

**COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
FOURTH DIVISION**

Civil Action No. 20-CI-00332

filed electronically

HAYNES PROPERTIES, LLC, et al.

PLAINTIFFS

v.

**BURLEY TOBACCO GROWERS
COOPERATIVE ASSOCIATION, et al.**

DEFENDANTS

**Settlement Class Counsels'
Statement-Report re Class Counsel Work**

Settlement Class Counsel, Katherine K. Yunker and Jason R. Hollon, hereby state their compliance with ¶7 of the Court's *sua sponte* Order signed November 18, 2021, and provide a summary report of the itemized statement regarding time spent submitted herewith under seal for the Court's *in camera* review. Class Counsel further state as follows:

1. Order ¶7 directs: "On or before November 22, 2021 Class Counsel shall submit to the Court an itemized billing statement for those appointed attorneys and paralegal time incurred from their appointment through November 12, 2021."

2. Submitted herewith to the Court for its *in camera* review are 52 pages of time records in this matter. These are internal records of the McBrayer firm which have not been created for or used for the purpose of collecting payment from any client. They contain information that is confidential under SCR 3.130-1.6 and subject to attorney-client privilege. The records are being submitted to the Court pursuant to its Order and with the understanding that if they are to be filed in the record, such filing shall be made under seal. Such production of otherwise confidential client information is therefore allowed under SCR 3.130-1.6(b)(4) and

does not constitute a waiver of any attorney-client privilege with respect to the firm's clients — Settlement Class members and those seeking to establish Settlement Class membership.

3. The Court announced its ruling that the undersigned were appointed as Class Counsel at the hearing held October 19, 2020; a written Order on rulings announced at the 10/19/20 hearing was entered on November 10, 2020, and an amended Order on November 17, 2020. Time reported begins on October 20, 2020 (the day after the 10/19/20 hearing) and continues through and including November 12, 2021. Time entries are for four individuals: Jason R. Hollon (appointed attorney), Katherine K. Yunker (appointed attorney), Holly M. Lewis (paralegal), and Brian S. Powers (non-practicing licensed attorney, categorized for these purposes as a paralegal).

4. Class Counsel had planned to present a report of their time and expenses for settlement class counsel work after a distribution had been made to all members of the settlement class who had qualified and were eligible for such. That report, and any request for an award of fees and expenses, might have had a later start date and probably would have included other class-counsel team members who dedicated time to essential class-counsel work.

5. Class Counsel and Ms. Lewis have worked hard to comply with Order ¶7, but do not want to take any more time than is necessary away from the primary class-counsel tasks of responding to class member inquiries (including about the deficiency notices mailed November 11, 2021) and preparing for the partial distribution to a portion of the class directed in ¶10 of the *sua sponte* Order. The time entries on the itemized statement submitted thus are in a raw state, before proofreading for typographical errors and exercise of “billing” judgment. November 2021 entries for Mr. Powers are not yet available. Class Counsel have erred on the side of excluding hours and work, taking a narrow view of “class-counsel work.” For the four indivi-

duals whose time entries have been included, the 1,581.5 reported hours represent approximately 75% of their hours reflected in McBrayer time records during the same time period for this case.

6. The following is a per-person and total summary of the time entries reported on the itemized statement submitted to the Court:

<u>Person</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Total (\$)</u>
Hollon, Jason R.	801.1	\$275	220,302.50
Lewis, Holly M.	211.1*	\$150	31,440.00
Powers, Brian S.	79.6	\$150	11,940.00
Yunker, Katherine K.	489.7*	\$400	194,600.00
TOTAL	1,581.5		\$ 458,282.00

* The report includes 1.5 hours which Ms. Lewis marked as "No Charge" (\$0); 3.2 hours which Ms. Yunker so marked.

Respectfully submitted,

/s/ Katherine K. Yunker

Katherine K. Yunker (KBA # 79592)

/s/ Jason R. Hollon

Jason R. Hollon (KBA # 96148)

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Settlement Class Counsel

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served this 22nd day of November 2021, electronically via the e-filing system and via electronic mail upon the following:

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and via first-class U.S. Mail, postage prepaid, on the objectors listed on Schedule A at the addresses given in their respective objections.

/s/ Katherine K. Yunker
Settlement Class Counsel

SCHEDULE A

J.B. Amburgey	David Barnes
Jacob Barnes	Robert E. Barton
Ben Clifford	Lincoln Clifford
Wayne Cropper	Josh Curtis
George Darnell	Jennifer Darnell
Brent Dunaway	Michael Furnish
William David Furnish	Leonard Edwin (Eddie) Gilkison
Bill Hall	Dudley Wayne Hatcher
Steve Lang	Berkley Marks
Bruce Quarles C/O Ben Quarles	Travis Quarles C/O Ben Quarles
Steven Quarles C/O Ben Quarles	Ben Quarles
Jerry Rankin	Richard Sparks
Jarrold Stephens	Addison Thomson
William A. Thomson	Danny Townsend
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