-Z Mart Stores, Inc.**
  - **Flash Market, Inc.**
  - **G&M Oil Company, Inc., and G&M Oil Co., LLC (together, “G&M”)**
  - **J&P Flash, Inc.**

**QUESTIONS? CALL 1-888-384-7228 TOLL FREE, OR VISIT [WWW.HOTFUELSETTLEMENTS.COM](http://WWW.HOTFUELSETTLEMENTS.COM)  
PARA UNA NOTIFICACIÓN EN ESPAÑOL, LLAMAR O VISITAR NUESTRO WEBSITE**

- Love’s Travel Stops & Country Stores, Inc.
  - Magness Oil Company
  - M. M. Fowler, Inc.
  - Port Cities Oil, LLC
  - Sam’s Club
  - Motiva Enterprises LLC and Equilon Enterprises LLC d/b/a Shell Oil Products US (“Shell”)
  - Sinclair Oil Corporation
  - Sunoco, Inc. (R&M)
  - Tesoro Refining and Marketing Company LLC
  - Thorntons Inc.
  - United El Segundo, Inc.
  - Valero Marketing and Supply Company
  - World Oil Corp.
  - W.R. Hess
- The Companies deny all of Plaintiffs’ claims, but have agreed to the separate Settlements to end their roles in the class action. **There is a separate Settlement for each Company, and not every one of the Settlements covers all of the States at Issue. See Question 6 (below) for the list of the States at Issue for each Settlement.**
  - Your rights and options—and the deadlines to exercise them—are explained in this notice. Read this notice carefully.
  - If you have questions, go to [www.HotFuelSettlements.com](http://www.HotFuelSettlements.com), call 1-888-384-7228, or email [mail@HotFuelSettlements.com](mailto:mail@HotFuelSettlements.com). You can also write to Hot Fuel Notice Administrator, c/o Dahl Administration, PO Box 3614, Minneapolis, MN 55403-0614.

<b>SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS FOR THE SETTLEMENTS</b>	
<b>REMAIN A MEMBER OF THE SETTLEMENT CLASSES</b>	To remain a class member for all of the Settlements, you do not need to do anything. You automatically will be included in the Settlement Classes. If you choose to remain in the Settlement Classes, you will give up your right to sue the Companies on the claims relating to the subject matter of the lawsuits.
<b>EXCLUDE YOURSELF FROM THE SETTLEMENT CLASSES</b>	You may request exclusion from one or more of the Settlement Classes (also known as “opting out”) by filling out the “Opt-Out Form” online or submitting an email or letter to the Notice Administrator at the address below. <b>The request(s) for exclusion must be submitted electronically or postmarked no later than March 23, 2015.</b> If you exclude yourself from a Settlement, you will not lose your claims against the Company involved in that Settlement, and you will not be bound by any

**QUESTIONS? CALL 1-888-384-7228 TOLL FREE, OR VISIT [WWW.HOTFUELSETTLEMENTS.COM](http://WWW.HOTFUELSETTLEMENTS.COM)  
PARA UNA NOTIFICACIÓN EN ESPAÑOL, LLAMAR O VISITAR NUESTRO WEBSITE**

	judgments or orders of the Court as to that Settlement.
<b>OBJECT TO ONE OR MORE OF THE SETTLEMENTS</b>	Write to the Court about why you don't like one or more of the Settlements. To object to or comment on the Settlements, you must send a copy of the appropriate papers via mail to the Court, Class Counsel, and counsel for the Defendants. Their addresses are listed below. <b>Your written objection must be postmarked no later than March 23, 2015.</b>
<b>GO TO A HEARING</b>	Ask to speak in Court about the fairness of the Settlements.  The Court will hold a Fairness Hearing on June 9, 2015, at 9:30 a.m. to consider whether the Settlements are fair, reasonable, and adequate, and may also consider the motion for Plaintiffs' attorneys' fees, costs and expenses.

**QUESTIONS? CALL 1-888-384-7228 TOLL FREE, OR VISIT [WWW.HOTFUELSETTLEMENTS.COM](http://WWW.HOTFUELSETTLEMENTS.COM)  
PARA UNA NOTIFICACIÓN EN ESPAÑOL, LLAMAR O VISITAR NUESTRO WEBSITE**

**WHAT THIS NOTICE CONTAINS**

**Basic Information..... 5**

1. WHAT ARE THESE LAWSUITS ABOUT?..... 5

2. WHAT IS A CLASS ACTION AND WHO IS INVOLVED?..... 5

**Who Is in the Settlement ..... 5**

3. WHO IS A CLASS MEMBER? ..... 5

4. DID THE COURT DECIDE WHO IS RIGHT?..... 7

**What the Settlement Provides..... 7**

5. WHAT DO THE SETTLEMENTS DO?..... 7

6. WHICH STATES ARE COVERED BY EACH SETTLEMENT AND WHO ARE THE CLASS REPRESENTATIVES FOR THE SETTLEMENT CLASSES? ..... 9

**If You Do Nothing..... 12**

7. WHAT HAPPENS IF I DO NOTHING? ..... 12

**Excluding Yourself from the Settlement..... 12**

8. WHY WOULD I ASK TO BE EXCLUDED? ..... 12

9. HOW DO I OPT OUT FROM ONE OR MORE OF THE CLASSES?..... 13

10. IF I DON'T EXCLUDE MYSELF, CAN I SUE FOR THE SAME THING LATER? ..... 13

**Objecting to the Settlement..... 13**

11. HOW DO I OBJECT TO THE SETTLEMENT(S)?..... 13

**The Lawyers Representing You..... 14**

12. DO I HAVE A LAWYER IN THE CASE?..... 14

13. HOW WILL THE LAWYERS AND CLASS REPRESENTATIVES BE PAID? ..... 14

14. SHOULD I GET MY OWN LAWYER? ..... 15

15. HOW ARE THE COSTS OF PROVIDING NOTICE TO CLASS MEMBERS PAID FOR?..... 15

**The Fairness Hearing ..... 16**

16. WHEN AND WHERE WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT?..... 16

17. DO I HAVE TO COME TO THE HEARING?..... 16

18. MAY I SPEAK AT THE HEARING? ..... 16

**Getting More Information ..... 16**

19. ARE THERE MORE DETAILS ABOUT THIS LAWSUIT? ..... 16

20. HOW CAN I LEARN MORE?..... 16

**QUESTIONS? CALL 1-888-384-7228 TOLL FREE, OR VISIT [WWW.HOTFUELSETTLEMENTS.COM](http://WWW.HOTFUELSETTLEMENTS.COM)  
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## BASIC INFORMATION

### 1. WHAT ARE THESE LAWSUITS ABOUT?

These lawsuits are about whether the Companies misled consumers by failing to disclose the temperature of motor fuel or account for the temperature of the motor fuel when it was sold to retail consumers. Plaintiffs claim that adjusting for temperature in the sale of motor fuel is important because the volume of motor fuel changes as it heats up or cools down. Plaintiffs claim that the amount of energy per gallon of motor fuel varies depending upon its temperature when it is dispensed from the pump. Plaintiffs claim that because the Companies sell motor fuel for a specified price per gallon without disclosing or adjusting for temperature, do not adjust the amount of fuel excise tax recoupment passed on to consumers, and because the Companies engaged in an alleged conspiracy to preclude the use of temperature compensation in retail motor fuel sales, they are liable under consumer protection laws and other laws in the States at Issue.

The Companies deny the Plaintiffs' claims, deny all allegations of wrongdoing and contend that they have fully complied with the law.

### 2. WHAT IS A CLASS ACTION AND WHO IS INVOLVED?

In a class action lawsuit, one or more people called "class representatives" sue on behalf of themselves and other people who have similar claims. Together, they are called a "class" or "class members." The class representatives for the Settlements are individuals and businesses who purchased motor fuel in the States at Issue during a certain time period (the "Class Period").

The Class Period is January 1, 2001-December 10, 2014, for the following 24 Settlements: B-B Oil, BP, Casey's, CITGO, ConocoPhillips, Coulson, Dansk, Diamond State, ExxonMobil, E-Z Mart Stores, Flash Market, J&P Flash, Magness, Love's, M.M. Fowler, Port Cities, Sam's Club, Shell, Sinclair, Sunoco (R&M), Tesoro, Thorntons, Valero, and W.R. Hess.

The Class Period is January 1, 2004-December 10, 2014, for the following 4 Settlements: CUSA, G&M, United, and World.

Each Settlement covers different States at Issue, and there are separate settlement classes for each State at Issue. There is a class representative to represent each state settlement class for each State at Issue in each Settlement. The class representatives are listed in response to Question 6, below.

## WHO IS IN THE SETTLEMENT

### 3. WHO IS A CLASS MEMBER?

Each Settlement defines who is a class member for that particular Settlement. **Each Settlement covers different States at Issue—for example, some Settlements cover 28 States, while others cover only 1 or 2 States. See Question 6 for more information about which of the States at Issue each Settlement covers.**

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For the following six (6) Settlements, you DO NOT need to have purchased gasoline or diesel fuel from one of these six Companies in order to be a member of one of these Settlement classes:

- For the BP, CITGO, ConocoPhillips, ExxonMobil, Shell, and Sinclair Settlements, the class members are all persons or entities who bought gasoline or diesel fuel at a gas station in any of the States at Issue for these Settlements **from January 1, 2001 to December 10, 2014.**

For the other twenty-two (22) Settlements, you MUST have purchased gasoline or diesel fuel from one of these twenty-two Companies in some fashion in order to be a member of one of these Settlement classes:

- For the Dansk, Casey's, and Sam's Club Settlements, the class members for each Settlement are all persons that bought gasoline or diesel fuel from that particular Company in any of the States at Issue for these Settlements **from January 1, 2001 to December 10, 2014.**
- For the B-B Oil, Coulson, Diamond State, Flash Market, J&P Flash, Magness, Port Cities, and W.R. Hess Settlements, the class members for each Settlement are all persons and entities that bought gasoline or diesel fuel from a gas station owned, leased, operated, or controlled by that particular Company in any of the States at Issue for these Settlements **from January 1, 2001 to December 10, 2014.**
- For the E-Z Mart, Love's, M.M. Fowler, Thorntons, Sunoco, and Tesoro Settlements, the class members for each Settlement are all persons and entities that bought gasoline or diesel fuel from a gas station owned, operated, or controlled by that particular Company in any of the States at Issue for these Settlements **from January 1, 2001 to December 10, 2014.**
- For the Valero Settlement, the class members are all persons and entities that bought gasoline or diesel fuel from a gas station owned, operated, or branded by Valero in any of the States at Issue for this Settlement **from January 1, 2001 to December 10, 2014.**
- For the United El Segundo, World Oil, and G&M Settlements, the class members for each Settlement are all persons and entities that bought gasoline or diesel fuel from a gas station that particular Company owns and operates, or has owned and operated, in California **from January 1, 2004 to December 10, 2014.**
- For the CUSA Settlement, the class members are all persons and entities that bought gasoline or diesel fuel from a gas station that CUSA operates or has operated, or that CUSA's branded retailers or wholesales operate or supply, or have operated or supplied, in any of the States at Issue for this Settlement **from January 1, 2004 to December 10, 2014.**

If you meet any of the above descriptions you are a class member for that Settlement. **You may be a class member for more than one Settlement.**

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Excluded from the classes for all of the Settlements are federal judges who have presided over the case, and individuals and entities who timely and validly request exclusion from the class, and, for some of the Settlements, persons employed by the Companies and affiliates of the Companies.

If you are still not sure whether you are a member of any of the classes, you can email or write to the lawyers in this case at the addresses listed in Question 11.

#### 4. DID THE COURT DECIDE WHO IS RIGHT?

No, except in California as to CUSA and G&M, United, and World (the “*Lerner Defendants*”). For all of the other Companies, the parties entered the Settlements before the lawsuits reached a trial or court decision as to those Companies, so if the Court approves the Settlements there will not be a trial or decision about which side was right.

For CUSA, on July 19, 2013, the Court entered summary judgment for CUSA in three cases brought in California that are part of the MDL (the “California Cases”). On August 14, 2012, the Court similarly granted summary judgment to the *Lerner Defendants*, who like CUSA were named as defendants in one of the California cases, *Lerner v. Costco Wholesale Corp.* In these two decisions, the Court concluded, after a full and fair opportunity to litigate all factual and legal issues raised against CUSA and the *Lerner Defendants*, that these Companies were entitled to prevail as a matter of law.

The Plaintiffs could appeal those decisions. In addition, Plaintiffs have asserted claims against CUSA in other States. But the Plaintiffs and CUSA entered the CUSA Settlement to resolve all of the cases against CUSA, and entered the *Lerner Settlement* to resolve all claims against the three *Lerner Defendants*. If the CUSA and *Lerner Settlements* receive final approval, (i) the Court will enter final judgment for CUSA in the California Cases and for the *Lerner Defendants* in *Lerner*; (ii) the judgment orders will bind all members of the classes previously certified by the Court in the California Cases (including *Lerner*) under Federal Rule of Civil Procedure 23(b)(2), as well as the class representatives for those classes; (iii) the CUSA and *Lerner Settlements* will bind all members of the classes certified by the Court in the California Cases under Federal Rule of Civil Procedure 23(b)(3) and (c)(4); and (iv) Plaintiffs will not appeal the summary judgment order in any of the California Cases.

### WHAT THE SETTLEMENT PROVIDES

#### 5. WHAT DO THE SETTLEMENTS DO?

The Settlements are of two different types: (1) Settlements in which the Defendants are paying money that will help reduce the costs of converting gas stations to special pumps that automatically correct for the effects of temperature (“ATC pumps”); and (2) Settlements in which the Defendants commit to installing ATC pumps over time at stations that sell their brands of motor fuel.

- (1) Twenty-four (24) of the Settlements provide for payments to help reduce the costs of converting to ATC pumps.

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Under six (6) of the 24 Settlements, Companies—BP, CUSA, ConocoPhillips, ExxonMobil, Shell, and Sinclair—will each pay money to set up a fund that will be used for two types of activity: (i) to lower the cost for retail stations to install special pumps that automatically correct for the effects of temperature (“ATC pumps”); and (ii) to reduce the cost for state officials to ensure that the pump changes are made lawfully. Two-thirds of available money in the fund will be used for the first activity; one-third of available money in the fund will be used for the second activity.

Under eighteen (18) of the 24 Settlements, Companies—B-B Oil, CITGO, Coulson, Diamond State, E-Z Mart Stores, Flash Market, G&M, J&P Flash, Magness, Love’s, M.M. Fowler, Port Cities, Sunoco (R&M), Tesoro, Thorntons, United, World, and W.R. Hess—will each pay money which will be available to the weights and measures regulators in the States at Issue for each Defendant.

The amount that each of these Companies will pay as part of its Settlement is:

<b>Company</b>	<b>Amount (\$)</b>
B-B Oil	21,000
BP	5 million
CUSA	2.125 million
CITGO	900,000
ConocoPhillips	5 million
Coulson	21,000
Diamond State	21,000
ExxonMobil	5 million
E-Z Mart Stores	90,000
Flash Market	21,000
G&M	40,000
J&P Flash	21,000
Love’s	105,000
Magness	21,000
MM Fowler	23,500
Port Cities	21,000
Shell	5 million
Sinclair	800,000
Sunoco (R&M)	61,000
Thorntons	60,000
Tesoro	50,000
United	40,000
World	40,000
W.R. Hess	21,000

For certain of these Settlements, the amount of money in the fund available for the activities described above will be reduced by amounts used to notify the class members of the Settlements, and/or by the award of attorneys’ fees and litigation expenses approved by the Court (see Questions 13 and 15, below).

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The funds for each of these Settlements are divided up among the States at Issue for that Settlement. (See Question 6 for the State(s) at Issue for each Settlement). The parties based the agreement about how to divide the funds among the States at Issue on the average fuel temperature in the States, the volume of fuel sales in each of the State at Issue, and the number of retail stations selling that Company's fuel in the State. (For example, more funds will be available to retailers and state officials in a State in which the fuel temperature is hotter and more fuel is sold, than in a State that has a lower average fuel temperature and where less fuel is sold.)

For each Settlement, each State at Issue is eligible to receive at least 1% of the funds. For BP, CUSA, CITGO, ConocoPhillips, ExxonMobil, G&M, Shell, Sinclair, United, and World, if after six (6) years (or five (5) years in the case of the ExxonMobil Settlement) there is money in a Settlement fund that has not been spent on the two activities described above, any remaining amounts will be donated to the States at Issue. For each of the other 14 Settlements of this type, any remaining amounts after three (3) years will be donated to the States at Issue covered by the particular Settlement.

- (2) Four (4) of the Settlements—with Casey's, Dansk, Sam's Club, and Valero—require those Companies to install ATC pumps over time at stations in the States at Issue where ATC pumps are allowed, and to disclose information about the effects of temperature on motor fuel.

Under these Settlements, in States at Issue that permit ATC pumps, the Company must gradually convert 100% of its existing pumps to ATC pumps, and install ATC pumps at any new stations, over several years (for Casey's, Sam's Club and Valero, 10% of pumps must be converted after 2 years, 40% after three years, 70% after 4 years, and 100% after 5 years; for Dansk, 33% of pumps must be converted after 1 year, 66% after two years and 100% after three years). There are limits to the number of stations that must be converted in any one year (for example, Sam's Club cannot be required to install ATC pumps at more than 30% of stations in one year, and Valero cannot be required to install ATC pumps at more than 50 stations per year in any State at Issue). If the law of a State at Issue prohibits ATC pumps, or the Company buys its fuel at wholesale in that State at Issue without taking temperature into consideration, the Company does not have to install ATC pumps in that State at Issue until the law in the State at Issue changes to allow ATC pumps and the Company changes how it buys its fuel at wholesale.

Every six (6) months after these Settlements go into effect, each of these four Companies will file with the Court (and send to Class Counsel) a status report describing its compliance with its respective Settlement.

**None of the Settlements provides money directly to consumers who have purchased retail motor fuel.**

**6. WHICH STATES ARE COVERED BY EACH SETTLEMENT AND WHO ARE THE CLASS REPRESENTATIVES FOR THE SETTLEMENT CLASSES?**

The States at Issue covered by each Settlement are listed in the below table, with the class representative for the settlement class for each State at Issue in parentheses:

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<b>Settling Defendant</b>	<b>States at Issue</b>
BP (25 states)	Alabama (Dennis Mann), Arizona (Jim Anliker), Arkansas (Charles Jones), California (William Boyd), Delaware (James Jarvis), Florida (Richard Patrick), Georgia (Dixcee Millsap), Indiana (Victor Ruybalid), Kansas (Matthew Cook), Kentucky (Lisa McBride), Louisiana (Dawn Lalor), Maryland (Raphael Sagalyn), Mississippi (Dennis Mann), Missouri (Sam Baylard), Nevada (Gary Kohut), New Jersey (Richard Galauski), North Carolina (Cecil Wilkins), Oregon (Shonna Butler), Pennsylvania (Gerald Panto), South Carolina (JoAnn Korleski), Tennessee (Jan Rutherford), Texas (Priscilla Craft), Utah (Sara Terry), Virginia (James Graham), District of Columbia (Jessica Honigberg)
Casey's (5 states)	Arkansas (Charles Jones), Indiana (Victor Ruybalid), Kansas (Matthew Cook), Missouri (Brent Donaldson), Oklahoma (Craig Massey)
CUSA (24 states)	Alabama (Dennis Mann), Arizona (Christopher Payne), California (Allen Ray Klein), Florida (Mara Redstone), Georgia (Steven R. Rutherford), Indiana (Victor Ruybalid), Kansas (Zach Wilson), Kentucky (Lisa McBride), Louisiana (Dawn Lalor), Maryland (Raphael Sagalyn), Mississippi (Team Trucking), Missouri (Sam Baylard), Nevada (Tia Gomez), New Mexico (Charles W. Byram), North Carolina (Jean Neese), Oklahoma (Bobby Roberson), Oregon (Shonna Butler), Pennsylvania (David Friedman), South Carolina (JoAnn Korleski), Tennessee (Tamara Miller), Texas (Kennedy Kraatz), Utah (Jeff Jenkins), Virginia (James Graham), U.S. Virgin Islands (Marvin Bryan)
CITGO (25 states)	Alabama (Rayshaun Glanton), Arizona (Christopher Payne), Arkansas (Michael Gauthraux), California (Fred Aguirre), Delaware (Garland Williams), Florida (Mara Redstone), Georgia (Sam Ely), Indiana (Victor Ruybalid), Kansas (Matthew Cook), Kentucky (Lisa McBride), Louisiana (Dawn Lalor), Maryland (Raphael Sagalyn), Mississippi (Rayshaun Glanton), Missouri (Sam Baylard), Nevada (Debra Berg), New Jersey (Richard Galauski), New Mexico (Charles W. Byram), North Carolina (Jean Neese), Oklahoma (Craig Massey), Pennsylvania (Gerald Panto), South Carolina (JoAnn Korleski), Tennessee (Ben Dozier), Texas (Kennedy Kraatz), Virginia (James Graham), Washington, D.C. (Jessica Honigberg)
ConocoPhillips (28 states)	Alabama (Annie Smith), Arizona (Christopher Payne), Arkansas (Charles Jones), California (John Telles), Delaware (James Jarvis), Florida (Richard Patrick), Georgia (Wendell Hicks), Indiana (Victor Ruybalid), Kansas (Matthew Cook), Kentucky (Lisa McBride), Louisiana (Dawn Lalor), Maryland (Raphael Sagalyn), Mississippi (Dennis Mann), Missouri (Brent Donaldson), Nevada (Scott Campbell), New Jersey (Richard Galauski), New Mexico (Charles W. Byram), North Carolina

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	(Jean Neese), Oklahoma (Kristy Mott), Oregon (Shonna Butler), Pennsylvania (Gerald Panto), South Carolina (JoAnn Korleski), Tennessee (Mark Scrivner), Texas (Michael Warner), Utah (Sara Terry), Virginia (James Graham), Washington, D.C. (Jessica Honigberg), Guam (Edgar Paz)
Dansk (1 state)	California (Phyllis Lerner and Herb Glazer)
ExxonMobil (28 states)	Alabama (Rayshaun Glanton), Arizona (Christopher Payne), Arkansas (Michael Gauthraux), California (Mark Wyatt), Delaware (Garland Williams), Florida (Richard Patrick), Georgia (Carl Rittenhouse), Indiana (Victor Ruybalid), Kentucky (Lisa McBride), Louisiana (Dawn Lalor), Maryland (Raphael Sagalyn), Mississippi (Rayshaun Glanton), Missouri (Sam Baylard), Nevada (Tia Gomez), New Jersey (Richard Galauski), New Mexico (Charles W. Byram), North Carolina (Jean Neese), Oklahoma (Bobby Roberson), Oregon (Shonna Butler), Pennsylvania (Gerald Panto), South Carolina (JoAnn Korleski), Tennessee (James Cockrell), Texas (Clinton Davis), Utah (Sam Hotchkiss), Virginia (James Graham), Virgin Islands (Marvin Bryan), District of Columbia (Jessica Honigberg), Guam (Edgar Paz)
E-Z Mart Stores (2 states)	Arkansas (Charles Jones), Oklahoma (Bobby Roberson)
G&M (1 state)	California (Steven Ruben)
Love's (2 states)	Georgia (Carl Rittenhouse), Oklahoma (Bobby Roberson)
MM Fowler (1 state)	North Carolina (Jean Neese)
Sam's (25 states)	Alabama (Annie Smith), Arizona (Christopher Payne), Arkansas (Michael Gauthraux), California (Barbara Cumbo), Delaware (Anna Legates), Florida (Mara Redstone), Georgia (Steve Rutherford), Indiana (Victor Ruybalid), Kansas (Zach Wilson), Kentucky (Lisa McBride), Louisiana (Dawn Lalor), Maryland (Andrea Frayser), Mississippi (J.C. Wash), Missouri (Brent Donaldson), Nevada (Scott Campbell), New Jersey (Richard Galauski), New Mexico (Charles W. Byram), North Carolina (Jean Neese), Oklahoma (Hadley Bower), Pennsylvania (Gerald Panto), South Carolina (JoAnn Korleski), Tennessee (William Rutherford), Texas (Priscilla Craft), Utah (Sam Hotchkiss), Virginia (James Graham).
Shell (27 states)	Alabama (Annie Smith), Arizona (Christopher Payne), Arkansas (Michael Gauthraux), California (Fred Aguirre), Delaware (Garland Williams), Florida (Richard Patrick), Georgia (Melvin Ellison), Indiana (Victor Ruybalid), Kansas (Zach Wilson), Kentucky (Lisa McBride), Louisiana (Dawn Lalor), Maryland (Raphael Sagalyn), Mississippi (Annie Smith), Missouri (Brent Donaldson), Nevada (Scott Campbell), New Jersey (Richard Galauski), New Mexico (Charles W. Byram), North Carolina (Cecil Wilkins), Oklahoma (Heartland Landscape Group), Oregon (Shonna Butler), Pennsylvania (Gerald Panto), South Carolina (JoAnn Korleski), Tennessee (Jonathan Charles Colin),

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	Texas (Lisa Ann Lee), Utah (Jacob Steed), Virginia (James Graham), District of Columbia (Jessica Honigberg)
Sinclair (11 states)	Arizona (Christopher Payne), Arkansas (Michael Gauthreaux), Kansas (Zach Wilson), Mississippi (Dennis Mann), Missouri (Sam Baylard), Nevada (Tia Gomez), New Mexico (Charles W. Byram), Oklahoma (Bobby Roberson), Oregon (Shonna Butler), Texas (Priscilla Craft), Utah (Jeff Jenkins)
Sunoco (R&M) (6 states)	Indiana (Victor Ruybalid), Maryland (Raphael Sagalyn), New Jersey (Richard Galauski), Pennsylvania (Gerald Panto), South Carolina (JoAnn Korleski), Virginia (James Graham)
Tesoro (2 states)	Nevada (Tia Gomez), Utah (Jacob Steed)
Thorntons (1 state)	Kentucky (Lisa McBride)
United El Segundo (1 state)	California (Max Candiotty)
Valero (24 states)	Alabama (Dennis Mann), Arizona (Jim Anliker), Arkansas (Charles Jones), California (John Telles), Delaware (Joy Howell) Florida (Mara Redstone), Georgia (Brent Crawford), Indiana (Victor Ruybalid), Kansas (Matthew Cook), Kentucky (Lisa McBride), Louisiana (Dawn Lalor), Maryland (Andrea Frayser), Mississippi (Team Trucking), Missouri (Sam Baylard), Nevada (Tia Gomez), New Jersey (Richard Galauski), New Mexico (Charles W. Byram), North Carolina (Jean Neese), Oklahoma (Hadley Bower), Pennsylvania (Gerald Panto), South Carolina (JoAnn Korleski), Tennessee (Tamara Miller), Texas (Melissa Murray), Virginia (James Graham)
World Oil (1 state)	California (Barbara Cumbo)
B-B Oil, Coulson, Diamond State, Flash Market, J&P Flash, Magness, Port Cities, W.R. Hess (each 1 state)	Arkansas (Charles Jones, Michael Gauthreaux)

## IF YOU DO NOTHING

### 7. WHAT HAPPENS IF I DO NOTHING?

If you do nothing, you will be included in the class(es) for which you meet the requirements. You will be bound by the Settlements if they are finally approved by the Court. If you do nothing, you will not be able to sue the Companies on your own for the same legal claims that are resolved by the Settlements, and will not be able to sue CUSA for the legal claims resolved by the Court's summary judgment order in the California Cases, or sue the *Lerner* Defendants for the legal claims resolved by the Court's summary judgment order in *Lerner*.

If you want to pursue any claim related to the issues in this case on your own and at your own expense against any of the Companies, you may need to exclude yourself ("opt out") from the Settlements.

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## EXCLUDING YOURSELF FROM THE SETTLEMENT

### 8. WHY WOULD I ASK TO BE EXCLUDED (OPT OUT)?

You would ask to be excluded if you want to keep your right to pursue your own individual lawsuit against one or more of the Companies relating to the issues in the lawsuits. If you choose to opt out, you will be able to sue the Companies on your own and you will not be bound by any of the Settlements.

### 9. HOW DO I OPT OUT FROM ONE OR MORE OF THE CLASSES?

To exclude yourself from one or more of the Settlement Classes, you must do one of the following: (1) go to [www.HotFuelSettlements.com](http://www.HotFuelSettlements.com) and follow the directions for how to fill out and submit the Opt-Out Form electronically; (2) download and print out the Opt-Out Form from the website, fill it out and sign it, and send it by first class mail to: Hot Fuel Settlement Opt Out, c/o Dahl Administration, PO Box 3614, Minneapolis, MN 55403-0614; (3) email the completed and signed Opt-Out Form to [mail@HotFuelSettlements.com](mailto:mail@HotFuelSettlements.com); or (4) mail or email a request for exclusion that includes your full name (and business name, if applicable), mailing address, email address, signature (or an electronic signature consisting of “/s/” plus your typed name), and the following statement: “I request that I be excluded from the Settlement Class in In re: Motor Fuel Temperature Sales Practices Litigation, MDL Docket No. 1840, for the following Settlement(s): \_\_\_\_\_.” You must fill in the blank with the names of the Companies from whose Settlements you wish to be excluded.

**REQUESTS FOR EXCLUSION THAT ARE NOT POSTMARKED ON OR BEFORE MARCH 23, 2015, OR ARE NOT SUBMITTED ELECTRONICALLY ON OR BEFORE 11:59 PM ON MARCH 23, 2015, WILL NOT BE HONORED.**

### 10. IF I DON'T EXCLUDE MYSELF, CAN I SUE FOR THE SAME THING LATER?

No. Unless you exclude yourself, if the Court approves the Settlements you will lose your right to sue the Companies for relief arising from the claims that are resolved by the Settlements.

## OBJECTING TO THE SETTLEMENT(S)

### 11. HOW DO I OBJECT TO THE SETTLEMENT(S)?

You can object to any of the Settlements for which you are a class member. Submitting an objection gives you the chance to tell the Court why you think the Court should not approve the Settlement(s), but will not exclude you from any Settlements. To object, you must send a letter via first class mail stating which Settlement(s) you object to and why. Be sure to include your name, address, telephone number, and signature. You must mail the objection to these three different places no later than March 23, 2015:

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Court	Class Counsel	Defense Counsel
Clerk of the Court United States District Court for the District of Kansas 500 State Ave. Kansas City, KS 66101	Robert A. Horn Horn Aylward & Bandy, LLC 2600 Grand Blvd., Suite 1100 Kansas City, MO 64108	Martin M. Loring Husch Blackwell LLP 4801 Main Street, Suite 1000 Kansas City, MO 64112 and Daniel B. Hodes Rouse Hendricks German May PC 1201 Walnut, Suite 2000 Kansas City, MO 64106

**OBJECTIONS THAT ARE NOT POSTMARKED ON OR BEFORE MARCH 23, 2015, WILL NOT BE HONORED.**

### THE LAWYERS REPRESENTING YOU

#### 12. DO I HAVE A LAWYER IN THE CASE?

Yes, unless you exclude yourself from the class(es). The Court decided that Robert Horn (Horn, Aylward & Bandy, LLC), Tom Girardi (Girardi Keese), George Zelcs (Korein Tillery LLC), and Tom Bender (Walters, Bender, Strohhahn & Vaughan) are qualified to represent the members of the classes. Together, the lawyers are called “Class Counsel.” You will not be charged by these lawyers for their work on the case. If you want to be represented by your own lawyer, you may hire one at your own expense.

#### 13. HOW WILL THE LAWYERS AND CLASS REPRESENTATIVES BE PAID?

Class Counsel will ask the Court to approve payment of attorneys’ fees and litigation costs. For the 24 Settlements that involve the payment of funds to offset the costs of ATC conversion or regulation, creation of funds, Class Counsel may apply for payment of attorneys’ fees and litigation costs up to 30% of the value of the funds. Thus, for example, for BP, CUSA, CITGO, ConocoPhillips, ExxonMobil, Shell, Sinclair, and the *Lerner* Defendants, the maximum amount in attorney’s fees and litigation costs from each of these Settlements is:

Company	Amount (\$)
BP	1.5 million
CUSA	600,000
CITGO	240,000
ConocoPhillips	1.5 million
ExxonMobil	1.5 million
Shell	1.5 million
Sinclair	240,000
<i>Lerner</i> Defendants	36,000

Four other Companies have agreed to pay attorneys’ fees and litigation costs approved by the Court up to the following limits:

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<b>Company</b>	<b>Amount (\$)</b>
Casey's	700,000
Dansk	58,000
Sam's Club	3 million
Valero	4 million

In addition, Class Counsel may apply to the Court for "incentive fee" awards of up to \$2,000 for the class representatives who brought the lawsuits against a Company. If a person or entity has served as a Class Representative for more than one Settlement, the maximum amount of incentive fee awards that one person or entity can receive in connection with these Settlements is \$4,000. Any incentive fee payments must be approved by the Court and will be deducted from the amount that can go to attorneys' fees and costs.

#### **14. SHOULD I GET MY OWN LAWYER?**

If you don't exclude yourself, you do not need to hire your own lawyer because Class Counsel is working on your behalf. If you want your own lawyer, you will have to pay that lawyer. You can ask that lawyer to appear in Court for you and speak on your behalf instead of Class Counsel.

#### **15. HOW IS THE COST OF PROVIDING NOTICE TO CLASS MEMBERS PAID FOR?**

The Settlements provide that a portion of the total Settlement amount may be used to pay for the costs of providing notice to class members about the Settlements (the "Notice Amounts"). The Notice Amounts to be paid by each of the Companies once the Court preliminarily approves the Settlements are as follows:

<b>Company</b>	<b>Notice Amount (\$)</b>
BP	100,000
Casey's	100,000
CUSA	125,000
CITGO	100,000
ConocoPhillips	100,000
Love's	5,000
Sam's Club	200,000
Shell	100,000
Sinclair	100,000
Valero	50,000
B-B Oil, Coulson, Diamond State, Flash Market, J&P Flash, Magness, M.M. Fowler, Port Cities, Sunoco (R&M), W.R. Hess	1,000 per Company

**QUESTIONS? CALL 1-888-384-7228 TOLL FREE, OR VISIT [WWW.HOTFUELSETTLEMENTS.COM](http://WWW.HOTFUELSETTLEMENTS.COM)  
PARA UNA NOTIFICACIÓN EN ESPAÑOL, LLAMAR O VISITAR NUESTRO WEBSITE**

## THE FAIRNESS HEARING

### 16. WHEN AND WHERE WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT?

The Court will hold a Fairness Hearing on June 9, 2015, at 9:30 a.m., at the United States District Court for the District of Kansas, 500 State Ave., Kansas City, KS 66101. At this hearing the Court will consider whether the Settlements are fair, reasonable, and adequate. If there are objections, the Court will consider them. The judge in the case, Judge Vratil, will listen to people who have asked to speak at the hearing. The Court may also decide how much to pay to Class Counsel. After the hearing, the Court will decide whether to approve each of the Settlements. It is not known how long these decisions will take.

### 17. DO I HAVE TO COME TO THE HEARING?

No. Class Counsel will answer questions the Court may have. But, you are welcome to come at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

### 18. MAY I SPEAK AT THE HEARING?

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your "Notice of Intention to Appear in In re: Motor Fuel Temperature Sales Practices Litigation, MDL Docket No. 1840." Be sure to include your name, address, telephone number, and your signature. Your Notice of Intention to Appear must be postmarked no later than March 23, 2015, and must be sent to the Clerk of the Court, Class Counsel, and Defense Counsel, at the three addresses in Question 11. You cannot speak at the hearing if you excluded yourself.

## GETTING MORE INFORMATION

### 19. ARE THERE MORE DETAILS ABOUT THIS LAWSUIT?

Information regarding the Settlements is also available at the Court's website, <http://www.ksd.uscourts.gov/motor-fuel-temperature-sales-practices-litigation/>.

### 20. HOW CAN I LEARN MORE?

If you have additional questions about the Settlements and the case, you can go to [www.HotFuelSettlements.com](http://www.HotFuelSettlements.com), call 1-888-384-7228, or email [mail@HotFuelSettlements.com](mailto:mail@HotFuelSettlements.com). You can also write to the Hot Fuel Notice Administrator, c/o Dahl Administration, PO Box 3614, Minneapolis, MN 55403-0614.

**QUESTIONS? CALL 1-888-384-7228 TOLL FREE, OR VISIT [WWW.HOTFUELSETTLEMENTS.COM](http://WWW.HOTFUELSETTLEMENTS.COM)  
PARA UNA NOTIFICACIÓN EN ESPAÑOL, LLAMAR O VISITAR NUESTRO WEBSITE**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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SECOND MOTION FOR AWARD OF ATTORNEYS' FEES, EXPENSES, AND  
CLASS REPRESENTATIVE INCENTIVE AWARDS

Exhibit 4A

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases.) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO

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DECLARATION OF FRED AGUIRRE

I, Fred Aguirre, hereby state as follows:

1. I am of lawful age and hereby make the following declaration based upon my personal knowledge.
2. I am the named plaintiff in the case called *Rushing, et al. v. Alon USA, Inc., et al.*, Case No. 2:07-cv-02300, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that settlements have been reached with Citgo Petroleum Corporation ("Citgo"), and Equilon Enterprises, LLC d/b/a Shell Oil Products US and Motiva Enterprises, Inc. (Collectively "Shell"), and that approval of those settlements are now being sought in this Court.
4. I understand that for purposes of the Citgo and Shell settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:  
  
All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of California from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlements.

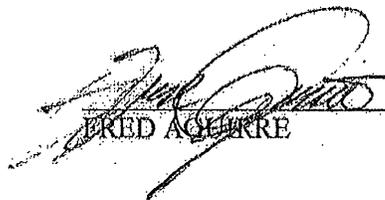
8. I have participated in this litigation since 2007. My lawsuit was filed on or about March 16, 2007.

9. Over the course of these proceedings, I have expended approximately 90 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER DECLARANT SAYETH NOT.

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

Executed on November 04, 2013

  
FRED AGUIRRE

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF JIM ANLIKER

I, Jim Anliker, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Payne, et al v. Chevron USA, Inc., et al*, Case No. 2:07-cv-02366, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that settlements have been reached with BP Products North America, Inc., and BP West Coast Products, LLC (collectively, "BP"), and Valero Marketing and Supply Company ("Valero"), and that approval of those settlements are now being sought in this Court.
4. I understand that for purposes of the Valero settlement, I am the proposed class representative for subclass related to the settlement that is defined as:  
  
All persons and entities who, at any time during the period from January 1, 2001 to the date of Approval of the Agreement, purchased Retail Motor Fuel in a State at issue from a retail motor fuel Station that is or was owned, operated, or branded by Valero Releasees, excluding: officers and employees of Valero or its affiliates and the court, and members of the Court's immediate family.
5. I understand that for purposes of the BP settlement, I am the proposed class representative for subclass related to the settlement that is defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Arizona from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

6. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

7. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

8. I also understand that class representative incentive awards have been requested as part of the settlements.

9. I have participated in this litigation since April 2007. My lawsuit was filed on or about May 11, 2007.

10. Over the course of these proceedings, I have expended approximately 75 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

*James R. Anderson*

Subscribed and sworn to before me this 7<sup>th</sup> day of May, 2015.

*Jennine Warburton*  
NOTARY PUBLIC  
My Commission Expires:



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF SAMANTHA BAYLARD

I, Samantha Baylard, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Donaldson, et al. v. BP Corp, et al.*, Case No. 2:07-cv-02280, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that settlements have been reached with BP Products North America, Inc., and BP West Coast Products, LLC (collectively, "BP"), Citgo Petroleum Corporation ("Citgo"), ExxonMobil Corporation ("Exxon"), Sinclair Oil Corporation ("Sinclair"), and Valero Marketing and Supply Company ("Valero"), and that approval of those settlements are now being sought in this Court.
4. I understand that for purposes of the BP, Citgo, Exxon, and Sinclair settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Missouri from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand that for purposes of the Valero settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of Approval of the Agreement, purchased Retail Motor Fuel in a State at issue from a retail motor fuel Station that is or was owned, operated, or branded by Valero Releasees, excluding: officers and employees of Valero or its affiliates and the court, and members of the Court's immediate family.

6. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

7. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

8. I also understand that class representative incentive awards have been requested as part of the settlements.

9. I have participated in this litigation since April 2007. My lawsuit was filed on or about April 2007.

10. Over the course of these proceedings, I have expended approximately 20 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

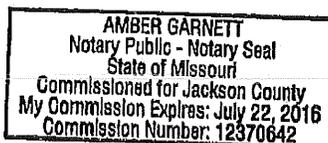
Samantha J. Baylard - Kalkowski

Subscribed and sworn to before me this 12<sup>th</sup> day of October, 2013.

Amber Garnett

NOTARY PUBLIC

My Commission Expires:



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF DEBRA BERG

I, Debra Berg, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Kohut, et al. v. Chevron, et al.*, Case No. 2:07-cv-02371, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Citgo Petroleum Corporation (“Citgo”), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the Citgo settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:  
  
All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Nevada from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 2007. My lawsuit was filed on or about March 2007.

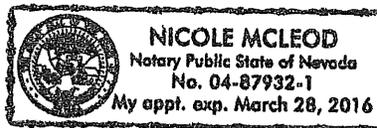
9. Over the course of these proceedings, I have expended approximately 10 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Debra Berg

Subscribed and sworn to before me this 7<sup>th</sup> day of October, 2013.

[Signature]  
NOTARY PUBLIC  
My Commission Expires: 3/28/16



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF HADLEY BOWER

I, Hadley Bower, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Bower, et al. v. 7-Eleven, et al.*, Case No. 2:07-cv-02430, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that settlements have been reached with Sam's East, Inc., Sam's West, Inc., and Wal-Mart Stores, LP (Collectively "Sam's"), and Valero Marketing and Supply Company ("Valero"), and that approval of those settlements are now being sought in this Court.

4. I understand that for purposes of the Sam's settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons who, between January 1, 2001 and the date of preliminary approval of this Agreement, purchased motor fuel from Sam's in the State of Oklahoma, excluding: (a) officers and employees of Sam's or its affiliates; and (b) the Court, and members of the Court's immediate family.

5. I understand that for purposes of the Valero settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

to the date of Approval of the Agreement, purchased retail motor fuel in a state at issue from a retail motor fuel Station that is or was owned, operated, or branded by Valero Releasees, excluding: officers and employees of Valero or its affiliates and the court, and members of the Court's immediate family.

6. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

7. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

8. I also understand that class representative incentive awards have been requested as part of the settlements.

9. I have participated in this litigation since June 29, 2007 My lawsuit was filed on or about July 1, 2007

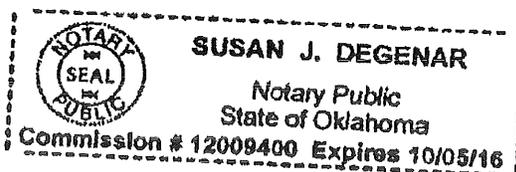
10. Over the course of these proceedings, I have expended approximately 225 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Hadley L Bower

Subscribed and sworn to before me this 17 day of October, 2013.

Susan J. Degenar  
NOTARY PUBLIC  
My Commission Expires:



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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DECLARATION OF WILLIAM BOYD

I, William Boyd, hereby state as follows:

1. I am of lawful age and hereby make the following declaration based upon my personal knowledge.
2. I am the named plaintiff in the case called *Rushing, et al. v. Alon USA, Inc., et al.*, Case No. 2:07-cv-02300, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with BP Products North America, Inc., and BP West Coast Products, LLC (collectively, "BP"), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the BP settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:  
  
All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of California from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

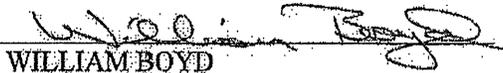
8. I have participated in this litigation since 2006. My lawsuit was filed on or about March 7, 2007.

9. Over the course of these proceedings, I have expended approximately 80 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER DECLARANT SAYETH NOT.

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

Executed on: November 5, 2013

  
WILLIAM BOYD

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF MARVIN BRYAN

I, Marvin Bryan, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Bryan v. Esso Virgin Islands, Inc., et al*, Case No. 2:08-cv-02517, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with ExxonMobil Corporation (“Exxon”), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the Exxon settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:  
  
All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the Territory of the Virgin Islands from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 2008. My lawsuit was filed on or about May 13, 2008.

9. Over the course of these proceedings, I have expended approximately 50 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Maurice Byrd

Subscribed and sworn to before me this 4 day of October, 2013.

A. Jeffrey Weiss  
NOTARY PUBLIC

My Commission Expires:

**A. JEFFREY WEISS**  
Notary Public, STT/STJ  
Qualified in US, Virgin Islands  
Commission No. LNP 026-10  
Commission Expires: September 21, 2014

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

AFFIDAVIT OF SHONNA BUTLER

I, Shonna Butler, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Butler v. Exxon Mobil, et al.*, Case No. 2:07-cv-02378, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that settlements have been reached with BP Products North America, Inc., and BP West Coast Products, LLC (collectively, "BP"), ConocoPhillips Company ("COP"), ExxonMobil Corporation ("Exxon"), Equilon Enterprises, LLC D/B/A Shell Oil Products US and Motiva Enterprises, Inc. (Collectively "Shell"), and Sinclair Oil Corporation ("Sinclair"), and that approval of those settlements are now being sought in this Court.

4. I understand that for purposes of the BP, COP, Exxon, Shell, and Sinclair settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Oregon from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlements.

8. I have participated in this litigation since 3/9/07. My lawsuit was filed on or about 3/30/07.

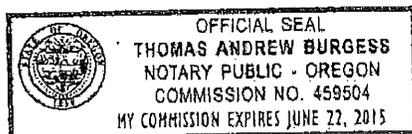
9. Over the course of these proceedings, I have expended approximately 60 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Shonna S. Butler

Subscribed and sworn to before me this 25<sup>th</sup> day of October, 2013.

Andrew Burgess  
NOTARY PUBLIC  
My Commission Expires:



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF SAMANTHA BAYLARD

I, Samantha Baylard, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Donaldson, et al. v. BP Corp, et al.*, Case No. 2:07-cv-02280, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Chevron USA, Inc., and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the settlement, I am the proposed class representative for subclass that is defined as:  
  
All persons and entities who, at any time during the period January 1, 2004, to the date of preliminary approval of this Settlement Agreement, purchased motor fuel at retail in the State of Missouri, from a gas station owned, operated, or controlled by the Settling Defendant. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since April 2007. My lawsuit was filed on or about April 2007.

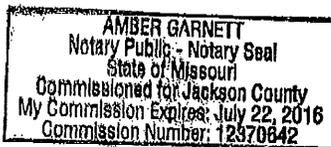
9. Over the course of these proceedings, I have expended approximately 120 total hours of my time actively working on this case, including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Samantha Baylard

Subscribed and sworn to before me this 7<sup>th</sup> day of November, 2013.

Amber Garnett  
NOTARY PUBLIC  
My Commission Expires:



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF MARVIN BRYAN

I, Marvin Bryan, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Bryan v. Esso Virgin Islands, Inc., et al*, Case No. 2:08-cv-02517, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Chevron USA, Inc., and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the settlement, I am the proposed class representative for subclass that is defined as:  
  
All persons and entities who, at any time during the period January 1, 2004, to the date of preliminary approval of this Settlement Agreement, purchased motor fuel at retail in the Virgin Islands, from a gas station owned, operated, or controlled by the Settling Defendant. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 2008. My lawsuit was filed on or about May 13, 2008.

9. Over the course of these proceedings, I have expended approximately 50 total hours of my time actively working on this case, including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.



Subscribed and sworn to before me this 13 day of December, 2013.

  
NOTARY PUBLIC  
My Commission Expires:  
**A. JEFFERY WEISS**  
Notary Public, STT/STJ  
Qualified in US, Virgin Islands  
Commission No. LNP 026-10  
Commission Expires: September 21, 2014

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF SHONNA BUTLER

I, Shonna Butler, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Butler v. Exxon Mobil, et al.*, Case No. 2:07-cv-02378, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Chevron USA, Inc., and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the settlement, I am the proposed class representative for subclass that is defined as:  
  
All persons and entities who, at any time during the period January 1, 2004, to the date of preliminary approval of this Settlement Agreement, purchased motor fuel at retail in the State of Oregon, from a gas station owned, operated, or controlled by the Settling Defendant. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since March 9, 2007. My lawsuit was filed on or about March 30, 2007.

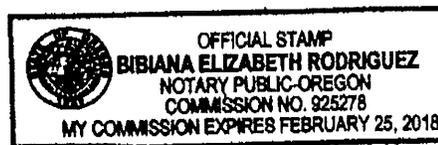
9. Over the course of these proceedings, I have expended approximately 180 total hours of my time actively working on this case, including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Shenna S. Butts

Subscribed and sworn to before me this 24<sup>th</sup> day of March, 2013.2014.

Bibiana  
NOTARY PUBLIC  
My Commission Expires: February 25, 2018



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF CHARLES W. BYRAM

I, Charles W. Byram, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Barker, et al. v. Chevron, et al.*, Case No. 2:07-cv-02345, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that settlements have been reached with Citgo Petroleum Corporation (“Citgo”), ConocoPhillips Company (“COP”), ExxonMobil Corporation (“Exxon”), Sam’s East, Inc., Sam’s West, Inc., and Wal-Mart Stores, LP (Collectively “Sam’s”), Equilon Enterprises, LLC D/B/A Shell Oil Products US and Motiva Enterprises, Inc. (Collectively “Shell”), Sinclair Oil Corporation (“Sinclair”), and Valero Marketing and Supply Company (“Valero”), and that approval of those settlements are now being sought in this Court.
4. I understand that for purposes of the Citgo, COP, Exxon, Shell, and Sinclair settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of New Mexico from a retail motor fuel station.

6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since March of 2007. My lawsuit was filed on or about March 27, 2007.

9. Over the course of these proceedings, I have expended approximately 25 total hours of my time actively working on this case, including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

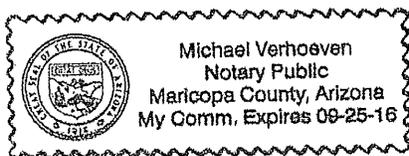
FURTHER AFFIANT SAYETH NOT.



Subscribed and sworn to before me this 7 day of November, 2013.



NOTARY PUBLIC  
My Commission Expires:



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF CHARLES W. BYRAM

I, Charles W. Byram, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Barker, et al. v. Chevron, et al.*, Case No. 2:07-cv-02345, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Chevron USA, Inc., and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the settlement, I am the proposed class representative for subclass that is defined as:  
  
All persons and entities who, at any time during the period January 1, 2004, to the date of preliminary approval of this Settlement Agreement, purchased motor fuel at retail in the State of New Mexico, from a gas station owned, operated, or controlled by the Settling Defendant. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand that for purposes of the Sam's settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons who, between January 1, 2001 and the date of preliminary approval of this Agreement, purchased motor fuel from Sam's in the State of New Mexico, excluding: (a) officers and employees of Sam's or its affiliates; and (b) the Court, and members of the Court's immediate family.

6. I understand that for purposes of the Valero settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of Approval of the Agreement, purchased Retail Motor Fuel in a State at issue from a retail motor fuel Station that is or was owned, operated, or branded by Valero Releasees, excluding: officers and employees of Valero or its affiliates and the court, and members of the Court's immediate family.

7. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

8. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

9. I also understand that class representative incentive awards have been requested as part of the settlements.

10. I have participated in this litigation since March of 2007. My lawsuit was filed on or about March 27, 2007.

11. Over the course of these proceedings, I have expended approximately 25 total hours of my time actively working on this case. Including time spent preparing for my

deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

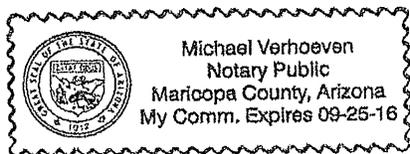
Chen W. Byon

Subscribed and sworn to before me this 7 day of November, 2013.

Michael Verhoeven

NOTARY PUBLIC

My Commission Expires:



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF SCOTT CAMPBELL

I, Scott Campbell, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Kohut, et al. v. Chevron, et al.*, Case No. 2:07-cv-02371, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that settlements have been reached with ConocoPhillips Company (“COP”), Sam’s East, Inc., Sam’s West, Inc., and Wal-Mart Stores, LP (Collectively “Sam’s”), and Equilon Enterprises, LLC D/B/A Shell Oil Products US and Motiva Enterprises, Inc. (Collectively “Shell”), and that approval of those settlements are now being sought in this Court.
4. I understand that for purposes of the COP, and Shell settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:  
  
All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Nevada from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand that for purposes of the Sam’s settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons who, between January 1, 2001 and the date of preliminary approval of this Agreement, purchased motor fuel from Sam's in the State of Nevada, excluding: (a) officers and employees of Sam's or its affiliates; and (b) the Court, and members of the Court's immediate family.

6. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

7. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

8. I also understand that class representative incentive awards have been requested as part of the settlements.

9. I have participated in this litigation since 2007. My lawsuit was filed on or about March 6, 2007

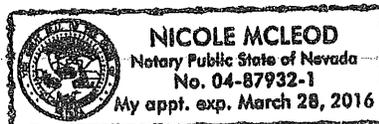
10. Over the course of these proceedings, I have expended approximately 35 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

*Scott A. Capell*

Subscribed and sworn to before me this 20<sup>th</sup> day of September, 2013.

*Nicole McLeod*  
NOTARY PUBLIC  
My Commission Expires: 3/28/16



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF MAX CANDIOTTI

I, Max Candiotti, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am one of the named plaintiffs in the case called *Lerner, et al. v. Costco, et al.*, Case No. 2:07-cv-02405, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with United El Segundo, Inc. (“United”), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the United settlement, I am the proposed class representative for subclass related to United Settlement that is defined as:  
  
All Persons who, at any time during the Relevant time Period, purchased motor fuel at retail in the State of California from a gas station that United owns or operates or has owned or operated.
5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.
6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since Feb. 07. My lawsuit was filed on or about Feb. 22, 2007.

9. Over the course of these proceedings, I have expended approximately 7 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

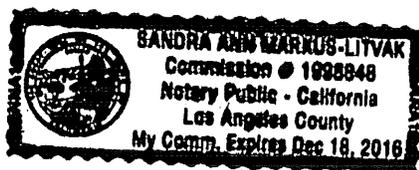
Max Cantor

Subscribed and sworn to before me this 27 day of March, 2014.

Sandra Ann Markus-Litvak

NOTARY PUBLIC

My Commission Expires:



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Los Angeles

On 3.27.2014

Date

before me,

Sandra Ann MARKUS-LITVAK, Notary Public

Here Insert Name and Title of the Officer

personally appeared

MAX Candiotti

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

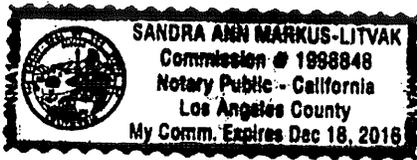
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Sandra Ann Markus-Litvak

Signature of Notary Public



Place Notary Seal Above

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**

Title or Type of Document:

Affidavit of Max Candiotti

Document Date:

3.27.14

Number of Pages:

Signer(s) Other Than Named Above:

**Capacity(ies) Claimed by Signer(s)**

Signer's Name:

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

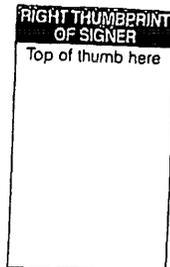
Signer Is Representing: \_\_\_\_\_



Signer's Name:

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO**

**AFFIDAVIT OF BETTY CHERRY**

I, Betty Cherry, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Wash, et al. v. Chevron, et al.*, Case No. 2:07-cv-02361, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Sinclair Oil Corporation ("Sinclair"), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the Sinclair settlement, I am the proposed class representative for subclass related to all settlements that is defined as:  
  
All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Mississippi from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since November 7, 2013. I was added as a named Plaintiff to the *Wash* complaint on February 6, 2014.

9. Over the course of these proceedings, I have expended approximately 5 to 10 total hours of my time actively working on this case, including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

*Betty Cherry*  
BETTY CHERRY

Subscribed and sworn to before me this 23rd day of March, 2015.

*Tracy Taylor*  
NOTARY PUBLIC  
My Commission Expires:



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF CHARLES COCKRELL, JR.

I, Charles Cockrell, Jr., hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Shields, et al. v. RaceTrac Petroleum, et al.*, Case No. 2:07-cv-02416, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with ExxonMobil Corporation (“Exxon”), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the Exxon settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:  
  
All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Tennessee from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 7/1/07. My lawsuit was filed on or about 7/13/07.

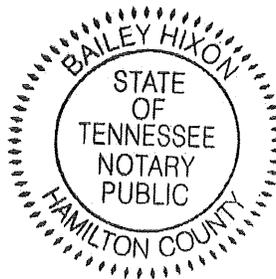
9. Over the course of these proceedings, I have expended approximately 65 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

*Charles H. Bailey*

Subscribed and sworn to before me this 17<sup>th</sup> day of October, 2013.

*Bailey H*  
NOTARY PUBLIC  
My Commission Expires: 1.22.14



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
 ) MDL No: 1840  
(This Document Relates to All Cases) )  
 ) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF JONATHAN CONLIN

I, Jonathan Conlin, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Conlin, et al. v. Chevron, et al.*, Case No. 2:07-cv-02359, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Equilon Enterprises, LLC D/B/A Shell Oil Products US and Motiva Enterprises, Inc. (Collectively "Shell"), and that

approval of this settlement is now being sought in this Court.

4. I understand that for purposes of the Shell settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Tennessee from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since March of 2007. My lawsuit was filed on or about March 20, 2007.

9. Over the course of these proceedings, I have expended approximately 25 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on

general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

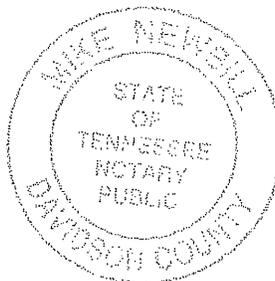
Jonathan Conklin

Subscribed and sworn to before me this 8<sup>th</sup> day of November, 2013.

Mike Newkirk

NOTARY PUBLIC

My Commission Expires: 7-6-2015



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF MATTHEW COOK

I, Matthew Cook, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *American Fiber, et al. v. BP Corp, et al.*, Case No. 2:07-cv-02053, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that settlements have been reached with BP Products North America, Inc., and BP West Coast Products, LLC (collectively, "BP"), Casey's General Stores, Inc. ("Casey's"), Citgo Petroleum Corporation ("Citgo"), ConocoPhillips Company ("COP"), and Valero Marketing and Supply Company ("Valero"), and that approval of those settlements are now being sought in this Court.
4. I understand that for purposes of the BP, Citgo, and COP settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of the Kansas from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand that for purposes of the Casey's settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons who, between January 1, 2001 and the date of preliminary approval of this Settlement Agreement, purchased motor fuel from Casey's in the State of Kansas, excluding: (a) officers and employees of Casey's or its affiliates; and (b) the Court, and members of the Court's immediate family.

6. I understand that for purposes of the Valero settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of Approval of the Agreement, purchased Retail Motor Fuel in a State at issue from a retail motor fuel Station that is or was owned, operated, or branded by Valero Releasees, excluding: officers and employees of Valero or its affiliates and the court, and members of the Court's immediate family.

7. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

8. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

9. I also understand that class representative incentive awards have been requested as part of the settlements.

10. I have participated in this litigation since April 2007 My lawsuit was filed on or about April 2007

11. Over the course of these proceedings, I have expended approximately 220 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

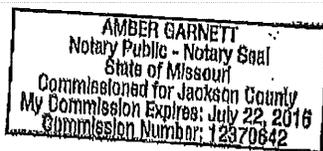
Matthew C. Cole

Subscribed and sworn to before me this 11 day of October, 2013.

Amber Garnett

NOTARY PUBLIC

My Commission Expires:



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF PRISCILLA CRAFT

I, Priscilla Craft, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am a named plaintiff in the case called *Craft v. The Kroger Co., et al.*, Case No. 02:07-cv-02360. I understand that this case has been incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that settlements have been reached with BP Products North America, Inc. and BP West Coast Products, LLC (Collectively "BP"), Sam's East, Inc., Sam's West, Inc., and Wal-Mart Stores, LP (Collectively "Sam's") and Sinclair Oil Corporation ("Sinclair"), and that approval of those settlements are now being sought in this Court.
4. I understand that for purposes of the BP and Sinclair settlements, I am the proposed class representative for a subclass that is defined as:  
  
All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Texas from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand that for purposes of the Sam's settlement, I am the proposed class representative for subclass related to the settlement that is defined as:

All persons who, between January 1, 2001 and the date of preliminary approval of this Agreement, purchased motor fuel from Sam's in the State of Texas excluding: (a) officers and employees of Sam's or its affiliates; and (b) the Court, and members of the Court's immediate family.

6. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

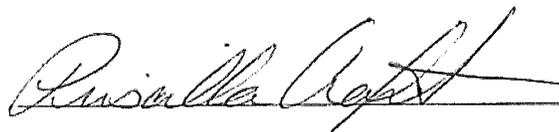
7. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

8. I also understand that class representative incentive awards have been requested as part of the settlements.

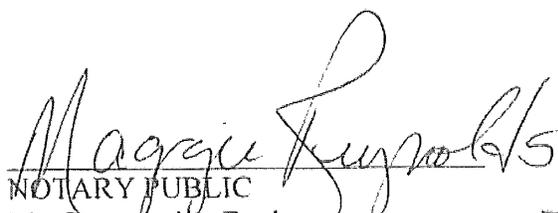
9. I have participated in this litigation since April 23, 2007. My lawsuit was filed on or about May 7, 2007.

10. Over the course of these proceedings, I have expended approximately 75 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.



Subscribed and sworn to before me this 23rd day of July, 2012.

  
NOTARY PUBLIC  
My Commission Expires:



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF BRENT CRAWFORD

I, Brent Crawford, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Rutherford, et al. v. Murphy Oil, et al.*, Case No. 2:07-cv-02389, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Valero Marketing and Supply Company (“Valero”), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the Valero settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:  
  
All persons and entities who, at any time during the period from January 1, 2001 to the date of Approval of the Agreement, purchased Retail Motor Fuel in a State at issue from a retail motor fuel Station that is or was owned, operated, or branded by Valero Releasees, excluding: officers and employees of Valero or its affiliates and the court, and members of the Court’s immediate family.
5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 05/30/2007. My lawsuit was filed on or about 06/05/2007.

9. Over the course of these proceedings, I have expended approximately 65 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Brent Crawford

Subscribed and sworn to before me this 22<sup>nd</sup> day of October, 2013.

Cheryl G. Crick  
NOTARY PUBLIC  
My Commission Expires: 06/13/2014



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF BARBARA CUMBO

I, Barbara Cumbo, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Lerner, et al. v. Costco, et al.*, Case No. 2:07-cv-02405, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Sam's East, Inc., Sam's West, Inc., and Wal-Mart Stores, LP (Collectively "Sam's"), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the Sam's settlement, I am the proposed class representative for subclass related to Sam's Settlement that are defined as:  
  
All persons who, between January 1, 2001 and the date of preliminary approval of this Agreement, purchased motor fuel from Sam's in the State of California, excluding: (a) officers and employees of Sam's or its affiliates; and (b) the Court, and members of the Court's immediate family.
5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since Feb. My lawsuit was filed on or about Feb 22, 2007.

9. Over the course of these proceedings, I have expended approximately 47 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Barbara Cumbo

Subscribed and sworn to before me this 6 day of October, 2013.

Sandra Ann Markus-Litvak

NOTARY PUBLIC  
My Commission Expires;  
December 18, 2016



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of San Angeles }

On 10-6-2013

Date

before me, SANDRA ANN MARKUS-LITVAK

Here Insert Name and Title of the Officer

personally appeared BARBARA Cumbo

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)/is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Sandra Ann Markus-Litvak

Signature of Notary Public



Place Notary Seal Above

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**

Title or Type of Document: AFFIDAVIT OF BARBARA Cumbo

Document Date: 10-6-2013

Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF BARBARA CUMBO

I, Barbara Cumbo, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am one of the named plaintiffs in the case called *Lerner, et al. v. Costco, et al.*, Case No. 2:07-cv-02405, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with World Oil Corp. ("World"), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the World settlement, I am the proposed class representative for subclass related to the World Settlement that is defined as:  
  
All persons who, at any time during the Relevant Time Period, purchased motor fuel at retail in the State of California from a gas station that World owns or operates or has owned or operated.
5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.
6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since February, 2007. My lawsuit was filed on or about February 22, 2007.

9. Over the course of these proceedings, I have expended approximately 287 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

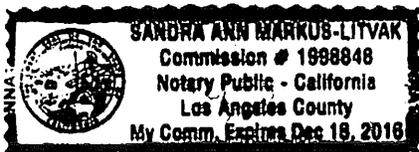
FURTHER AFFIANT SAYETH NOT.

Barbara M. Cunto

Subscribed and sworn to before me this 28 day of March, 2014.

Sandra Ann Markus-Litvak,  
NOTARY PUBLIC *notary public*

My Commission Expires:



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Los Angeles

On 03-28-2014 before me, SANDRA ANN MARKUS-LITVAK, notary public

personally appeared Barbara M. Cumbo

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

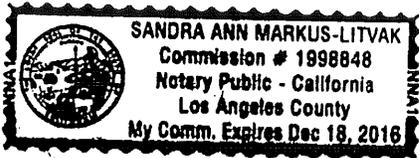
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

Sandra Ann Markus-Litvak

Signature of Notary Public



Place Notary Seal Above

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**

Title or Type of Document: Affidavit of Barbara Cumbo

Document Date: 03-28-2014

Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

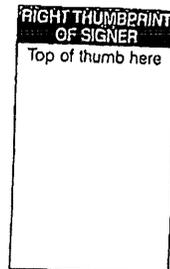
- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF CLINTON DAVIS

I, Clinton Davis, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Couch, et al. v. BP Products, et al.*, Case No. 2:07-cv-02397, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with ExxonMobil Corporation (“Exxon”), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the Exxon settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:  
  
All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Texas from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 2007. My lawsuit was filed on or about 7/2007.

9. Over the course of these proceedings, I have expended approximately 15 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

*Anten Davis*

Subscribed and sworn to before me this 30<sup>th</sup> day of September, 2013.

*Diane Russ*  
NOTARY PUBLIC  
My Commission Expires: 5-5-15



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF BRENT DONALDSON

I, Brent Donaldson, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Donaldson, et al. v. BP Corp, et al.*, Case No. 2:07-cv-02280, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that settlements have been reached with Casey’s General Stores, Inc. (“Casey’s”), ConocoPhillips Company (“COP”), Sam’s East, Inc., Sam’s West, Inc., and Wal-Mart Stores, LP (Collectively “Sam’s”), and Equilon Enterprises, LLC D/B/A Shell Oil Products US and Motiva Enterprises, Inc. (Collectively “Shell”), and that approval of those settlements are now being sought in this Court.
4. I understand that for purposes of the COP, and Shell settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Missouri from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand that for purposes of the Casey's settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons who, between January 1, 2001 and the date of preliminary approval of this Settlement Agreement, purchased motor fuel from Casey's in the State of Missouri, excluding: (a) officers and employees of Casey's or its affiliates; and (b) the Court, and members of the Court's immediate family.

6. I understand that for purposes of the Sam's settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons who, between January 1, 2001 and the date of preliminary approval of this Agreement, purchased motor fuel from Sam's in the State of Missouri, excluding: (a) officers and employees of Sam's or its affiliates; and (b) the Court, and members of the Court's immediate family.

7. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

8. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

9. I also understand that class representative incentive awards have been requested as part of the settlements.

10. I have participated in this litigation since April 2007. My lawsuit was filed on or about April 2007.

11. Over the course of these proceedings, I have expended approximately 100 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Brentley P. Davidson

Subscribed and sworn to before me this 1<sup>st</sup> day of October, 2013.

Amber Garnett

NOTARY PUBLIC  
My Commission Expires:

AMBER GARNETT  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for Jackson County  
My Commission Expires: July 22, 2016  
Commission Number: 12370642

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF BEN DOZIER

I, Ben Dozier, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Conlin, et al. v. Chevron, et al.*, Case No. 2:07-cv-02359, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Citgo Petroleum Corporation (“Citgo”), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the Citgo settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:  
  
All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Tennessee from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since MARCH '07. My lawsuit was filed on or about MARCH 20, 2007.

9. Over the course of these proceedings, I have expended approximately 25 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Ben Dorian

Subscribed and sworn to before me this 8 day of November, 2013.

[Signature]  
NOTARY PUBLIC  
My Commission Expires: 8/23/2016



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF MELVIN ELLISON

1. Melvin Ellison, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Rutherford, et al. v. Murphy Oil, et al.*, Case No. 2:07-cv-02389, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Equilon Enterprises, LLC D/B/A Shell Oil Products US and Motiva Enterprises, Inc. (Collectively "Shell"), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the Shell settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Georgia from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 05/30/2007. My lawsuit was filed on or about 06/05/2007.

9. Over the course of these proceedings, I have expended approximately 60 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Maureen Ellison

Subscribed and sworn to before me this 17 day of Oct, 2013.

Cheryl G. Crick  
NOTARY PUBLIC  
My Commission Expires: 06/13/2014



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF SAM ELY

I, Sam Ely, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Rutherford, et al. v. Murphy Oil, et al.*, Case No. 2:07-cv-02389, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Citgo Petroleum Corporation (“Citgo”), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the Citgo settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:  
  
All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Georgia from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

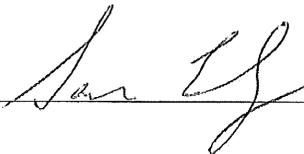
6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 05/30/2007. My lawsuit was filed on or about 06/05/2007.

9. Over the course of these proceedings, I have expended approximately 65 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_

Subscribed and sworn to before me this 2<sup>nd</sup> day of October, 2013.

Cheryl G. Crick  
NOTARY PUBLIC  
My Commission Expires: 06/13/2014



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

<b>IN RE: MOTOR FUEL TEMPERATURE</b>	)	
<b>SALES PRACTICES LITIGATION</b>	)	
	)	<b>MDL No: 1840</b>
<b>(This Document Relates to All Cases)</b>	)	
	)	<b>No: 07-md-1840-KHV-JPO</b>

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**AFFIDAVIT OF ANDREA FRAYSER**

I, Andrea Frayser, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
  
2. I am a member of the plaintiff class in the case called *Sagalyn v. Chevron, et al.*, Case No. 2:07-cv-02374, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
  
3. I understand that settlements have been reached with Sam’s East, Inc., Sam’s West, Inc., and Wal-Mart Stores, LP (collectively, “Sam’s”), and Valero Marketing and Supply Company (“Valero”), among others, and that approval of those settlements are now being sought in this Court.
  
4. I understand that for purposes of the Sam’s settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:
 

All persons who, between January 1, 2001 and the date of preliminary approval of this Agreement, purchased motor fuel from Sam’s in the State of Maryland, excluding: (a) officers and employees of Sam’s or its affiliates; and (b) the Court, and members of the Court’s immediate family.
  
5. I understand that for purposes of the Valero settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of Approval of the Agreement, purchased Retail Motor Fuel in a State at issue from a retail motor fuel Station that is or was owned, operated, or branded by Valero Releasees, excluding: officers and employees of Valero or its affiliates and the court, and members of the Court's immediate family.

6. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

7. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

8. I also understand that class representative incentive awards have been requested as part of the settlements.

9. I have participated in this litigation since 2013. The lawsuit was filed on or about February 20, 2007.

10. Over the course of these proceedings, I have expended approximately 1 hour of my time actively working on this case, including time spent working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

*Andria R. Ryser*

Subscribed and sworn to before me this 31 day of October, 2013.

*Angelica L. Shaw*  
NOTARY PUBLIC  
My Commission Expires:



ANGELICA L. SHAW  
Notary Public, State of Maryland  
County of Frederick  
My Commission Expires Nov. 19, 2015

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
 ) No: 07-md-1840-KHV-JPO

AFFIDAVIT OF DAVID FRIEDMAN

I, David Friedman, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Panto v. BP Corporation, et al.*, Case No. 2:07-cv-02504, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Chevron USA, Inc., and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the settlement, I am the proposed class representative for subclass that is defined as:

All persons and entities who, at any time during the period January 1, 2004, to the date of preliminary approval of this Settlement Agreement, purchased motor fuel at retail in the State of Pennsylvania, from a gas station owned, operated, or controlled by the Settling Defendant. Excluded from the class are any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

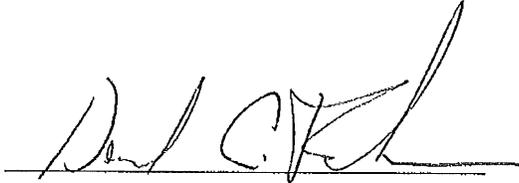
6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

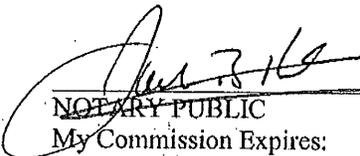
8. I have participated in this litigation since November. My lawsuit was filed on or about Aug. 10, 2007 2013

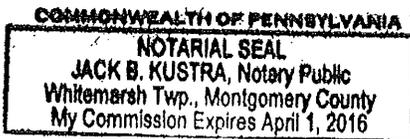
9. Over the course of these proceedings, I have expended approximately 7 total hours of my time actively working on this case, including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.



Subscribed and sworn to before me this 18th day of November, 2013.

  
NOTARY PUBLIC  
My Commission Expires:



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**IN RE: MOTOR FUEL TEMPERATURE** )  
**SALES PRACTICES LITIGATION** )  
) **MDL No: 1840**  
**(This Document Relates to All Cases)** )  
) **No: 07-md-1840-KHV-JPO**

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**SECOND MOTION FOR AWARD OF ATTORNEYS' FEES, EXPENSES, AND  
CLASS REPRESENTATIVE INCENTIVE AWARDS**

**Exhibit 4B**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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DECLARATION OF RICHARD GALAUSKI

I, Richard Galauski, hereby state as follows:

1. I am of lawful age and hereby make the following declaration based upon my personal knowledge.

2. I am the named plaintiff in the case called *Galauski, et al. v. Amerada Hess, et al.*, Case No. 2:07-cv-02293, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that settlements have been reached with BP Products North America, Inc., and BP West Coast Products, LLC (collectively, "BP"), Citgo Petroleum Corporation ("Citgo"), ConocoPhillips Company ("COP"), ExxonMobil Corporation ("Exxon"), Sam's East, Inc., Sam's West, Inc., and Wal-Mart Stores, LP (Collectively "Sam's"), Equilon Enterprises, LLC D/B/A Shell Oil Products US and Motiva Enterprises, Inc. (Collectively "Shell"), and Valero Marketing and Supply Company ("Valero"), and that approval of those settlements are now being sought in this Court.

4. I understand that for purposes of the BP, Citgo, Conoco, Exxon, and Shell settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of New Jersey from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand that for purposes of the Sam's settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons who, between January 1, 2001 and the date of preliminary approval of this Agreement, purchased motor fuel from Sam's in the State of New Jersey, excluding: (a) officers and employees of Sam's or its affiliates; and (b) the Court, and members of the Court's immediate family.

6. I understand that for purposes of the Valero settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of Approval of the Agreement, purchased Retail Motor Fuel in a State at issue from a retail motor fuel Station that is or was owned, operated, or branded by Valero Releases, excluding: officers and employees of Valero or its affiliates and the court, and members of the Court's immediate family.

7. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

8. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

9. I also understand that class representative incentive awards have been requested as part of the settlements.

10. I have participated in this litigation since 2006. My lawsuit was filed on or about December 14, 2006.

11. Over the course of these proceedings, I have expended approximately 65 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER DECLARANT SAYETH NOT.

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

Executed on: November 20, 2013

RICHARD GALAUSKI

A handwritten signature in black ink, appearing to read "Richard Galauski", written in a cursive style.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE  
SALES PRACTICES LITIGATION

(This Document Relates to All Cases)

)  
)  
) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO

DECLARATION OF RICHARD GALAUSKI

I, Richard Galauski, hereby state as follows:

1. I am of lawful age and hereby make the following declaration based upon my personal knowledge.
2. I am the named plaintiff in the case called *Galauski, et al. v. Amerada Hess, et al.*, Case No. 2:07-cv-02293, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Sunoco, Inc. (R&M) ("Sunoco"), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the Sunoco settlement, I am the proposed class representative for subclass related to the settlement that are defined as:  
  
All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of New Jersey from a retail motor fuel station owned, operated or controlled by Sunoco, Inc. (R&M). Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

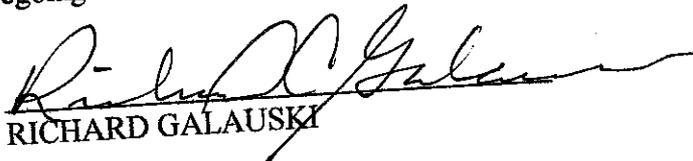
7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 2006. My lawsuit was filed on or about December 14, 2006.

9. Over the course of these proceedings, I have expended approximately 65 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

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

Executed on: MARCH 31, 2014

  
RICHARD GALAUSKI

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF MICHAEL GAUTHREAU

I, Michael Gauthreaux, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Jones, et al. v. EZ Mart Stores, Inc., et al.*, Case No. 2:07-cv-02518, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that settlements have been reached with Citgo Petroleum Corporation (“Citgo”), ExxonMobil Corporation (“Exxon”), Sam’s East, Inc., Sam’s West, Inc., and Wal-Mart Stores, LP (Collectively “Sam’s”), Equilon Enterprises, LLC D/B/A Shell Oil Products US and Motiva Enterprises, Inc. (Collectively “Shell”), and Sinclair Oil Corporation (“Sinclair”), and that approval of those settlements are now being sought in this Court.

4. I understand that for purposes of the Citgo, Exxon, Shell and Sinclair settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Arkansas from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand that for the purposes of the Sam's settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons who, between January 1, 2001 and the date of preliminary approval of this Agreement, purchased motor fuel from Sam's in the State of Arkansas, excluding: (a) officers and employees of Sam's or its affiliates; and (b) the Court, and members of the Court's immediate family.

6. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

7. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

8. I also understand that class representative incentive awards have been requested as part of the settlements.

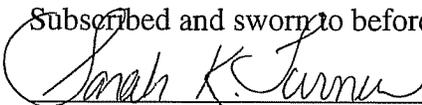
9. I have participated in this litigation since late 2006. My lawsuit was filed on or about March 19, 2007.

10. Over the course of these proceedings, I have expended approximately forty (40) total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

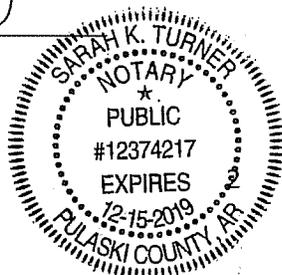
  
\_\_\_\_\_

Subscribed and sworn to before me this 21 day of October, 2013.

  
\_\_\_\_\_

NOTARY PUBLIC

My Commission Expires:



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF MICHAEL GAUTHREAUX

I, Michael Gauthreaux, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am a named plaintiff in the case called *Jones, et al. v. EZ Mart Stores, Inc., et al.*, Case No. 2:07-cv-02518, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that settlements have been reached with Coulson Oil Company, Inc. (“Coulson”), Flash Market, Inc. (“Flash”), J&P Flash, Inc. (“J&P”), Magness Oil Company (“Magness”) and Port Cities Oil, LLC (“Port Cities”) (each also “Settling Defendant”), and that approval of those settlements are now being sought in this Court.
4. I understand that for purposes of these settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Arkansas from a retail motor fuel station owned, operated, or controlled by Settling Defendant. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlements.

8. I have participated in this litigation since late 2006. My lawsuit was filed on or about March 19, 2007.

9. Over the course of these proceedings, I have expended approximately 42 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_

Subscribed and sworn to before me this 12 day of May, 2014.

  
\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires:



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF RAYSHAUN GLANTON

I, Rayshaun Glanton, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Williams, et al. v. BP Corp., et al.*, Case No. 2:07-cv-02355, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that settlements have been reached with Citgo Petroleum Corporation (“Citgo”), ExxonMobil Corporation (“Exxon”), and Valero Marketing and Supply Company (“Valero”), and that approval of those settlements are now being sought in this Court.
4. I understand that for purposes of the Citgo and Exxon settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:  
  
All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Alabama from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand that for the purposes of the Valero settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of Approval of the Agreement, purchased Retail Motor Fuel in a State at issue from a retail motor fuel Station that is or was owned, operated, or branded by Valero Releasees, excluding: officers and employees of Valero or its affiliates and the court, and members of the Court's immediate family.

6. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

7. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

8. I also understand that class representative incentive awards have been requested as part of the settlements.

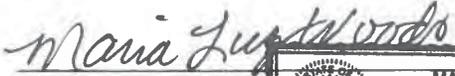
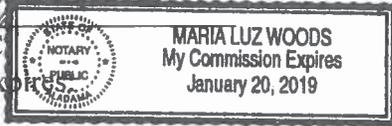
9. I have participated in this litigation since February 28, 2007, when my lawsuit was filed.

10. Over the course of these proceedings, I have expended approximately 35 to 50 total hours of my time actively working on this case, including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

  
RAYSHAUN GLANTON  
TEAM TRUCKING

Subscribed and sworn to before me this 23 day of March, 2015.

  
NOTARY PUBLIC  
My Commission Expires  


IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF RAYSHAUN GLANTON

I, Rayshaun Glanton, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Wash, et al. v. Chevron, et al.*, Case No. 2:07-cv-02361, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that settlements have been reached with Citgo Petroleum Corporation (“Citgo”), ExxonMobil Corporation (“Exxon”), and Valero Marketing and Supply Company (“Valero”), and that approval of those settlements are now being sought in this Court.

4. I understand that for purposes of the Citgo and Exxon settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Mississippi from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand that for purposes of the Valero settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of Approval of the Agreement, purchased Retail Motor Fuel in a State at issue from a retail motor fuel Station that is or was owned, operated, or branded by Valero Releasees, excluding: officers and employees of Valero or its affiliates and the court, and members of the Court's immediate family.

6. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

7. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

8. I also understand that class representative incentive awards have been requested as part of the settlements.

9. I have participated in this multi-district litigation since January 7, 2013, when my lawsuit was filed.

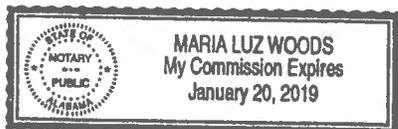
10. Over the course of these multi-district litigation proceedings, I have expended approximately 35 to 40 total hours of my time actively working on this case, including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

  
RAYSHAUN GLANTON

Subscribed and sworn to before me this 23 day of March, 2015.

  
NOTARY PUBLIC  
My Commission Expires:



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF HERB GLAZER

I, Herb Glazer, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Lerner, et al. v. Costco, et al.*, Case No. 2:07-cv-02405, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that a settlement has been reached with Dansk Investment Group, Inc. (“Dansk”) (formerly known as USA Petroleum Corporation), and that approval of this settlement is now being sought in this Court.

4. I understand that for purposes of the settlement, I am one of the proposed class representative for class related to Dansk Settlement that are defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of this Agreement, purchased motor fuel from Dansk in the State of California, excluding: (a) officers and employees of Dansk or its affiliates; and (b) the Court, and members of the Court’s immediate family.

5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since Feb, 2007. My lawsuit was filed on or about Feb 22, 2007

9. Over the course of these proceedings, I have expended approximately 47 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Herb Glazer

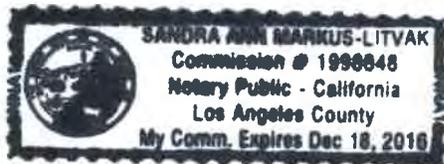
Subscribed and sworn to before me this 6 day of October, 2013.

Sandra Ann Markus-Litvak

NOTARY PUBLIC

My Commission Expires:

December 18, 2016



# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles }

On 10-6-2013 before me, SANDRA ANN MARKUS-LITVAK, notary public  
Date Here Insert Name and Title of the Officer  
personally appeared Herb GLAZER  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Sandra Ann Markus-Litvak  
Signature of Notary Public



Place Notary Seal Above

### OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

#### Description of Attached Document

Title or Type of Document: AFFIDAVIT OF Herb GLAZER

Document Date: 10-6-2013 Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

#### Capacity(ies) Claimed by Signer(s)

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF TIA GOMEZ

I, Tia Gomez, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Kohut, et al. v. Chevron, et al.*, Case No. 2:07-cv-02371, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that settlements have been reached with ExxonMobil Corporation ("Exxon"), Sinclair Oil Corporation ("Sinclair"), and Valero Marketing and Supply Company ("Valero"), and that approval of those settlements are now being sought in this Court.

4. I understand that for purposes of the Exxon, and Sinclair settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Nevada from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand that for purposes of the Valero settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of Approval of the Agreement, purchased Retail Motor Fuel in a State at issue from a retail motor fuel Station that is or was owned, operated, or branded by Valero Releasees, excluding: officers and employees of Valero or its affiliates and the court, and members of the Court's immediate family.

6. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

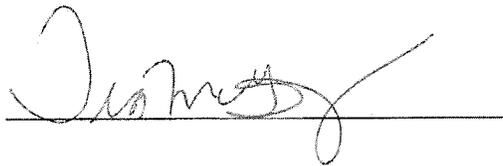
7. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

8. I also understand that class representative incentive awards have been requested as part of the settlements.

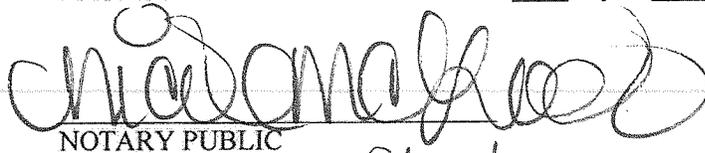
9. I have participated in this litigation since early 2007. My lawsuit was filed on or about March 6, 2007

10. Over the course of these proceedings, I have expended approximately 30 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

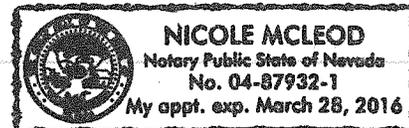


Subscribed and sworn to before me this 25 day of September 2013.



NOTARY PUBLIC

My Commission Expires: 3/28/16 2



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

---

AFFIDAVIT OF TIA GOMEZ

I, Tia Gomez, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Kohut, et al. v. Chevron, et al.*, Case No. 2:07-cv-02371, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Chevron USA, Inc., and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the settlement, I am the proposed class representative for subclass that is defined as:  
  
All persons and entities who, at any time during the period January 1, 2004, to the date of preliminary approval of this Settlement Agreement, purchased motor fuel at retail in the State of Nevada, from a gas station owned, operated, or controlled by the Settling Defendant. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since early 2007. My lawsuit was filed on or about March 6, 2007.

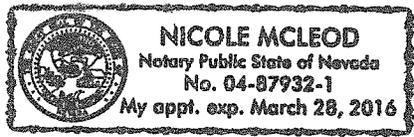
9. Over the course of these proceedings, I have expended approximately 30 total hours of my time actively working on this case, including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.



Subscribed and sworn to before me this 5<sup>th</sup> day of November, 2013.

  
NOTARY PUBLIC  
My Commission Expires: 3-28-16



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO**

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**AFFIDAVIT OF TIA GOMEZ**

I, Tia Gomez, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Kohut, et al. v. Chevron, et al.*, Case No. 2:07-cv-02371, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that a settlement has been reached with Tesoro Refining and Marketing Company LLC (“Tesoro”), and that approval of that settlement is now being sought in this Court.

4. I understand that for purposes of the Tesoro settlement, I am the proposed class representative for subclass related to the settlement that is defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Nevada from a retail motor fuel station owned, operated or controlled by Tesoro.. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since early 2007. My lawsuit was filed on or about March 6, 2007.

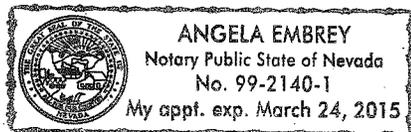
9. Over the course of these proceedings, I have expended approximately 30 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

*Jimmy*

Subscribed and sworn to before me this 11 day of March, 2014.

*Angela Embrey*  
NOTARY PUBLIC  
My Commission Expires:



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO**

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**AFFIDAVIT OF JAMES GRAHAM**

I, James Graham, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Graham v. Chevron, et al.*, Case No. 2:07-cv-02399, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that settlements have been reached with BP Products North America, Inc., and BP West Coast Products, LLC (collectively, "BP"), Citgo Petroleum Corporation ("Citgo"), ConocoPhillips Company ("COP"), ExxonMobil Corporation ("Exxon"), Sam's East, Inc., Sam's West, Inc., and Wal-Mart Stores, LP (Collectively "Sam's"), Equilon Enterprises, LLC D/B/A Shell Oil Products US and Motiva Enterprises, Inc. (Collectively "Shell"), and Valero Marketing and Supply Company ("Valero"), and that approval of those settlements are now being sought in this Court.
4. I understand that for purposes of the BP, Citgo, COP, Exxon, and Shell settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Virginia from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand that for purposes of the Sam's settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons who, between January 1, 2001 and the date of preliminary approval of this Agreement, purchased motor fuel from Sam's in the State of Virginia, excluding: (a) officers and employees of Sam's or its affiliates; and (b) the Court, and members of the Court's immediate family.

6. I understand that for purposes of the Valero settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of Approval of the Agreement, purchased Retail Motor Fuel in a State at issue from a retail motor fuel Station that is or was owned, operated, or branded by Valero Releasees, excluding: officers and employees of Valero or its affiliates and the court, and members of the Court's immediate family.

7. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

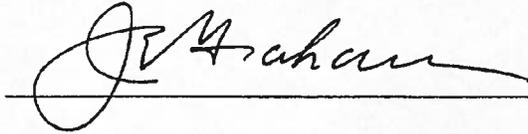
8. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

9. I also understand that class representative incentive awards have been requested as part of the settlements.

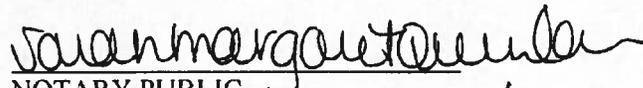
10. I have participated in this litigation since JAN. 2007. My lawsuit was filed on or about FEB. 27, 2007

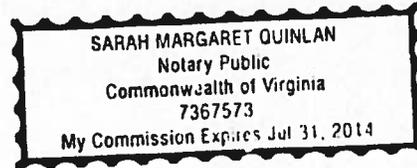
11. Over the course of these proceedings, I have expended approximately 45 total hours of my time actively working on this case including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.



Subscribed and sworn to before me this 17 day of October, 2013.

  
NOTARY PUBLIC  
My Commission Expires: 7/31/2014



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

<b>IN RE: MOTOR FUEL TEMPERATURE</b>	)	
<b>SALES PRACTICES LITIGATION</b>	)	
	)	<b>MDL No: 1840</b>
<b>(This Document Relates to All Cases)</b>	)	
	)	<b>No: 07-md-1840-KHV-JPO</b>

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**AFFIDAVIT OF JAMES GRAHAM**

I, James Graham, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
  
2. I am the named plaintiff in the case called *Graham v. Chevron, et al.*, Case No. 2:07-cv-02399, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
  
3. I understand that a settlement has been reached with Chevron USA, Inc., and that approval of this settlement is now being sought in this Court.
  
4. I understand that for purposes of the settlement, I am the proposed class representative for subclass that is defined as:
 

All persons and entities who, at any time during the period January 1, 2004, to the date of preliminary approval of this Settlement Agreement, purchased motor fuel at retail in the State of Virginia, from a gas station owned, operated, or controlled by the Settling Defendant. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
  
5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

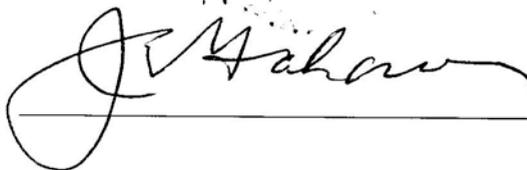
6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since January, 2007. My lawsuit was filed on or about February 27, 2007.

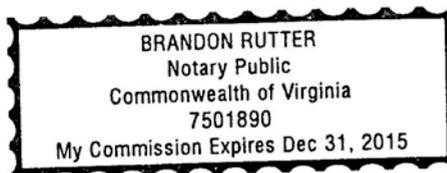
9. Over the course of these proceedings, I have expended approximately 45 total hours of my time actively working on this case, including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.



Subscribed and sworn to before me this 13 day of NOV, 2013.

  
NOTARY PUBLIC  
My Commission Expires: 12-31-15



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

<b>IN RE: MOTOR FUEL TEMPERATURE</b>	)	
<b>SALES PRACTICES LITIGATION</b>	)	
	)	<b>MDL No: 1840</b>
<b>(This Document Relates to All Cases)</b>	)	
	)	<b>No: 07-md-1840-KHV-JPO</b>

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**AFFIDAVIT OF JAMES GRAHAM**

I, James Graham, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
  
2. I am the named plaintiff in the case called *Graham v. Chevron, et al.*, Case No. 2:07-cv-02399, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
  
3. I understand that a settlement has been reached with Sunoco, Inc. (R&M) (“Sunoco”), and that approval of this settlement is now being sought in this Court.
  
4. I understand that for purpose of the Sunoco settlement, I am the proposed class representative for the subclass related to the settlement that is defined as:
 

All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the Commonwealth of Virginia from a retail motor fuel station owned, operated or controlled by Sunoco, Inc. (R&M). Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
  
5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since January, 2007. My lawsuit was filed on or about February 27, 2007.

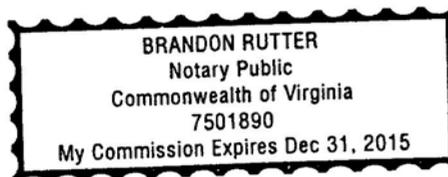
9. Over the course of these proceedings, I have expended approximately 45 total hours of my time actively working on this case including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.



Subscribed and sworn to before me this 26 day of March, 2014.

  
\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires: 12-31-15



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF HEARTLAND LANDSCAPE GROUP, LLC

I, Brian Courtney a representative of Heartland Landscape Group, LLC ("Heartland")

hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. Heartland is the named plaintiff in the case called *Cary v. BP Corp, et al.*, Case No. 2:07-cv-02298, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Equilon Enterprises, LLC D/B/A Shell Oil Products US and Motiva Enterprises, Inc. (Collectively "Shell"), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the Shell settlement, Heartland is the proposed class representative for subclasses related to all settlements that are defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Oklahoma from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since APRIL 2007. My lawsuit was filed on or about APRIL 2007.

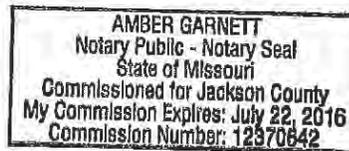
9. Over the course of these proceedings, I have expended approximately 50 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

By: [Signature]  
Title: OWNER/MANAGER

Subscribed and sworn to before me this 1st day of October 2013.

[Signature]  
NOTARY PUBLIC  
My Commission Expires:



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF WENDELL HICKS

I, Wendell Hicks, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Rutherford, et al. v. Murphy Oil, et al.*, Case No. 2:07-cv-02389, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with ConocoPhillips Company ("COP"), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the COP settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:  
  
All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Georgia from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 05/30/2007. My lawsuit was filed on or about 06/05/2007.

9. Over the course of these proceedings, I have expended approximately 120 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Wendell E. Dail

Subscribed and sworn to before me this 23<sup>rd</sup> day of October, 2013.

Cheryl G. Crick  
NOTARY PUBLIC  
My Commission Expires:



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO**

**AFFIDAVIT OF JESSICA HONIGBERG**

I, Jessica Honigberg, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Rushing, et al. v. Alon USA, Inc., et al.*, Case No. 2:07-cv-02300, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that settlements have been reached with BP Products North America, Inc., and BP West Coast Products, LLC (collectively, "BP"), Citgo Petroleum Corporation ("Citgo"), ConocoPhillips Company ("COP"), ExxonMobil Corporation ("Exxon"), and Equilon Enterprises, LLC d/b/a Shell Oil Products US and Motiva Enterprises, Inc. (Collectively "Shell"), and that approval of those settlements are now being sought in this Court.
4. I understand that for purposes of the BP, Citgo, COP, Exxon, and Shell settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the District of Columbia from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlements.

8. I have participated in this litigation since June 2012. My lawsuit was filed on or about March 4, 2007.

9. Over the course of these proceedings, I have expended approximately 4 total hours of my time actively working on this case including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

*Justica J. Honigberg*

Subscribed and sworn to before me this 26 day of Oct, 2013.

*Brian Combs*  
\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires:

Notary Public District of Columbia  
Brian Combs  
My Commission Expires June 30, 2014



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF SAM HOTCHKISS

I, Sam Hotchkiss, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Jenkins, et al. v. Amoco Oil Co., et al.*, Case No. 2:07-cv-02508, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that settlements have been reached with ExxonMobil Corporation ("Exxon"), and Sam's East, Inc., Sam's West, Inc., and Wal-Mart Stores, LP (Collectively "Sam's"), and that approval of those settlements are now being sought in this Court.
4. I understand that for purposes of the Exxon settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:  
  
All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Utah from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand that for purposes of the Sam's settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons who, between January 1, 2001 and the date of preliminary approval of this Agreement, purchased motor fuel from Sam's in the State of Utah, excluding: (a) officers and employees of Sam's or its affiliates; and (b) the Court, and members of the Court's immediate family.

6. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

7. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

8. I also understand that class representative incentive awards have been requested as part of the settlements.

9. I have participated in this litigation since Sept 2007 My lawsuit was filed on or about Sept. 05, 2007

10. Over the course of these proceedings, I have expended approximately 24 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Sam Hobbie

Subscribed and sworn to before me this 16<sup>th</sup> day of October, 2013.

Cheryl Caizer  
NOTARY PUBLIC  
My Commission Expires: 03/01/2016

 CHERYL CAZIER  
NOTARY PUBLIC-STATE OF UTAH  
COMMISSION# 652185  
COMM. EXP. 03-01-2015

 CHERYL CAZIER  
NOTARY PUBLIC-STATE OF UTAH  
COMMISSION# 652185  
COMM. EXP. 03-01-2015

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF JOY HOWELL

I, Joy Howell, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Becker, et al. v. Marathon Petroleum, et al.*, Case No. 2:07-cv-2350, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that a settlement has been reached with Valero Marketing and Supply Company (“Valero”), and that approval of this settlement is now being sought in this Court.

4. I understand that for purposes of the Valero settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of Approval of the Agreement, purchased Retail Motor Fuel in a State at issue from a retail motor fuel Station that is or was owned, operated, or branded by Valero Releasees, excluding: officers and employees of Valero or its affiliates and the court, and members of the Court’s immediate family.

5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 2006. My lawsuit was filed on or about Dec 7, 2006

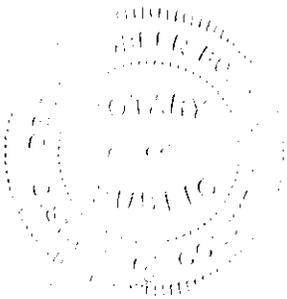
9. Over the course of these proceedings, I have expended approximately 36 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Joy Kay Howell

Subscribed and sworn to before me this 18<sup>th</sup> day of October, 2013.

Deidra Doreen Bolden  
NOTARY PUBLIC  
My Commission Expires:



Deidra Doreen Bolden  
Notary Public, District of Columbia  
My Commission Expires 10/14/14

IN RE: MOTOR FUEL TEMPERATURE )  
 SALES PRACTICES LITIGATION )  
 ) MDL No: 1840  
 (This Document Relates to All Cases) )  
 ) No: 07-md-1840-KHV-JPO

**DECLARATION OF JAMES JARVAIS**

I, James Jarvais, hereby state as follows:

1. I am of lawful age and hereby make the following declaration based upon my personal knowledge.
2. I am the named plaintiff in the case called *Becker, et al. v. Marathon Petroleum, et al.*, Case No. 2:07-cv-2350, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that settlements have been reached with BP Products North America Inc., and BP West Coast Products, LLC (collectively, "BP"), and ConocoPhillips Company ("COP"), and that approval of those settlements are now being sought in this Court.
4. I understand that for purposes of the BP and COP settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:  
  
 All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Delaware from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

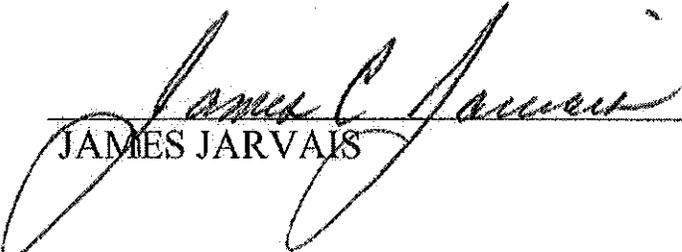
8. I have participated in this litigation since 2007. My lawsuit was filed on or about March 7, 2007.

9. Over the course of these proceedings, I have expended approximately 70 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER DECLARANT SAYETH NOT.

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

Executed on: November 14, 2013

  
\_\_\_\_\_  
JAMES JARVAIS

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF JEFF JENKINS

I, Jeff Jenkins, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Jenkins, et al. v. Amoco Oil Co., et al.*, Case No. 2:07-cv-02508, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Sinclair Oil Corporation (“Sinclair”), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the Sinclair settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:  
  
All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Utah from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 2007. My lawsuit was filed on or about 9/5/2007.

9. Over the course of these proceedings, I have expended approximately 38 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.



Subscribed and sworn to before me this 27 day of September, 2013.

Tara Leberz  
NOTARY PUBLIC  
My Commission Expires: Feb 16, 2016



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF JEFF JENKINS

I, Jeff Jenkins, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Jenkins, et al. v. Amoco Oil Co., et al.*, Case No. 2:07-cv-02508, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Chevron USA, Inc., and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the settlement, I am the proposed class representative for subclass that is defined as:  
  
All persons and entities who, at any time during the period January 1, 2004, to the date of preliminary approval of this Settlement Agreement, purchased motor fuel at retail in the State of Utah, from a gas station owned, operated, or controlled by the Settling Defendant. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 2007. My lawsuit was filed on or about September 5, 2007.

9. Over the course of these proceedings, I have expended approximately 38 total hours of my time actively working on this case, including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.



Subscribed and sworn to before me this 17 day of March, ~~2013~~: 2014.

  
\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires:



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF CHARLES JONES

I, Charles Jones, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Jones, et al. v. EZ Mart Stores, Inc., et al.*, Case No. 2:07-cv-02518, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that settlements have been reached with BP Products North America, Inc., and BP West Coast Products, LLC (collectively, "BP"), Casey's General Stores, Inc. ("Casey's"), ConocoPhillips Company ("COP"), and Valero Marketing and Supply Company ("Valero"), and that approval of those settlements are now being sought in this Court.
4. I understand that for purposes of the BP and COP settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Arkansas from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand that for the purposes of the Casey's settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons who, between January 1, 2001 and the date of preliminary approval of this Settlement Agreement, purchased motor fuel from Casey's in the State of Arkansas, excluding: (a) officers and employees of Casey's or its affiliates; and (b) the Court, and members of the Court's immediate family.

6. I understand that for the purposes of the Valero settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of Approval of the Agreement, purchased Retail Motor Fuel in a State at issue from a retail motor fuel Station that is or was owned, operated, or branded by Valero Releasees, excluding: officers and employees of Valero or its affiliates and the court, and members of the Court's immediate family.

7. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

8. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

9. I also understand that class representative incentive awards have been requested as part of the settlements.

10. I have participated in this litigation since late 2006. My lawsuit was filed on or about March 19, 2007.

11. Over the course of these proceedings, I have expended approximately forty (40) total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Charles D. Jones

Subscribed and sworn to before me this 2<sup>nd</sup> day of October, 2013.

Sarah K. Turner  
NOTARY PUBLIC  
My Commission Expires:



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF CHARLES JONES

I, Charles Jones, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am a named plaintiff in the case called *Jones, et al. v. EZ Mart Stores, Inc., et al.*, Case No. 2:07-cv-02518, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that settlements have been reached with E-Z Mart Stores, Inc. (“E-Z Mart”), B-B Oil Company, Inc. (“B-B Oil”), Diamond State Oil, LLC (“Diamond State”), Port Cities Oil, LLC (“Port Cities”), and W.R. Hess (each also “Settling Defendant”), and that approval of those settlements are now being sought in this Court.

4. I understand that for purposes of these settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Arkansas from a retail motor fuel station owned, operated, or controlled by Settling Defendant. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

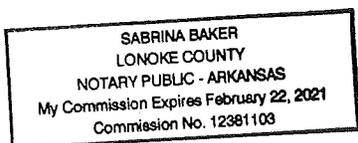
6. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlements.

8. I have participated in this litigation since late 2006. My lawsuit was filed on or about March 19, 2007.

9. Over the course of these proceedings, I have expended approximately 42 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.



Charles D. Jones

Subscribed and sworn to before me this 14<sup>th</sup> day of May, 2015.

Sabrina Baker  
NOTARY PUBLIC  
My Commission Expires: 2/22/21

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF ALLEN RAY KLEIN

I, Allen Ray Klein, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case entitled *Lerner, et al. v. Costco, et al.*, case no. 2:07-cv-02405 (“*Lerner Action*”), which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas (“MDL 1840”). Previously, I was the named plaintiff in the case entitled *Klein v. Chevron*, case no. BC367812, filed in the Los Angeles Superior Court, State of California (“*Klein Action*”).

3. I understand that a settlement has been reached with Chevron USA Inc. (“Chevron”), and that approval of this settlement is now being sought in this Court.

4. I understand that for purposes of the settlement, I am the proposed class representative for the subclass that is defined as:

All persons and entities who, at any time during the period January 1, 2004, to the date of preliminary approval of this Settlement Agreement, purchased motor fuel at retail in the State of California, from a gas station owned, operated, or controlled by Chevron. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

6. I believe the settlement is in the best interests of the subclass I represent, and that the settlements are fair and reasonable.

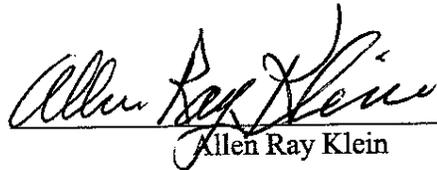
7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation against Chevron, including the *Klein* Action, since February 2007. Since the *Klein* Action was filed on or about March 14, 2007, as described below, I actively participated in the *Klein* Action as the class representative of the putative class of California purchasers of motor fuel. I did so until the *Klein* Action was dismissed without prejudice on May 21, 2013 in favor of MDL 1840. The *Lerner* Action was filed on or about February 22, 2007 and, by order of this Court dated March 25, 2014, I became the class representative of the proposed subclass defined in paragraph 4 above.

9. Over the course of these proceedings, I have expended approximately 50 total hours of my time actively working on the litigation, including the time spent gathering documents necessary to investigate, prepare, and file the *Klein* Action, preparing for my deposition, giving my deposition, reviewing various pleadings throughout the litigation, responding to discovery, locating, gathering and producing documents in discovery, and working with my counsel on the general preparation and prosecution of this litigation. I have not included in the above hours the substantial time expended traveling the 80 miles from my home in Lancaster, California to downtown Los Angeles to (i) attend meetings with my attorneys and

(ii) give my deposition. On these days, as I was then self-employed as an owner/operator of a semi-truck, I was unable to work. Therefore, I lost more than \$2,000 in income.

FURTHER AFFIANT SAYETH NOT.

  
Allen Ray Klein

Subscribed and sworn to before me this 25<sup>th</sup> day of March 2015.

  
NOTARY PUBLIC  
My Commission Expires: OCTOBER 28, 2017



# JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

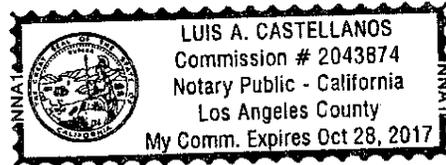
County of LOS ANGELES

Subscribed and sworn to (or affirmed) before me on this 25TH day of MARCH,

20 15 by ALLEN RAY KLEIN

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

[Signature]  
Signature (Seal)



## OPTIONAL INFORMATION

### DESCRIPTION OF THE ATTACHED DOCUMENT

AFFIDAVIT OF ALLEN RAY KLEIN  
(Title or description of attached document)

\_\_\_\_\_  
(Title or description of attached document continued)

Number of Pages 3 Document Date 03/25/15

NO. 07-MD-1840-KHV-JPO  
Additional information

## INSTRUCTIONS

The wording of all Jurats completed in California after January 1, 2015 must be in the form as set forth within this Jurat. There are no exceptions. If a Jurat to be completed does not follow this form, the notary must correct the verbiage by using a jurat stamp containing the correct wording or attaching a separate jurat form such as this one with does contain the proper wording. In addition, the notary must require an oath or affirmation from the document signer regarding the truthfulness of the contents of the document. The document must be signed AFTER the oath or affirmation. If the document was previously signed, it must be re-signed in front of the notary public during the jurat process.

- State and county information must be the state and county where the document signer(s) personally appeared before the notary public.
- Date of notarization must be the date the signer(s) personally appeared which must also be the same date the jurat process is completed.
- Print the name(s) of the document signer(s) who personally appear at the time of notarization.
- Signature of the notary public must match the signature on file with the office of the county clerk.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits; otherwise complete a different jurat form.
  - ❖ Additional information is not required but could help to ensure this jurat is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
- Securely attach this document to the signed document with a staple.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
) MDL No: 1840  
(This Document Relates to All Cases) )  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF GARY KOHUT

I, Gary Kohut, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Kohut, et al. v. Chevron, et al.*, Case No. 2:07-cv-02371, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with BP Products North America, Inc., and BP West Coast Products, LLC (collectively, "BP"), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the BP settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:  
  
All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Nevada from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since <sup>early</sup> 2007. My lawsuit was filed on or about Mar 6 2007

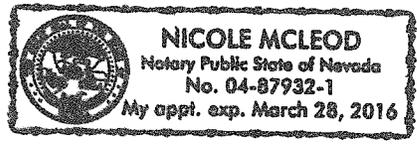
9. Over the course of these proceedings, I have expended approximately 31 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

[Handwritten Signature]

Subscribed and sworn to before me this 3rd day of October, 2013.

[Handwritten Signature]  
NOTARY PUBLIC  
My Commission Expires: 3/28/16



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF JOANN KORLESKI

I, JoAnn Korleski, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Korleski v. BP Corporation North America, et al.*, Case No. 2:07-cv-02531, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that settlements have been reached with BP Products North America, Inc., and BP West Coast Products, LLC (collectively, "BP"), Citgo Petroleum Corporation ("Citgo"), ConocoPhillips Company ("COP"), ExxonMobil Corporation ("Exxon"), Sam's East, Inc., Sam's West, Inc., and Wal-Mart Stores, LP (Collectively "Sam's"), Equilon Enterprises, LLC D/B/A Shell Oil Products US and Motiva Enterprises, Inc. (Collectively "Shell"), and Valero Marketing and Supply Company ("Valero"), and that approval of those settlements are now being sought in this Court.

4. I understand that for purposes of the BP, Citgo, COP, Exxon, and Shell settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of South Carolina from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand that for purposes of the Sam's settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons who, between January 1, 2001 and the date of preliminary approval of this Agreement, purchased motor fuel from Sam's in the State of South Carolina, excluding: (a) officers and employees of Sam's or its affiliates; and (b) the Court, and members of the Court's immediate family.

6. I understand that for purposes of the Valero settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of Approval of the Agreement, purchased Retail Motor Fuel in a State at issue from a retail motor fuel Station that is or was owned, operated, or branded by Valero Releasees, excluding: officers and employees of Valero or its affiliates and the court, and members of the Court's immediate family.

7. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

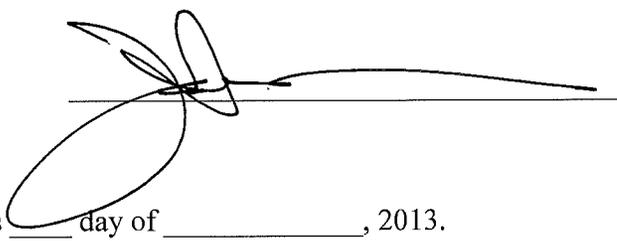
8. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

9. I also understand that class representative incentive awards have been requested as part of the settlements.

10. I have participated in this litigation since 2007. My lawsuit was filed on or about 9/24/07

11. Over the course of these proceedings, I have expended approximately 34.5 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

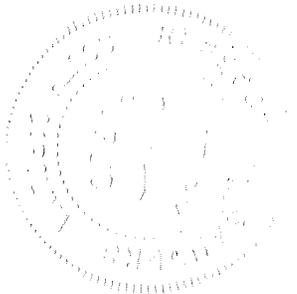
  
\_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

  
\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires:

**REBECCA L. SANDERS**  
Notary Public, State of South Carolina  
My Commission Expires 3/14/2021

**REBECCA L. SANDERS**  
Notary Public, State of South Carolina  
My Commission Expires 3/14/2021



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF JOANN KORLESKI

I, JoAnn Korleski, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Korleski v. BP Corporation North America, et al.*, Case No. 2:07-cv-02531, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that a settlement has been reached with Chevron USA, Inc., and that approval of this settlement is now being sought in this Court.

4. I understand that for purposes of the settlement, I am the proposed class representative for subclass that is defined as:

All persons and entities who, at any time during the period January 1, 2004, to the date of preliminary approval of this Settlement Agreement, purchased motor fuel at retail in the State of South Carolina, from a gas station owned, operated, or controlled by the Settling Defendant. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

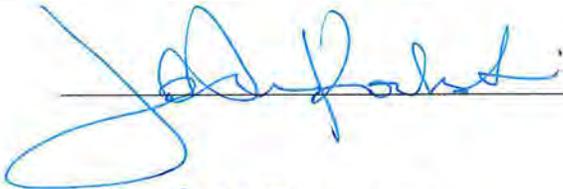
6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 2007. My lawsuit was filed on or about September 24, 2007

9. Over the course of these proceedings, I have expended approximately 35 total hours of my time actively working on this case, including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_

Subscribed and sworn to before me this 12 day of November, 2013.

  
\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires:

**REBECCA L. SANDERS**  
Notary Public, State of South Carolina  
My Commission Expires 3/14/2021



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF JOANN KORLESKI

I, JoAnn Korleski, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Korleski v. BP Corporation North America, et al.*, Case No. 2:07-cv-02531, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that a settlement has been reached with Sunoco, Inc. (R&M) (“Sunoco”), and that approval of this settlement is now being sought in this Court.

4. I understand that for purpose of the Sunoco settlement, I am the proposed class representative for subclass related to the settlement that is defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of South Carolina from a retail motor fuel station owned, operated or controlled by Sunoco, Inc. (R&M). Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

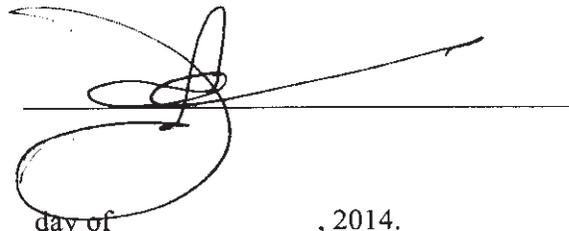
6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

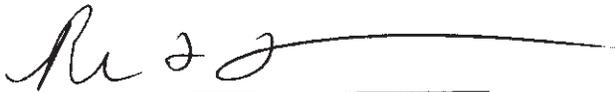
8. I have participated in this litigation since 2007. My lawsuit was filed on or about September 24, 2007.

9. Over the course of these proceedings, I have expended approximately 35 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.



Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2014.



NOTARY PUBLIC  
My Commission Expires:

**REBECCA L. SANDERS**  
Notary Public, State of South Carolina  
My Commission Expires 3/14/2021

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF KENNEDY KRAATZ

I, Kennedy Kraatz, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Couch, et al. v. BP Products, et al.*, Case No. 2:07-cv-02397, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that a settlement has been reached with Citgo Petroleum Corporation (“Citgo”), and that approval of this settlement is now being sought in this Court.

4. I understand that for purposes of the Citgo settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Texas from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 2007. My lawsuit was filed on or about 6-25-2007

9. Over the course of these proceedings, I have expended approximately 15 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

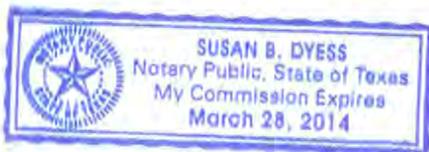
Kennedy Krantz

Subscribed and sworn to before me this 30 day of Sept, 2013.

Susan B. Dyess

NOTARY PUBLIC

My Commission Expires:



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

<b>IN RE: MOTOR FUEL TEMPERATURE</b>	)	
<b>SALES PRACTICES LITIGATION</b>	)	
	)	<b>MDL No: 1840</b>
<b>(This Document Relates to All Cases)</b>	)	
	)	<b>No: 07-md-1840-KHV-JPO</b>

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**AFFIDAVIT OF KENNEDY KRAATZ**

I, Kennedy Kraatz, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
  
2. I am the named plaintiff in the case called *Couch, et al. v. BP Products, et al.*, Case No. 2:07-cv-02397, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
  
3. I understand that a settlement has been reached with Chevron USA, Inc., and that approval of this settlement is now being sought in this Court.
  
4. I understand that for purposes of the settlement, I am the proposed class representative for subclass that is defined as:  
  

All persons and entities who, at any time during the period January 1, 2004, to the date of preliminary approval of this Settlement Agreement, purchased motor fuel at retail in the State of Texas, from a gas station owned, operated, or controlled by the Settling Defendant. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
  
5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 2007. My lawsuit was filed on or about June 25, 2007.

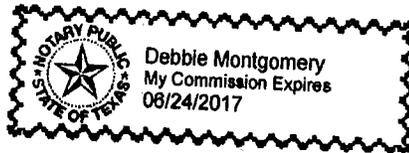
9. Over the course of these proceedings, I have expended approximately 15 total hours of my time actively working on this case, including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.



Subscribed and sworn to before me this 5 day of November, 2013.

  
NOTARY PUBLIC  
My Commission Expires:



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF DAWN LALOR

I, Dawn Lalor, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Lalor, et al. v. BP Corporation*, Case No. 2:07-cv-02483, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that settlements have been reached with BP Products North America, Inc., and BP West Coast Products, LLC (collectively, "BP"), Citgo Petroleum Corporation ("Citgo"), ConocoPhillips Company ("COP"), ExxonMobil Corporation ("Exxon"), Sam's East, Inc., Sam's West, Inc., and Wal-Mart Stores, LP (Collectively "Sam's"), Equilon Enterprises, LLC D/B/A Shell Oil Products US and Motiva Enterprises, Inc. (Collectively "Shell"), and Valero Marketing and Supply Company ("Valero"), and that approval of those settlements are now being sought in this Court.

4. I understand that for purposes of the BP, Citgo, COP, Exxon and Shell settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of the Louisiana from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand that for purposes of the Sam's settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons who, between January 1, 2001 and the date of preliminary approval of this Agreement, purchased motor fuel from Sam's in the State of Louisiana, excluding: (a) officers and employees of Sam's or its affiliates; and (b) the Court, and members of the Court's immediate family.

6. I understand that for purposes of the Valero settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of Approval of the Agreement, purchased Retail Motor Fuel in a State at issue from a retail motor fuel Station that is or was owned, operated, or branded by Valero Releasees, excluding: officers and employees of Valero or its affiliates and the court, and members of the Court's immediate family.

7. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

8. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

9. I also understand that class representative incentive awards have been requested as part of the settlements.

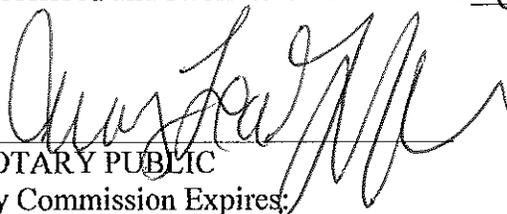
10. I have participated in this litigation since 2007. My lawsuit was filed on or about August 7, 2007.

11. Over the course of these proceedings, I have expended approximately 35 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Dawn Labeon.

Subscribed and sworn to before me this 8<sup>th</sup> day of October, 2013.

  
NOTARY PUBLIC  
My Commission Expires:

AVERY LEA GRIFFIN  
BAR NO. 22914  
MY COMMISSION IS FOR LIFE

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF DAWN LALOR

I, Dawn Lalor, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Lalor, et al. v. BP Corporation*, Case No. 2:07-cv-02483, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that a settlement has been reached with Chevron USA, Inc., and that approval of this settlement is now being sought in this Court.

4. I understand that for purposes of the settlement, I am the proposed class representative for subclass related to the settlement that is defined as:

All persons and entities who, at any time during the period January 1, 2004, to the date of preliminary approval of this Settlement Agreement, purchased motor fuel at retail in the State of Louisiana, from a gas station owned, operated, or controlled by the Settling Defendant. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

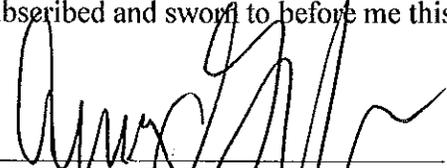
8. I have participated in this litigation since 2007. My lawsuit was filed on or about August 7, 2007.

9. Over the course of these proceedings, I have expended approximately 35 total hours of my time actively working on this case, including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.



Subscribed and sworn to before me this 12<sup>th</sup> day of November, 2013.

  
\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires  
AMERY DEAGRIFFIN  
BAR NO. 22914  
MY COMMISSION IS FOR LIFE

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF LISA ANN LEE

I, Lisa Ann Lee, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Couch, et al. v. BP Products, et al.*, Case No. 2:07-cv-02397, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that a settlement has been reached with Equilon Enterprises, LLC D/B/A Shell Oil Products US and Motiva Enterprises, Inc. (Collectively "Shell"), and that approval of this settlement is now being sought in this Court.

4. I understand that for purposes of the Shell settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Texas from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 2007. My lawsuit was filed on or about 7/20/2007

9. Over the course of these proceedings, I have expended approximately 15 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

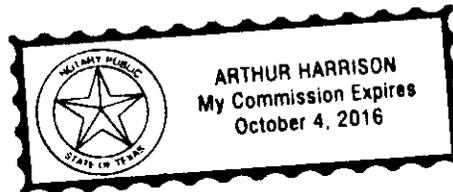
FURTHER AFFIANT SAYETH NOT.

Wesley Lee Kidd

Subscribed and sworn to before me this 17 day of October, 2013.

AH

NOTARY PUBLIC  
My Commission Expires: 10-4-2016



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO**

**AFFIDAVIT OF ANNA LEGATES**

I, Anna Legates, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Becker, et al. v. Marathon Petroleum, et al.*, Case No. 2:07-cv-2350, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Sam's East, Inc., Sam's West, Inc., and Wal-Mart Stores, LP (Collectively "Sam's"), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the Sam's settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:  
  
All persons who, between January 1, 2001 and the date of preliminary approval of this Agreement, purchased motor fuel from Sam's in the State of Delaware, excluding: (a) officers and employees of Sam's or its affiliates; and (b) the Court, and members of the Court's immediate family.
5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since Dec. 2006 My lawsuit was filed on or about January 4, 2013

9. Over the course of these proceedings, I have expended approximately 5 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Anna Legates

Subscribed and sworn to before me this 15 day of November, 2013.

Pamela G. Beckman

NOTARY PUBLIC

My Commission Expires:

**PAMELA G. BECKMAN**

**NOTARY PUBLIC**

**STATE OF DELAWARE**

**My Commission Expires Jan. 11, 2017**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF PHYLLIS LERNER

I, Phyllis Lerner, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Lerner, et al. v. Costco, et al.*, Case No. 2:07-cv-02405, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that a settlement has been reached with Dansk Investment Group, Inc. (“Dansk”) (formerly known as USA Petroleum Corporation), and that approval of this settlement is now being sought in this Court.

4. I understand that for purposes of the settlement, I am one of the proposed class representative for class related to Dansk Settlement that are defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of this Agreement, purchased motor fuel from Dansk in the State of California, excluding: (a) officers and employees of Dansk or its affiliates; and (b) the Court, and members of the Court’s immediate family.

5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since Feb, 2007. My lawsuit was filed on or about February 22, 2007.

9. Over the course of these proceedings, I have expended approximately 47 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

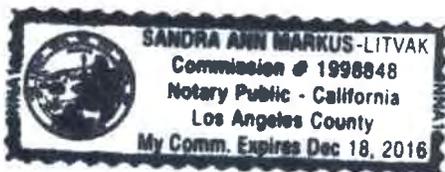
FURTHER AFFIANT SAYETH NOT.

Phyllis Lerner

Subscribed and sworn to before me this 6 day of October, 2013.

Sandra Ann Markus-Litvak

NOTARY PUBLIC  
My Commission Expires:  
December 18, 2016



# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles

On Oct. 6, 2013

Date

before me, SANDRA ANN MARKUS-LITVAK, Notary Public

Here Insert Name and Title of the Officer

personally appeared Phyllis Lerner

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

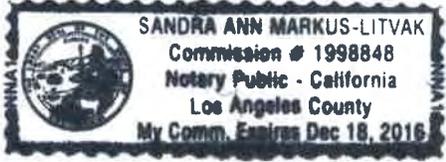
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Sandra Ann Markus-Litvak

Signature of Notary Public

Place Notary Seal Above



## OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

### Description of Attached Document

Title or Type of Document: AFFIDAVIT OF PHYLLIS LERNER

Document Date: 10-6-2013

Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer(s)

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF DENNIS MANN

I, Dennis Mann, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Williams, et al. v. BP Corp., et al.*, Case No. 2:07-cv-02355, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with BP Products North America, Inc., and BP West Coast Products, LLC (collectively, "BP"), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the BP settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:  
  
All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Alabama from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

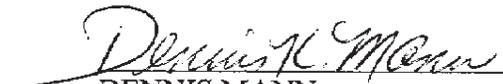
6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

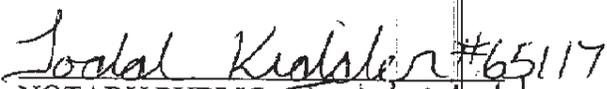
8. I have participated in this litigation since February 28, 2007, when my lawsuit was filed.

9. Over the course of these proceedings, I have expended approximately 35 to 40 total hours of my time actively working on this case, including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

  
DENNIS MANN

Subscribed and sworn to before me this 20 day of March, 2015.

  
NOTARY PUBLIC Todd Kidder  
My Commission Expires:

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF DENNIS MANN

I, Dennis Mann, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Wash, et al. v. Chevron, et al.*, Case No. 2:07-cv-02361, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that settlements have been reached with BP Products North America, Inc., and BP West Coast Products, LLC (collectively, "BP"), and ConocoPhillips Company ("COP") and that approval of those settlements are now being sought in this Court.

4. I understand that for purposes of the BP, and COP settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Mississippi from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlements.

8. I have participated in this litigation since January 7, 2013, when my lawsuit was filed.

9. Over the course of these proceedings, I have expended approximately 35 to 40 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Dennis K. Mann

Subscribed and sworn to before me this 21<sup>st</sup> day of May, 2015.

Dana Lynn Simon  
NOTARY PUBLIC  
My Commission Expires: 10/20/15

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF DENNIS MANN

I, Dennis Mann, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Williams, et al. v. BP Corp., et al.*, Case No. 2:07-cv-02355, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Chevron USA, Inc. ("Chevron"), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the settlement, I am the proposed class representative for the subclass that is defined as:  

All persons and entities who, at any time during the period January 1, 2004, to the date of preliminary approval of this Settlement Agreement, purchased motor fuel at retail in the State of Alabama, from a gas station owned, operated, or controlled by the Settling Defendant. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

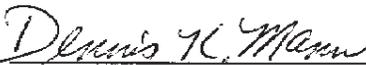
6. I believe the settlement is in the best interests of the subclass I represent, and that the settlements are fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since February 28, 2007, when my lawsuit was filed.

9. Over the course of these proceedings, I have expended approximately 35 to 40 total hours of my time actively working on this case, including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
DENNIS MANN

Subscribed and sworn to before me this 20 day of March, 2015.

 #65117  
NOTARY PUBLIC Todd Kidder  
My Commission Expires:

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION ) MDL No.: 1840  
)  
(This Document Relates to All Cases) ) No.: 07-md-1840-KHV-JPO

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AFFIDAVIT OF CRAIG MASSEY

I, Craig Massey, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Massey, et al. v. BP Corp., et al.*, Case No. 2:07-cv-02289, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that settlements have been reached with Casey's General Stores, Inc. ("Casey's"), and Citgo Petroleum Corporation ("Citgo") and that approval of those settlements are now being sought in this Court.

4. I understand that for purposes of the Citgo settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Oklahoma from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand that for purposes of the Casey's settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons who, between January 1, 2001 and the date of preliminary approval of this Settlement Agreement, purchased motor fuel from Casey's in the State of Oklahoma, excluding: (a) officers and employees of Casey's or its affiliates; and (b) the Court, and members of the Court's immediate family.

6. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

7. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

8. I also understand that class representative incentive awards have been requested as part of the settlements.

9. I have participated in this litigation since January, 2007. My lawsuit was filed on or about January 26, 2007.

10. Over the course of these proceedings, I have expended approximately 60 total hours of my time actively working on this case, including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.



Subscribed and sworn to before me this 5 day of Oct, 2013.



NOTARY PUBLIC  
My Commission Expires:



8/28/2014

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF LISA MCBRIDE

I, Lisa McBride, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Keen Exploration, et al. v. Amoco, et al.*, Case No. 2:07-cv-02294, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that settlements have been reached with BP Products North America, Inc., and BP West Coast Products, LLC (collectively, "BP"), Citgo Petroleum Corporation ("Citgo"), ConocoPhillips Company ("COP"), ExxonMobil Corporation ("Exxon"), Sam's East, Inc., Sam's West, Inc., and Wal-Mart Stores, LP (Collectively "Sam's"), Equilon Enterprises, LLC D/B/A Shell Oil Products US and Motiva Enterprises, Inc. (Collectively "Shell"), and Valero Marketing and Supply Company ("Valero"), and that approval of those settlements are now being sought in this Court.
4. I understand that for purposes of the BP, Citgo, COP, Exxon and Shell settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of the Kentucky from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand that for purposes of the Sam's settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons who, between January 1, 2001 and the date of preliminary approval of this Agreement, purchased motor fuel from Sam's in the State of Kentucky, excluding: (a) officers and employees of Sam's or its affiliates; and (b) the Court, and members of the Court's immediate family.

6. I understand that for purposes of the Valero settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of Approval of the Agreement, purchased Retail Motor Fuel in a State at issue from a retail motor fuel Station that is or was owned, operated, or branded by Valero Releasees, excluding: officers and employees of Valero or its affiliates and the court, and members of the Court's immediate family.

7. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

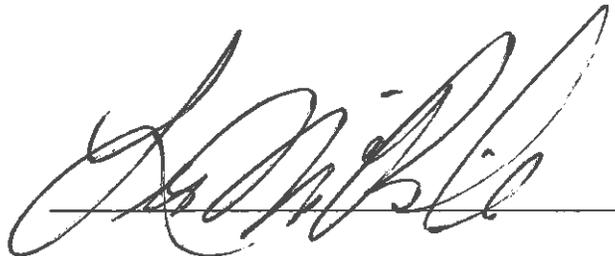
8. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

9. I also understand that class representative incentive awards have been requested as part of the settlements.

10. I have participated in this litigation since 2007. My lawsuit was filed on or about 1/25/07.

11. Over the course of these proceedings, I have expended approximately 90 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.



A large, stylized handwritten signature in black ink, written over a horizontal line.

Subscribed and sworn to before me this 14 day of Nov., 2014.

  
NOTARY PUBLIC

A handwritten signature in black ink, written over a horizontal line.

My Commission Expires: June 23, 2015

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF LISA MCBRIDE

I, Lisa McBride, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Keen Exploration, et al. v. Amoco, et al.*, Case No. 2:07-cv-02294, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that a settlement has been reached with Chevron USA, Inc., and that approval of this settlement is now being sought in this Court.

4. I understand that for purposes of the settlement, I am the proposed class representative for subclass related to the settlement that is defined as:

All persons and entities who, at any time during the period January 1, 2004, to the date of preliminary approval of this Settlement Agreement, purchased motor fuel at retail in the State of Kentucky, from a gas station owned, operated, or controlled by the Settling Defendant. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

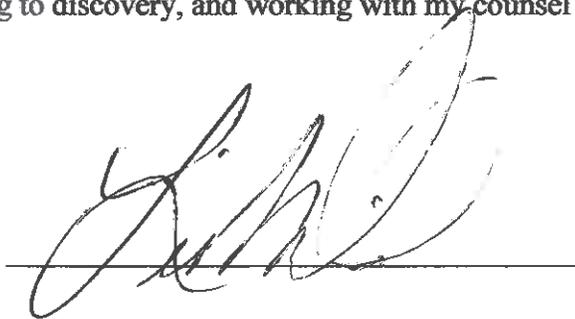
6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 2007. My lawsuit was filed on or about 1/25/07.

9. Over the course of these proceedings, I have expended approximately 90 total hours of my time actively working on this case, including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.



Subscribed and sworn to before me this 14 day of Nov., 201~~3~~<sup>4</sup>.

Debra L. Gurdica  
NOTARY PUBLIC

My Commission Expires: June 23, 2015

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF LISA MCBRIDE

I, Lisa McBride, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Keen Exploration, et al. v. Amoco, et al.*, Case No. 2:07-cv-02294, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Thorntons Inc., and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the Thorntons Inc. settlement, I am the proposed class representative for subclass related to the settlement that is defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of the Kentucky from a retail motor fuel station owned, operated or controlled by Thorntons Inc. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 2007. My lawsuit was filed on or about 1/25/07.

9. Over the course of these proceedings, I have expended approximately 90 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.



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Subscribed and sworn to before me this 14 day of November, 2014.

Debra J. Gaudin  
NOTARY PUBLIC  
My Commission Expires: June 23, 2015

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF TAMARA MILLER

I, Tamara Miller, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Foster, et al. v. BP North America, et al.*, Case No. 2:07-cv-02296, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that settlements have been reached with Valero Marketing and Supply Company (“Valero”), and that approval of this settlement is now being sought in this Court.

4. I understand that for purposes of the Valero settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of Approval of the Agreement, purchased Retail Motor Fuel in a State at issue from a retail motor fuel Station that is or was owned, operated, or branded by Valero Releasees, excluding: officers and employees of Valero or its affiliates and the court, and members of the Court’s immediate family.

5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 2007. My lawsuit was filed on or about Jan. 25, 2007.

9. Over the course of these proceedings, I have expended approximately 80 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Lamar L. Miller

Subscribed and sworn to before me this 18<sup>th</sup> day of October, 2013.

Donal P. Cavette  
NOTARY PUBLIC  
My Commission Expires:



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF TAMARA MILLER

I, Tamara Miller, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Foster, et al. v. BP North America, et al.*, Case No. 2:07-cv-02296, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that a settlement has been reached with Chevron USA, Inc., and that approval of this settlement is now being sought in this Court.

4. I understand that for purposes of the settlement, I am the proposed class representative for subclass that is defined as:

All persons and entities who, at any time during the period January 1, 2004, to the date of preliminary approval of this Settlement Agreement, purchased motor fuel at retail in the State of Tennessee, from a gas station owned, operated, or controlled by the Settling Defendant. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

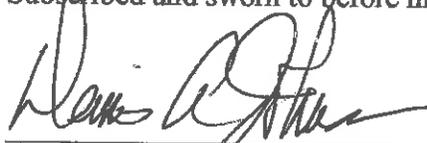
8. I have participated in this litigation since 2007. My lawsuit was filed on or about January 25, 2007.

9. Over the course of these proceedings, I have expended approximately 80 total hours of my time actively working on this case, including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

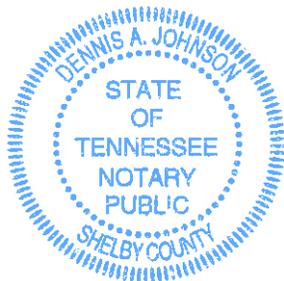


Subscribed and sworn to before me this 3 day of November, 2014



NOTARY PUBLIC

My Commission Expires: 10/30/16



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF DIXCEE MILLSAP

I, Dixcee Millsap, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Rutherford, et al. v. Murphy Oil, et al.*, Case No. 2:07-cv-02389, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with BP Products North America, Inc., and BP West Coast Products, LLC (collectively, "BP"), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the BP settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:  
  
All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Georgia from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 05/30/2007. My lawsuit was filed on or about 06/05/2007.

9. Over the course of these proceedings, I have expended approximately 60 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.



Subscribed and sworn to before me this 17<sup>th</sup> day of October 2013.

Cheryl G. Crick  
NOTARY PUBLIC  
My Commission Expires: 06/13/2014



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF KRISTY MOTT

I, Kristy Mott, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Bower, et al. v. 7-Eleven, et al.*, Case No. 2:07-cv-02430, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with ConocoPhillips Company (“COP”), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the COP settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:  
  
All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Oklahoma from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since June, 2007. My lawsuit was filed on or about July 1, 2007.

9. Over the course of these proceedings, I have expended approximately 20 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

*Kristy M. H. Pauls*

Subscribed and sworn to before me this 23 day of October, 2013.

*Janette Fleming*  
NOTARY PUBLIC  
My Commission Expires:



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO**

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**AFFIDAVIT OF MELISSA MURRAY**

1, Melissa Murray, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Couch, et al. v. BP Products, et al.*, Case No. 2:07-cv-02397, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Valero Marketing and Supply Company (“Valero”), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the Valero settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:  

All persons and entities who, at any time during the period from January 1, 2001 to the date of Approval of the Agreement, purchased Retail Motor Fuel in a State at issue from a retail motor fuel Station that is or was owned, operated, or branded by Valero Releasees, excluding: officers and employees of Valero or its affiliates and the court, and members of the Court’s immediate family.
5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 2007. My lawsuit was filed on or about 7/20/2007

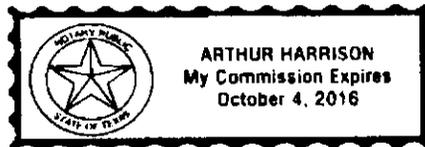
9. Over the course of these proceedings, I have expended approximately 15 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

*Melissa Murray*

Subscribed and sworn to before me this 2<sup>ND</sup> day of October, 2013.

Arthur Harrison  
NOTARY PUBLIC  
My Commission Expires:



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**IN RE: MOTOR FUEL TEMPERATURE )**  
**SALES PRACTICES LITIGATION )**  
**(This Document Relates to All Cases) ) MDL No: 1840**  
**) No: 07-md-1840-KHV-JPO**

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**SECOND MOTION FOR AWARD OF ATTORNEYS' FEES, EXPENSES, AND  
CLASS REPRESENTATIVE INCENTIVE AWARDS**

**Exhibit 4C**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
 ) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF JEAN NEESE

I, Jean Neese, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Neese, et al. v. Abercrombie Oil, et al.*, Case No. 2:07-cv-02358, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that settlements have been reached with Citgo Petroleum Corporation (“Citgo”), ConocoPhillips Company (“COP”), ExxonMobil Corporation (“Exxon”), Sam’s East, Inc., Sam’s West, Inc., and Wal-Mart Stores, LP (Collectively “Sam’s”), and Valero Marketing and Supply Company (“Valero”), and that approval of those settlements are now being sought in this Court.

4. I understand that for purposes of the Citgo, COP, and Exxon settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of North Carolina from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand that for purposes of the Sam's settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons who, between January 1, 2001 and the date of preliminary approval of this Agreement, purchased motor fuel from Sam's in the State of North Carolina, excluding: (a) officers and employees of Sam's or its affiliates; and (b) the Court, and members of the Court's immediate family.

6. I understand that for purposes of the Valero settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of Approval of the Agreement, purchased Retail Motor Fuel in a State at issue from a retail motor fuel Station that is or was owned, operated, or branded by Valero Releasees, excluding: officers and employees of Valero or its affiliates and the court, and members of the Court's immediate family.

7. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

8. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

9. I also understand that class representative incentive awards have been requested as part of the settlements.

10. I have participated in this litigation since 2007. My lawsuit was filed on or about March 7, 2007.

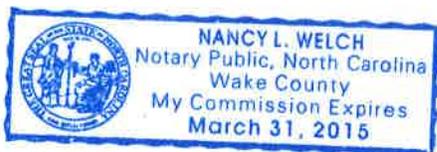
11. Over the course of these proceedings, I have expended approximately 35 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

*Jean Neese*

Subscribed and sworn to before me this 27<sup>th</sup> day of September 2013.

*Nancy L. Welch*  
NOTARY PUBLIC  
My Commission Expires:



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF JEAN NEESE

I, Jean Neese, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Neese, et al. v. Abercrombie Oil, et al.*, Case No. 2:07-cv-02358, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that a settlement has been reached with Chevron USA, Inc., and that approval of this settlement is now being sought in this Court.

4. I understand that for purposes of the settlement, I am the proposed class representative for subclass that is defined as:

All persons and entities who, at any time during the period January 1, 2004, to the date of preliminary approval of this Settlement Agreement, purchased motor fuel at retail in the State of North Carolina, from a gas station owned, operated, or controlled by the Settling Defendant. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 2007. My lawsuit was filed on or about March 7, 2007.

9. Over the course of these proceedings, I have expended approximately 35 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

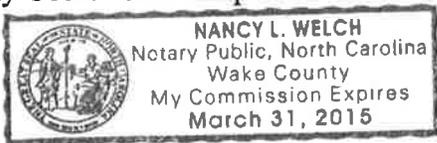
Jean Neese

Subscribed and sworn to before me this 7<sup>th</sup> day of November, 2013.

Nancy L. Welch

NOTARY PUBLIC

My Commission Expires:



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF JEAN NEESE

I, Jean Neese, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Neese, et al. v. Abercrombie Oil, et al.*, Case No. 2:07-cv-02358, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that a settlement has been reached with M.M. Fowler, Inc. (“M.M. Fowler”), and that approval of this settlement is now being sought in this Court.

4. I understand that for purposes of the M.M. Fowler settlement, I am the proposed class representative for subclass related to the settlement that is defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of North Carolina from a retail motor fuel station owned, operated or controlled by M.M. Fowler, Inc. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 2007. My lawsuit was filed on or about March 7, 2007.

9. Over the course of these proceedings, I have expended approximately 40 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

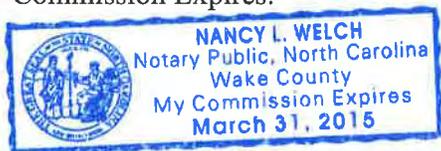
Jan Nees

Subscribed and sworn to before me this 21<sup>st</sup> day of March, 2014.

Nancy L. Welch

NOTARY PUBLIC

My Commission Expires:



IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE  
SALES PRACTICES LITIGATION

MDL No: 1840

(This Document Relates to All Cases)

No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF GERALD PANTO

I, Gerald Panto, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Panto v. BP Corporation, et al.*, Case No. 2:07-cv-02504, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that settlements have been reached with BP Products North America, Inc., and BP West Coast Products, LLC (collectively, "BP"), Citgo Petroleum Corporation ("Citgo"), ConocoPhillips Company ("COP"), ExxonMobil Corporation ("Exxon"), Sam's East, Inc., Sam's West, Inc., and Wal-Mart Stores, LP (Collectively "Sam's"), Equilon Enterprises, LLC D/B/A Shell Oil Products US and Motiva Enterprises, Inc. (Collectively "Shell"), and Valero Marketing and Supply Company ("Valero"), and that approval of those settlements are now being sought in this Court.
4. I understand that for purposes of the BP, Citgo, COP, Exxon, and Shell settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Pennsylvania from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand that for purposes of the Sam's settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons who, between January 1, 2001 and the date of preliminary approval of this Agreement, purchased motor fuel from Sam's in the State of Pennsylvania, excluding: (a) officers and employees of Sam's or its affiliates; and (b) the Court, and members of the Court's immediate family.

6. I understand that for purposes of the Valero settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of Approval of the Agreement, purchased Retail Motor Fuel in a State at issue from a retail motor fuel Station that is or was owned, operated, or branded by Valero Releasees, excluding: officers and employees of Valero or its affiliates and the court, and members of the Court's immediate family.

7. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

8. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

9. I also understand that class representative incentive awards have been requested as part of the settlements.

10. I have participated in this litigation since JULY 2007. My lawsuit was filed on or about AUGUST 2007.

11. Over the course of these proceedings, I have expended approximately 22.5 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

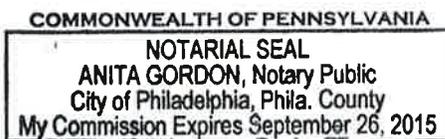
Gerald Panto  
GERALD PANTO

Subscribed and sworn to before me this 1st day of October, 2013.

Anita Gordon

NOTARY PUBLIC

My Commission Expires:



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF GERALD PANTO

I, Gerald Panto, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Panto v. BP Corporation, et al.*, Case No. 2:07-cv-02504, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that a settlement has been reached with Sunoco, Inc. (R&M) (“Sunoco”), and that approval of this settlement is now being sought in this Court.

4. I understand that for purposes of the Sunoco settlement, I am the proposed class representative for subclass related to the settlement that is defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the Commonwealth of Pennsylvania from a retail motor fuel station owned, operated or controlled by Sunoco, Inc. (R&M). Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since July, 2007. My lawsuit was filed on or about August, 2007.

9. Over the course of these proceedings, I have expended approximately 10 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Gerald Panto

Subscribed and sworn to before me this 4 day of November, 2014.

Anita Gordon

NOTARY PUBLIC

My Commission Expires:

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL  
ANITA GORDON, Notary Public  
City of Philadelphia, Phila. County  
My Commission Expires September 26, 2015

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF RICHARD PATRICK

I, Richard Patrick, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Redstone, et al. v. Chevron, et al.*, Case No. 2:07-cv-02375, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that settlements have been reached with BP Products North America, Inc., and BP West Coast Products, LLC (collectively, "BP"), ConocoPhillips Company ("COP"), ExxonMobil Corporation ("Exxon"), and Equilon Enterprises, LLC D/B/A Shell Oil Products US and Motiva Enterprises, Inc. (Collectively "Shell"), and that approval of those settlements are now being sought in this Court.

4. I understand that for purposes of the BP, COP, Exxon and Shell settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Florida from a retail motor fuel station. Excluded from the class is any judicial officer presiding over

this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlements.

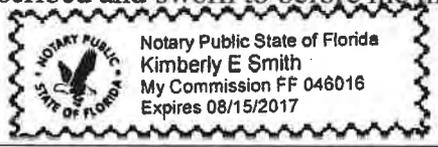
8. I have participated in this litigation since March of 2007. My lawsuit was filed on or about March 21, 2007.

9. Over the course of these proceedings, I have expended approximately 25 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Rebecca Patis

Subscribed and sworn to before me this 8<sup>th</sup> day of November, 2013.



Kimberly E. Smith

NOTARY PUBLIC  
My Commission Expires:

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

IN RE: MOTOR FUEL  
TEMPERATURE SALES PRACTICES  
LITIGATION

Case No. MDL No. 1840  
**NO: 07-MD-1840-KHV-JPO**

(This Document Relates to All Cases)

**AFFIDAVIT OF CHRISTOPHER PAYNE**

I, Christopher Payne, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am a named plaintiff in the case called *Payne, et al v. Chevron USA, Inc., et al*, Case No. 2:07-cv-02366, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that settlements have been reached with Citgo Petroleum Corporation ("Citgo"), ConocoPhillips Company ("COP"), ExxonMobil Corporation ("Exxon"), Sam's East, Inc., Sam's West, Inc., and Wal-Mart Stores, LP (Collectively "Sam's"), Equilon Enterprises, LLC D/B/A Shell Oil Products US and Motiva Enterprises, Inc. (Collectively "Shell"), and Sinclair Oil Corporation ("Sinclair"), and that approval of those settlements are now being sought in this Court.

4. I understand that for purposes of the Citgo, COP, Exxon, Shell, and Sinclair settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Arizona from a retail motor fuel station.

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Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand that for purposes of the Sam's settlement, I am the proposed class representative for subclass related to the settlement that is defined as:

All persons who, between January 1, 2001 and the date of preliminary approval of this Agreement, purchased motor fuel from Sam's in the State of Arizona, excluding: (a) officers and employees of Sam's or its affiliates; and (b) the Court, and members of the Court's immediate family.

6. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

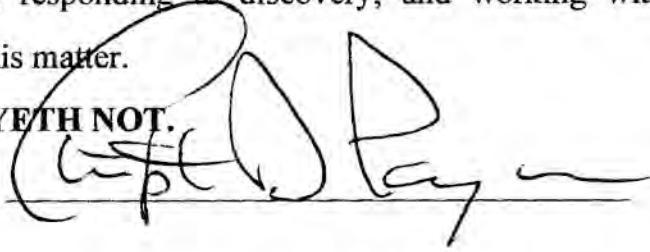
7. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

8. I also understand that class representative incentive awards have been requested as part of the settlements.

9. I have participated in this litigation since February 2007. My lawsuit was filed on or about March 1, 2007.

10. Over the course of these proceedings, I have expended approximately 50 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

**FURTHER AFFIANT SAYETH NOT.**



Subscribed and sworn to before me this 1 day of October, 2013.



NOTARY PUBLIC

My Commission Expires:

7/31/2014



HOLLIE HALL  
Notary Public—Arizona  
Maricopa County  
Expires 07/31/2014

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO**

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**AFFIDAVIT OF CHRISTOPHER PAYNE**

I, Christopher Payne, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Payne, et al v. Chevron USA, Inc., et al*, Case No. 2:07-cv-02366, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that a settlement has been reached with Chevron USA, Inc. (“Chevron”), and that approval of this settlement is now being sought in this Court.

4. I understand that for purposes of the settlement, I am the proposed class representative for the subclass related to this settlement that is defined as:

All persons and entities who, at any time during the period January 1, 2004, to the date of preliminary approval of this Settlement Agreement, purchased motor fuel at retail in the State of Arizona, from a gas station owned, operated, or controlled by the Settling Defendant. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

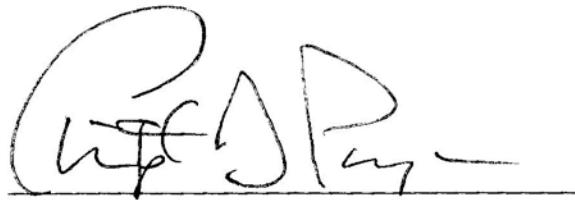
6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since February 2007. My lawsuit was filed on or about March 1, 2007.

9. Over the course of these proceedings, I have expended approximately 50 total hours of my time actively working on this case, including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.



Subscribed and sworn to before me this 5<sup>th</sup> day of NOVEMBER, 2013.

  
NOTARY PUBLIC  
My Commission Expires: 7/31/14



HOLLIE HALL  
Notary Public—Arizona  
Maricopa County  
Expires 07/31/2014

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF EDGAR M. PAZ

I, Edgar M. Paz, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Young, et al. v. Ambest, Inc., et al.*, Case No. 2:07-cv-02510, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that settlements have been reached with Exxon Mobil Corporation and Mobil Oil Guam, Inc. (collectively, "ExxonMobil"), and ConocoPhillips Company ("COP"), and that approval of those settlements are now being sought in this Court.

4. I understand that for purposes of the ExxonMobil and COP settlements, I am the proposed class representative for subclasses related to both settlements that are defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the Territory of Guam from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

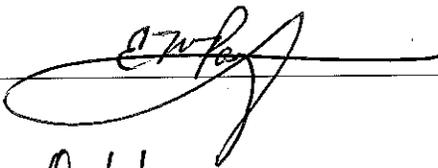
6. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlements.

8. I have participated in this litigation since 2007. My lawsuit was filed on or about Sept. 4, 2007

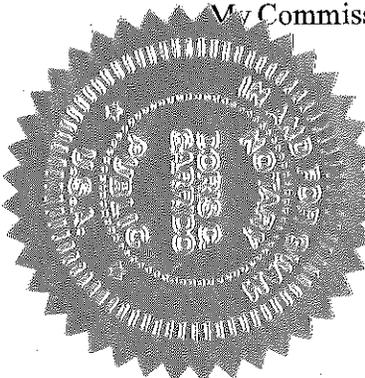
9. Over the course of these proceedings, I have expended approximately 500 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.



Subscribed and sworn to before me this 2nd day of October, 2013.

Doris C Garrido  
NOTARY PUBLIC  
My Commission Expires: 12/31/2015



Doris C. Garrido  
NOTARY PUBLIC  
In and for Guam, U.S.A.  
My Commission Expires: December 31, 2015  
Commission: NP No. 11-0152P  
450 Route 8 Maite, Guam 96910

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF MARA REDSTONE

I, Mara Redstone, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Redstone, et al. v. Chevron, et al.*, Case No. 2:07-cv-02375, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that settlements have been reached with Citgo Petroleum Corporation (“Citgo”), Sam’s East, Inc., Sam’s West, Inc., and Wal-Mart Stores, LP (Collectively “Sam’s”), and Valero Marketing and Supply Company (“Valero”), and that approval of those settlements are now being sought in this Court.

4. I understand that for purposes of the Citgo settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Florida from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand that for purposes of the Sam’s settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons who, between January 1, 2001 and the date of preliminary approval of this Agreement, purchased motor fuel from Sam's in the State of Florida, excluding: (a) officers and employees of Sam's or its affiliates; and (b) the Court, and members of the Court's immediate family.

6. I understand that for purposes of the Valero settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of Approval of the Agreement, purchased Retail Motor Fuel in a State at issue from a retail motor fuel Station that is or was owned, operated, or branded by Valero Releasees, excluding: officers and employees of Valero or its affiliates and the court, and members of the Court's immediate family.

7. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

8. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

9. I also understand that class representative incentive awards have been requested as part of the settlements.

10. I have participated in this litigation since March of 2007. My lawsuit was filed on or about March 21, 2007.

11. Over the course of these proceedings, I have expended approximately 25 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

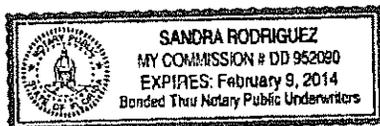
Maria Pedraza

Subscribed and sworn to before me this 5 day of November, 2013.

Sandra Rodriguez

NOTARY PUBLIC

My Commission Expires:



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF CARL RITTENHOUSE

I, Carl Rittenhouse, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Rutherford, et al. v. Murphy Oil, et al.*, Case No. 2:07-cv-02389, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with ExxonMobil Corporation (“Exxon”), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the Exxon settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:  
  
All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Georgia from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 05/30/2007. My lawsuit was filed on or about 06/05/2007.

9. Over the course of these proceedings, I have expended approximately 91 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Cass E. Ritterhouse, Jr.

Subscribed and sworn to before me this 17<sup>th</sup> day of October, 2013.

C Cheryl G. Crick  
NOTARY PUBLIC  
My Commission Expires: 06/13/2014



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF CARL RITTENHOUSE

I, Carl Rittenhouse, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Rutherford, et al. v. Murphy Oil, et al.*, Case No. 2:07-cv-02389, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that a settlement has been reached with Love’s Travel Stops & Country Stores, Inc. (“Settling Defendant”), and that approval of this settlement is now being sought in this Court.

4. I understand that for purposes of the Love’s Travel Stops & Country Stores, Inc. settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Georgia from a retail motor fuel station owned, operated or controlled by Settling Defendant. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since May 30, 2007. My lawsuit was filed on or about June 5, 2007.

9. Over the course of these proceedings, I have expended approximately 110 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Carl Rittenhouse

Subscribed and sworn to before me this 10<sup>th</sup> day of November, 2014.

Cheryl G. Crick  
NOTARY PUBLIC  
My Commission Expires: 06/11/2018



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE	)	
SALES PRACTICES LITIGATION	)	MDL No.: 1840
	)	
(This Document Relates to All Cases)	)	No.: 07-md-1840-KHV-JPO

**AFFIDAVIT OF BOBBY ROBERSON**

I, Bobby Roberson, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Massey, et al. v. BP Corp., et al.*, Case No. 2:07-cv-02289, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that settlements have been reached with ExxonMobil Corporation (“Exxon”), and Sinclair Oil Corporation (“Sinclair”), and that approval of those settlements are now being sought in this Court.
4. I understand that for purposes of the Exxon and Sinclair settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:  
  
All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Oklahoma from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.
6. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlements.

8. I have participated in this litigation since January, 2007. My lawsuit was filed on or about January 26, 2007.

9. Over the course of these proceedings, I have expended approximately 60 total hours of my time actively working on this case, including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF BOBBY ROBERSON

I, Bobby Roberson, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Massey, et al. v. BP Corp., et al.*, Case No. 2:07-cv-02289, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Chevron USA, Inc., and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the settlement, I am the proposed class representative for subclass that is defined as:  
  
All persons and entities who, at any time during the period January 1, 2004, to the date of preliminary approval of this Settlement Agreement, purchased motor fuel at retail in the State of Oklahoma, from a gas station owned, operated, or controlled by the Settling Defendant. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since January, 2007. My lawsuit was filed on or about January 26, 2007.

9. Over the course of these proceedings, I have expended approximately 60 total hours of my time actively working on this case, including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.



Bobby Roberts

Subscribed and sworn to before me this 6<sup>th</sup> day of November, 2013.

Elaine Sprague  
NOTARY PUBLIC  
My Commission Expires: 4-15-17

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

<b>IN RE: MOTOR FUEL TEMPERATURE</b>	)
<b>SALES PRACTICES LITIGATION</b>	)
	) <b>MDL No: 1840</b>
<b>(This Document Relates to All Cases)</b>	)
	) <b>No: 07-md-1840-KHV-JPO</b>

**AFFIDAVIT OF BOBBY ROBERSON**

I, Bobby Roberson, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Massey, et al. v. BP Corp., et al.*, Case No. 2:07-cv-02289, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with E-Z Mart Stores, Inc. ("Settling Defendant"), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the E-Z Mart Stores, Inc. settlement, I am the proposed class representative for the subclass related to the settlement that is defined as:
 

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Oklahoma from a retail motor fuel station owned, operated or controlled by Settling Defendant. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since January, 2007. My lawsuit was filed on or about January 26, 2007

9. Over the course of these proceedings, I have expended approximately 62 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Billy Adams

Subscribed and sworn to before me this 3<sup>rd</sup> day of April, 2014.

Elaine Sprague  
NOTARY PUBLIC  
My Commission Expires: 4-15-17



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF BOBBY ROBERSON

I, Bobby Roberson, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Massey, et al. v. BP Corp., et al.*, Case No. 2:07-cv-02289, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Love's Travel Stops & Country Stores, Inc. ("Settling Defendant"), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the Love's Travel Stops & Country Stores, Inc. settlement, I am the proposed class representative for the subclass related to the settlement that is defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Oklahoma from a retail motor fuel station owned, operated or controlled by Settling Defendant. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since January, 2007. My lawsuit was filed on or about January 26, 2007

9. Over the course of these proceedings, I have expended approximately  $\frac{60}{Bk}$  total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires:

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF JAN RUTHERFORD

I, Jan Rutherford, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Shields, et al. v. RaceTrac Petroleum, et al.*, Case No. 2:07-cv-02416, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that a settlement has been reached with BP Products North America, Inc., and BP West Coast Products, LLC (collectively, "BP"), and that approval of this settlement is now being sought in this Court.

4. I understand that for purposes of the BP settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Tennessee from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 7.1.07. My lawsuit was filed on or about 7.13.07.

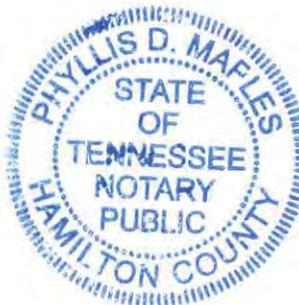
9. Over the course of these proceedings, I have expended approximately 65 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Jan S. Butcherford

Subscribed and sworn to before me this 17<sup>th</sup> day of October 2013.

Phyllis D. Maples  
NOTARY PUBLIC  
My Commission Expires: 2/22/17



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF STEVEN RUTHERFORD

I, Steven Rutherford, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Rutherford, et al. v. Murphy Oil, et al.*, Case No. 2:07-cv-02389, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Sam’s East, Inc., Sam’s West, Inc., and Wal-Mart Stores, LP (Collectively “Sam’s”), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the Sam’s settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:  
  
All persons who, between January 1, 2001 and the date of preliminary approval of this Agreement, purchased motor fuel from Sam’s in the State of Georgia, excluding: (a) officers and employees of Sam’s or its affiliates; and (b) the Court, and members of the Court’s immediate family.
5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 05/30/07 . My lawsuit was filed on or about 06/05/2007 .

9. Over the course of these proceedings, I have expended approximately 65 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.



Subscribed and sworn to before me this 31<sup>st</sup> day of October, 2013.

Melanie A. Haynes  
NOTARY PUBLIC  
My Commission Expires: 9-19-16

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF WILLIAM RUTHERFORD

I, William Rutherford, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Shields, et al. v. RaceTrac Petroleum, et al.*, Case No. 2:07-cv-02416, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Sam’s East, Inc., Sam’s West, Inc., and Wal-Mart Stores, LP (Collectively “Sam’s”), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the Sam’s settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:  
  
All persons who, between January 1, 2001 and the date of preliminary approval of this Agreement, purchased motor fuel from Sam’s in the State of Tennessee, excluding: (a) officers and employees of Sam’s or its affiliates; and (b) the Court, and members of the Court’s immediate family.
5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 7.1.07. My lawsuit was filed on or about 7.13.07.

9. Over the course of these proceedings, I have expended approximately 65 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

William L. Rutherford

Subscribed and sworn to before me this 17<sup>th</sup> day of October, 2013.

Phyllis D. Mafles  
NOTARY PUBLIC  
My Commission Expires: 2/22/17



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF STEVEN RUBIN

I, Steven Rubin, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am one of the named plaintiffs in the case called *Lerner, et al. v. Costco, et al.*, Case No. 2:07-cv-02405, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that a settlement has been reached with G&M Oil Company, Inc. and G&M Oil Co., LLC (collectively "G&M"), and that approval of this settlement is now being sought in this Court.

4. I understand that for purposes of the G&M settlement, I am the proposed class representative for subclass related to G&M Settlement that is defined as:

All Persons who, at any time during the Relevant time Period, purchased motor fuel at retail in the State of California from a gas station that G&M owns or operates or has owned or operated.

5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

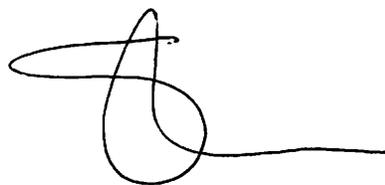
6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 2/25/2009. My lawsuit was filed on or about \_\_\_\_\_.

9. Over the course of these proceedings, I have expended approximately 13 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.



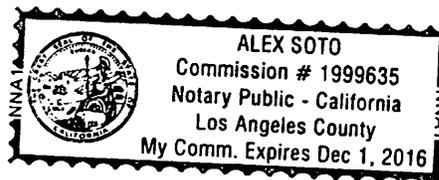
State: California County: Los Angeles

Subscribed and sworn to before me this 27th day of May, 2014.

  
NOTARY PUBLIC

My Commission Expires:

Dec 1, 2016



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF VICTOR RUYBALID

I, Victor Ruybalid, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Ruybalid v. BP Corp, et al.*, Case No. 2:07-cv-02398, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that settlements have been reached with BP Products North America, Inc., and BP West Coast Products, LLC (collectively, "BP"), Casey's General Stores, Inc. ("Casey's"), Citgo Petroleum Corporation ("Citgo"), ConocoPhillips Company ("COP"), ExxonMobil Corporation ("Exxon"), Sam's East, Inc., Sam's West, Inc., and Wal-Mart Stores, LP (Collectively "Sam's"), Equilon Enterprises, LLC D/B/A Shell Oil Products US and Motiva Enterprises, Inc. (Collectively "Shell"), and Valero Marketing and Supply Company ("Valero"), and that approval of those settlements are now being sought in this Court.
4. I understand that for purposes of the BP, Citgo, COP, Exxon, and Shell settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of the Indiana from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand that for purposes of the Casey's settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons who, between January 1, 2001 and the date of preliminary approval of this Settlement Agreement, purchased motor fuel from Casey's in the State of Indiana, excluding: (a) officers and employees of Casey's or its affiliates; and (b) the Court, and members of the Court's immediate family.

6. I understand that for purposes of the Sam's settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons who, between January 1, 2001 and the date of preliminary approval of this Agreement, purchased motor fuel from Sam's in the State of Indiana, excluding: (a) officers and employees of Sam's or its affiliates; and (b) the Court, and members of the Court's immediate family.

7. I understand that for purposes of the Valero settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of Approval of the Agreement, purchased Retail Motor Fuel in a State at issue from a retail motor fuel Station that is or was owned, operated, or branded by Valero Releasees, excluding: officers and employees of Valero or its affiliates and the court, and members of the Court's immediate family.

8. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

9. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

10. I also understand that class representative incentive awards have been requested as part of the settlements.

11. I have participated in this litigation since June 2007. My lawsuit was filed on or about June 26, 2007.

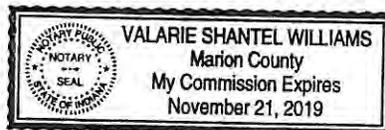
12. Over the course of these proceedings, I have expended approximately 40 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Victor Kuybalid

Subscribed and sworn to before me this 25th day of September, 2013.

Valarie S. Williams  
NOTARY PUBLIC  
My Commission Expires: 11/21/13



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF VICTOR RUYBALID

I, Victor Ruybalid, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Ruybalid v. BP Corp, et al.*, Case No. 2:07-cv-02398, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Chevron USA, Inc., and that approval of the settlement is now being sought in this Court.
4. I understand that for purposes of the Chevron settlement, I am the proposed class representative for the subclass related to the settlement that is defined as:  
  
All persons and entities who, at any time during the period January 1, 2004, to the date of preliminary approval of this Settlement Agreement, purchased motor fuel at retail in the State of Indiana, from a gas station owned, operated, or controlled by the Settling Defendant. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since June, 2007. My lawsuit was filed on or about June 26, 2007.

9. Over the course of these proceedings, I have expended approximately 40 total hours of my time actively working on this case, including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Victor Ruybalid

Subscribed and sworn to before me this 5<sup>th</sup> day of November, 2013.

Valarie Williams

NOTARY PUBLIC

My Commission Expires: 11-21-2019



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF VICTOR RUYBALID

I, Victor Ruybalid, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Ruybalid v. BP Corp, et al.*, Case No. 2:07-cv-02398, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Sunoco, Inc. (R&M) (“Sunoco”), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the Sunoco settlement, I am the proposed class representative for subclass related to the settlement that is defined as:  
  
All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of the Indiana from a retail motor fuel station owned, operated or controlled by Sunoco, Inc. (R&M). Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that is being provided to the subclass I represent.

6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since June 2007. My lawsuit was filed on or about June 26, 2007.

9. Over the course of these proceedings, I have expended approximately \_\_\_\_ total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Uita Raybold

Subscribed and sworn to before me this 25<sup>th</sup> day of March, 2014.

Valerie Shantel Williams

NOTARY PUBLIC

My Commission Expires:



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF RAPHAEL SAGALYN

I, Raphael Sagalyn, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Sagalyn v. Chevron, et al.*, Case No. 2:07-cv-02374, which was incorporated in the multidistrict litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that settlements have been reached with BP Products North America, Inc., and BP West Coast Products, LLC (collectively, "BP"), Citgo Petroleum Corporation ("Citgo"), ConocoPhillips Company ("COP"), ExxonMobil Corporation ("ExxonMobil"), Sam's East, Inc., Sam's West, Inc., and Wal-Mart Stores, LP (collectively, "Sam's"), Equilon Enterprises, LLC D/B/A Shell Oil Products US and Motiva Enterprises, Inc. (collectively, "Shell"), and Valero Marketing and Supply Company ("Valero"), and that approval of those settlements are now being sought in this Court.

4. I understand that for purposes of the BP, Citgo, COP, ExxonMobil and Shell settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action,

purchased motor fuel in the State of the Maryland from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlements.

8. I have participated in this litigation since January 2007. My lawsuit was filed on or about February 20, 2007.

9. Over the course of these proceedings, I have expended approximately 30 total hours of my time actively working on this case, including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

*James Soer*

Subscribed and sworn to before me this 19<sup>th</sup> day of November, 2013.

*Glady's Colon*  
NOTARY PUBLIC  
My Commission Expires: 4-14-2017



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF RAPHAEL SAGALYN

I, Raphael Sagalyn, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Sagalyn v. Chevron, et al.*, Case No. 2:07-cv-02374, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Chevron USA, Inc., and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the settlement, I am the proposed class representative for subclass that is defined as:  
  
All persons and entities who, at any time during the period January 1, 2004, to the date of preliminary approval of this Settlement Agreement, purchased motor fuel at retail in the State of Maryland, from a gas station owned, operated, or controlled by the Settling Defendant. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since Jan. 2007 My lawsuit was filed on or about Feb. 20, 2007

9. Over the course of these proceedings, I have expended approximately 30 total hours of my time actively working on this case, including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Raul Saen

Subscribed and sworn to before me this 19<sup>th</sup> day of November, 2013.

Gladys Colon  
NOTARY PUBLIC  
My Commission Expires: 4-14-2017



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF RAPHAEL SAGALYN

I, Raphael Sagalyn, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Sagalyn v. Chevron, et al.*, Case No. 2:07-cv-02374, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Sunoco, Inc. (R&M) (“Sunoco”), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the Sunoco settlement, I am the proposed class representative for the subclass related to the settlement that is defined as:  
  
All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of the Maryland from a retail motor fuel station owned, operated or controlled by Sunoco, Inc. (R&M). Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since January 2007. My lawsuit was filed on or about February 20, 2007.

9. Over the course of these proceedings, I have expended approximately 30 total hours of my time actively working on this case including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.



Subscribed and sworn to before me this 28<sup>th</sup> day of November, 2014.



NOTARY PUBLIC

My Commission Expires: April 14, 2017



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

<b>IN RE: MOTOR FUEL TEMPERATURE</b>	)	
<b>SALES PRACTICES LITIGATION</b>	)	
	)	<b>MDL No: 1840</b>
<b>(This Document Relates to All Cases)</b>	)	
	)	<b>No: 07-md-1840-KHV-JPO</b>

**AFFIDAVIT OF MARK SCRIVNER**

I, Mark Scrivner, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Conlin, et al. v. Chevron, et al.*, Case No. 2:07-cv-02359, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that a settlement has been reached with ConocoPhillips Company (“COP”), and that approval of this settlement is now being sought in this Court.

4. I understand that for purposes of the COP settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Tennessee from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

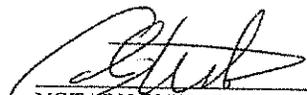
8. I have participated in this litigation since 3/07. My lawsuit was filed on or about 3/20/07.

9. Over the course of these proceedings, I have expended approximately 25 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.



Subscribed and sworn to before me this 1<sup>st</sup> day of November, 2013.

  
NOTARY PUBLIC  
My Commission Expires: 9/11/17



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF ANNIE SMITH

I, Annie Smith, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Williams, et al. v. BP Corp., et al.*, Case No. 2:07-cv-02355, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that settlements have been reached with ConocoPhillips Company ("COP"), Sam's East, Inc., Sam's West, Inc., and Wal-Mart Stores, LP (Collectively "Sam's"), and Equilon Enterprises, LLC D/B/A Shell Oil Products US and Motiva Enterprises, Inc. (Collectively "Shell"), and that approval of those settlements are now being sought in this Court.
4. I understand that for purposes of the COP and Shell settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Alabama from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand that for the purposes of the Sam's settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons who, between January 1, 2001 and the date of preliminary approval of this Agreement, purchased motor fuel from Sam's in the State of Alabama, excluding: (a) officers and employees of Sam's or its affiliates; and (b) the Court, and members of the Court's immediate family.

6. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

7. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

8. I also understand that class representative incentive awards have been requested as part of the settlements.

9. I have participated in this litigation since February 28, 2007, when my complaint was filed.

10. Over the course of these proceedings, I have expended approximately 35 to 40 total hours of my time actively working on this case, including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

  
ANNIE SMITH

Subscribed and sworn to before me this 17<sup>th</sup> day of March, 2015.

  
\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires:

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO**

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**AFFIDAVIT OF ANNIE SMITH**

I, Annie Smith, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Wash, et al. v. Chevron, et al.*, Case No. 2:07-cv-02361, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that a settlement has been reached with Equilon Enterprises, LLC d/b/a Shell Oil Products US and Motiva Enterprises, Inc. (Collectively "Shell"), and that approval of this settlement is now being sought in this Court.

4. I understand that for purposes of the Shell settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Mississippi from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

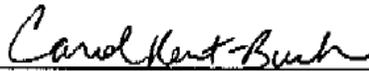
8. I have participated in this multi-district litigation since January 7, 2013, when I was added as a Plaintiff in the Mississippi lawsuit.

9. Over the course of these multi-district litigation proceedings, I have expended approximately 35 to 40 total hours of my time actively working on this case, including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

  
ANNIE SMITH

Subscribed and sworn to before me this 17<sup>th</sup> day of March, 2015.

  
\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires:

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF JACOB STEED

I, Jacob Steed, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Jenkins, et al. v. Amoco Oil Co., et al.*, Case No. 2:07-cv-02508, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Equilon Enterprises, LLC D/B/A Shell Oil Products US and Motiva Enterprises, Inc. (Collectively "Shell"), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the Shell settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:  
  
All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Utah from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

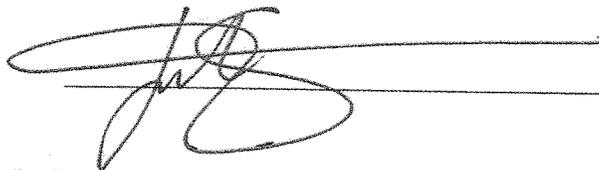
6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since mid 2007. My lawsuit was filed on or about 9/5/07.

9. Over the course of these proceedings, I have expended approximately 35 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.



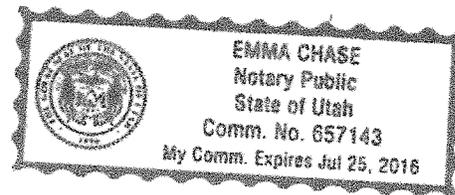
Subscribed and sworn to before me this 30<sup>th</sup> day of September, 2013.



NOTARY PUBLIC

My Commission Expires:

July 25, 2016



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF JACOB STEED

I, Jacob Steed, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Jenkins, et al. v. Amoco Oil Co., et al.*, Case No. 2:07-cv-02508, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that a settlement has been reached with Tesoro Refining and Marketing Company LLC (“Tesoro”), and that approval of this settlement is now being sought in this Court.

4. I understand that for purposes of the Tesoro settlement, I am the proposed class representative for subclass related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Utah from a retail motor fuel station owned, operated or controlled by Tesoro, including sales of their branded motor fuel. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

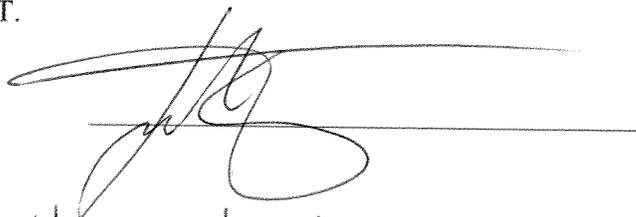
6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since mid-2007. My lawsuit was filed on or about September 5, 2007.

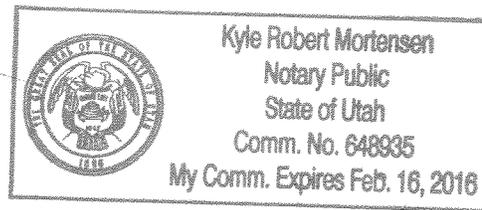
9. Over the course of these proceedings, I have expended approximately 35 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.



Subscribed and sworn to before me this 4 day of April, 2014.

  
NOTARY PUBLIC  
My Commission Expires: Feb 16, 2016



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF TEAM TRUCKING

I, Rayshaun Glanton, a representative of Team Trucking, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Wash, et al. v. Chevron, et al.*, Case No. 2:07-cv-02361, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that a settlement has been reached with Chevron USA, Inc., and that approval of this settlement is now being sought in this Court.

4. I understand that for purposes of the settlement, Team Trucking is the proposed class representative for subclass that is defined as:

All persons and entities who, at any time during the period January 1, 2004, to the date of preliminary approval of this Settlement Agreement, purchased motor fuel at retail in the State of Mississippi, from a gas station owned, operated, or controlled by the Settling Defendant. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this multi-district litigation since January 7, 2013, when my lawsuit was filed.

9. Over the course of these multi-district litigation proceedings, I have expended approximately 35 to 40 total hours of my time actively working on this case, including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

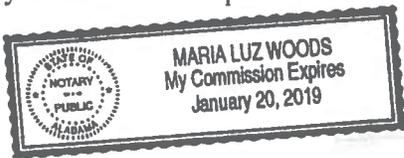
FURTHER AFFIANT SAYETH NOT.

By: *Raysiaun Glanton*  
RAYSIAUN GLANTON

Title: \_\_\_\_\_

Subscribed and sworn to before me this 23 day of March, 2015.

*Maria Luz Woods*  
NOTARY PUBLIC  
My Commission Expires:



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO**

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**DECLARATION OF JOHN TELLES**

I, John Telles, hereby state as follows:

1. I am of lawful age and hereby make the following declaration based upon my personal knowledge.

2. I am the named plaintiff in the case called *Rushing, et al. v. Alon USA, Inc., et al.*, Case No. 2:07-cv-02300, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that settlements have been reached with ConocoPhillips Company (“COP”), and Valero Marketing and Supply Company (“Valero”), and that approval of those settlements are now being sought in this Court.

4. I understand that for purposes of the COP settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of California from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand that for purposes of the Valero settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of Approval of the Agreement, purchased Retail Motor Fuel in a State at issue from a retail motor fuel Station that is or was owned, operated, or branded by Valero Releases, excluding: officers and employees of Valero or its affiliates and the court, and members of the Court's immediate family.

6. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

7. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

8. I also understand that class representative incentive awards have been requested as part of the settlements.

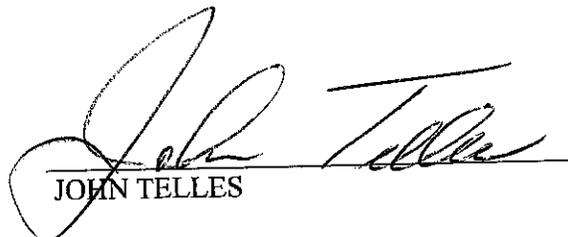
9. I have participated in this litigation since 2006. My lawsuit was filed on or about March 6, 2007.

10. Over the course of these proceedings, I have expended approximately 42 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER DECLARANT SAYETH NOT.

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

Executed on: November 5, 2013

  
JOHN TELLES

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF SARA TERRY

I, Sara Terry, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Jenkins, et al. v. Amoco Oil Co., et al.*, Case No. 2:07-cv-02508, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that settlements have been reached with BP Products North America, Inc., and BP West Coast Products, LLC (collectively, "BP"), and ConocoPhillips Company ("COP"), and that approval of those settlements are now being sought in this Court.

4. I understand that for purposes of the BP and COP settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Utah from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 2007. My lawsuit was filed on or about 09/05/07.

9. Over the course of these proceedings, I have expended approximately 37 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Shirley Terry

Subscribed and sworn to before me this 26 day of Sept., 2013.

Stacy York  
NOTARY PUBLIC  
My Commission Expires:



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO**

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**AFFIDAVIT OF MICHAEL WARNER**

I, Michael Warner, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Couch, et al. v. BP Products, et al.*, Case No. 2:07-cv-02397, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with ConocoPhillips Company (“COP”), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the COP settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:  
  
All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Texas from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

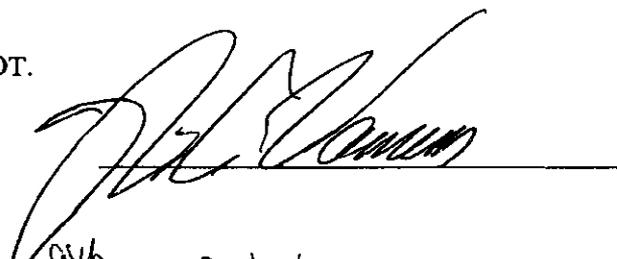
6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 2007. My lawsuit was filed on or about 11/20/2007.

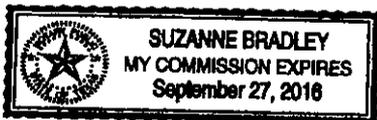
9. Over the course of these proceedings, I have expended approximately 56 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.



Subscribed and sworn to before me this 9th day of October, 2013.

  
NOTARY PUBLIC  
My Commission Expires: 9-27-2016



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
) MDL No: 1840  
(This Document Relates to All Cases) )  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF J.C. WASH

I, J.C. Wash, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Wash, et al. v. Chevron, et al.*, Case No. 2:07-cv-02361, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with Sam's East, Inc., Sam's West, Inc., and Wal-Mart Stores, LP (Collectively "Sam's"), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the Sam's settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:  

All persons who, between January 1, 2001 and the date of preliminary approval of this Agreement, purchased motor fuel from Sam's in the State of Mississippi, excluding: (a) officers and employees of Sam's or its affiliates; and (b) the Court, and members of the Court's immediate family.
5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since March 16, 2007, when my lawsuit was filed.

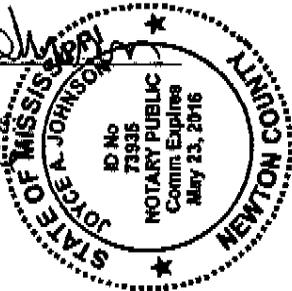
9. Over the course of these proceedings, I have expended approximately 35 to 40 total hours of my time actively working on this case, including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

*J.C. Wash*  
J.C. WASH

Subscribed and sworn to before me this 24<sup>th</sup> day of March, 2015.

*Joyce Johnson*  
NOTARY PUBLIC  
My Commission Expires May 23, 2016



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF CECIL WILKINS

I, Cecil Wilkins, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Neese, et al. v. Abercrombie Oil, et al.*, Case No. 2:07-cv-02358, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that settlements have been reached with BP Products North America, Inc., and BP West Coast Products, LLC (collectively, "BP"), and Equilon Enterprises, LLC D/B/A Shell Oil Products US and Motiva Enterprises, Inc. (Collectively "Shell"), and that approval of those settlements are now being sought in this Court.

4. I understand that for purposes of the BP, and Shell settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of North Carolina from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlements.

8. I have participated in this litigation since 2007. My lawsuit was filed on or about March 7, 2007.

9. Over the course of these proceedings, I have expended approximately 35 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

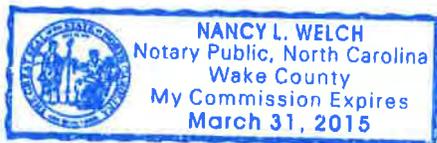
Cecil Wilkins

Subscribed and sworn to before me this 30<sup>th</sup> day of September, 2013.

Nancy L. Welch

NOTARY PUBLIC

My Commission Expires:



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF GARLAND WILLIAMS

I, Garland Williams, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Becker, et al. v. Marathon Petroleum, et al.*, Case No. 2:07-cv-2350, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that settlements have been reached with Citgo Petroleum Corporation (“Citgo”), ExxonMobil Corporation (“Exxon”), and Equilon Enterprises, LLC D/B/A Shell Oil Products US and Motiva Enterprises, Inc. (Collectively “Shell”), and that approval of those settlements are now being sought in this Court.

4. I understand that for purposes of the Citgo, Exxon and Shell settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of Delaware from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlements.

8. I have participated in this litigation since 2006. My lawsuit was filed on or about December 7, 2006.

9. Over the course of these proceedings, I have expended approximately 9 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

Carolee R. Walker

Subscribed and sworn to before me this 18<sup>th</sup> day of Oct., 2013.

[Signature]  
NOTARY PUBLIC  
My Commission Expires:



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF ZACHARY WILSON

I, Zachary Wilson, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Wilson, et al. v. Ampride, et al.*, Case No. 2:06-cv-02582, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that settlements have been reached with Sam's East, Inc., Sam's West, Inc., and Wal-Mart Stores, LP (Collectively "Sam's"), Equilon Enterprises, LLC d/b/a Shell Oil Products US and Motiva Enterprises, Inc. (Collectively "Shell"), and Sinclair Oil Corporation ("Sinclair"), and that approval of those settlements are now being sought in this Court.

4. I understand that for purposes of the Shell and Sinclair settlements, I am the proposed class representative for subclasses related to all settlements that are defined as:

All Persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of the Kansas from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand that for purposes of the Sam's settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:

All persons who, between January 1, 2001 and the date of preliminary approval of this Agreement, purchased motor fuel from Sam's in the State of Kansas, excluding: (a) officers and employees of Sam's or its affiliates; and (b) the Court, and members of the Court's immediate family.

6. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

7. I believe the settlements are in the best interests of the subclasses I represent, and that the settlements are fair and reasonable.

8. I also understand that class representative incentive awards have been requested as part of the settlements.

9. I have participated in this litigation since 2006. My lawsuit was filed on or about December 29, 2006.

10. Over the course of these proceedings, I have expended approximately 120 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

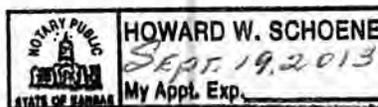
FURTHER AFFIANT SAYETH NOT.

*Zohary Wilson*

Subscribed and sworn to before me this 24 day of OCTOBER, 2013.

*Howard W. Schoene*  
NOTARY PUBLIC

My Commission Expires: Sept. 19, 2017



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE )  
SALES PRACTICES LITIGATION )  
(This Document Relates to All Cases) ) MDL No: 1840  
)  
) No: 07-md-1840-KHV-JPO

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AFFIDAVIT OF ZACHARY WILSON

I, Zachary Wilson, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.

2. I am the named plaintiff in the case called *Wilson, et al. v. Ampride, et al.*, Case No. 2:06-cv-02582, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.

3. I understand that a settlement has been reached with Chevron USA, Inc., and that approval of this settlement is now being sought in this Court.

4. I understand that for purposes of the settlement, I am the proposed class representative for subclass related to the settlement that is defined as:

All persons and entities who, at any time during the period January 1, 2004, to the date of preliminary approval of this Settlement Agreement, purchased motor fuel at retail in the State of Kansas, from a gas station owned, operated, or controlled by the Settling Defendant. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.

5. I understand my duties and representational responsibilities to the subclass that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclass I represent.

6. I believe the settlement is in the best interests of the subclass I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 2006. My lawsuit was filed on or about December 29, 2006.

9. Over the course of these proceedings, I have expended approximately 120 total hours of my time actively working on this case, including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

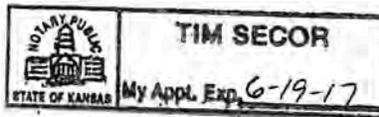
FURTHER AFFIANT SAYETH NOT.



Subscribed and sworn to before me this 8<sup>th</sup> day of November, 2013.



NOTARY PUBLIC  
My Commission Expires:  
6-19-17



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

<b>IN RE: MOTOR FUEL TEMPERATURE</b>	)
<b>SALES PRACTICES LITIGATION</b>	)
	) <b>MDL No: 1840</b>
<b>(This Document Relates to All Cases)</b>	)
	) <b>No: 07-md-1840-KHV-JPO</b>

**AFFIDAVIT OF MARK WYATT**

I, Mark Wyatt, hereby state as follows:

1. I am of lawful age and hereby make the following affidavit based upon my personal knowledge.
2. I am the named plaintiff in the case called *Wyatt, et al. v. BP America Corp, et al.*, Case No. 2:07-cv-02507, which was incorporated in the multi-district litigation proceeding now pending in the U.S. District Court for the District of Kansas.
3. I understand that a settlement has been reached with ExxonMobil Corporation (“Exxon”), and that approval of this settlement is now being sought in this Court.
4. I understand that for purposes of the Exxon settlement, I am the proposed class representative for subclasses related to all settlements that are defined as:
 

All persons and entities who, at any time during the period from January 1, 2001 to the date of preliminary approval of the settlement agreement in this action, purchased motor fuel in the State of California from a retail motor fuel station. Excluded from the class is any judicial officer presiding over this action and the members of his/her immediate family.
5. I understand my duties and representational responsibilities to the subclasses that I represent. I also understand the claims that have been asserted in this case and the settlement benefits that are being provided to the subclasses I represent.

6. I believe the settlement is in the best interests of the subclasses I represent, and that the settlement is fair and reasonable.

7. I also understand that class representative incentive awards have been requested as part of the settlement.

8. I have participated in this litigation since 6/2007. My lawsuit was filed on or about 9/6/2007.

9. Over the course of these proceedings, I have expended approximately 75 total hours of my time actively working on this case. Including time spent preparing for my deposition, giving my deposition, responding to discovery, and working with my counsel on general preparation in this matter.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_

Subscribed and sworn to before me this 27-day of September, 2013.

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires: 12-10-2014

See Attached  
Notarial Document  
9-27-2013

# Jurat

State of California

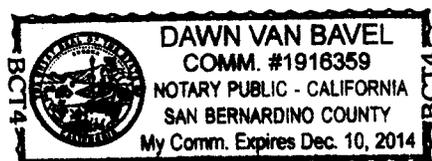
County of San Bernardino

Subscribed and sworn to (or affirmed) before me on this 27 day of September,  
2013 by Mark E. Wyatt

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Dawn Van Bavel  
Signature

(Notary seal)



## OPTIONAL INFORMATION

### INSTRUCTIONS FOR COMPLETING THIS FORM

The wording of all Jurats completed in California after January 1, 2008 must be in the form as set forth within this Jurat. There are no exceptions. If a Jurat to be completed does not follow this form, the notary must correct the verbiage by using a jurat stamp containing the correct wording or attaching a separate jurat form such as this one which does contain proper wording. In addition, the notary must require an oath or affirmation from the document signer regarding the truthfulness of the contents of the document. The document must be signed AFTER the oath or affirmation. If the document was previously signed, it must be re-signed in front of the notary public during the jurat process.

### DESCRIPTION OF THE ATTACHED DOCUMENT

Affidavit of Mark Wyatt  
(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages \_\_\_\_\_ Document Date \_\_\_\_\_

(Additional information)

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the jurat process is completed.
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Signature of the notary public must match the signature on file with the office of the county clerk.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different jurat form.
  - ❖ Additional information is not required but could help to ensure this jurat is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
- Securely attach this document to the signed document