

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MARK HALE, TODD SHADLE, and
LAURIE LOGER, on behalf of themselves and
all others similarly situated,

Plaintiffs

v.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, EDWARD
MURNANE, and WILLIAM G. SHEPHERD,

Defendants.

Case No. 3:12-cv-00660-DRH-SCW

Judge David R. Herndon

Magistrate Judge Stephen C. Williams

**DECLARATION OF THOMAS P. THRASH IN SUPPORT OF
PLAINTIFFS' MOTION FOR ATTORNEYS' FEES AND COSTS**

I, Thomas P. Thrash, am a member in good standing of the State Bar of Arkansas and a partner in the law firm of Thrash Law Firm, P.A. I am one of the counsel for Plaintiffs and Court appointed Class Counsel in the above-captioned action. I provide this declaration in support of Plaintiffs' Motion for Attorneys' Fees and Costs.

1. I have reviewed the time and expense records submitted by Thrash Law Firm, P.A. in this litigation and attest that they are accurate.

2. I further attest that the billing rates used to calculate the lodestar reflect the customary billing rates of the timekeepers at the time the services were rendered.

3. A true and correct copy of Thrash Law Firm, P.A.'s resume is attached as Attachment A to this Declaration.

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

Executed on October 8, 2018, in Little Rock,
Arkansas.

/s/ Thomas P. Thrash
Thomas P. Thrash

EXHIBIT A

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Thrash Law Firm has more than 50 years of experience handling consumer fraud cases; complex litigation; class actions; pharmaceutical and medical products litigation; claims against cigarette companies; product liability claims; anti-trust litigation; corporate fraud and insurance litigation, on behalf of Arkansas consumers and consumers nationwide.

Thomas P. Thrash

Thomas P. Thrash is a member of the Arkansas Bar Association, the Pulaski County Bar Association, the Arkansas Trial Lawyers Association and was voted the 2000 Arkansas Trial Lawyer of the Year. He graduated from the University of Arkansas, School of Law, with Honors. Thomas P. Thrash was a Senior Partner of the Rose Law Firm practicing with the Rose Law Firm from 1980 to 1998. He formed his own law firm in 1998 and began specializing in class action and mass tort litigation. Thomas P. Thrash has been involved in numerous class action lawsuits. Some of the class action and mass tort cases include:

- Hale v. State Farm, United States District Court, Southern District of Illinois, Case No. 3:12-cv-00660-DRH-SCW (Class Action)

Represented Plaintiffs in a RICO Class Action alleging a conspiracy of fraud and misrepresentation by State Farm and others to the Illinois Supreme Court.

- Avery v. State Farm, Circuit Court Williamson County, Illinois, Case No. 97-L-114 (class action)

Represented Plaintiffs in Breach of Contract and Consumer Fraud claims (4.7 million class members) - \$1.186 billion judgment against State Farm. He was co-trial counsel in the case that challenged State Farm's practice of specifying imitation "crash" parts on repair estimates for millions of its insureds' vehicles. After a seven week trial, the jury awarded \$456 million in compensatory damages to plaintiffs for their breach of contract claim. The trial court agreed that State Farm had breached its contract and found that State Farm's practice of using imitation parts and claiming they were of like kind and quality violated the Illinois Consumer Fraud Act. The trial court awarded an additional \$130 million in compensatory damages, and ordered State Farm to pay an additional \$600 million in punitive damages. On April 5, 2001, the Appellate Court of Illinois, in a unanimous opinion, upheld the verdict. 321 Ill. App. 3d 269; 7 N.E.2d 1242 (2000). The Appellate Court, however, reduced the original \$1.18 billion judgment entered by the trial court by \$130 million to subtract what it felt was an overlapping award on the two separate counts. The total remaining award of \$1.05 billion is one of the largest verdicts in Illinois ever upheld on appeal. The Illinois Supreme Court granted a Writ of Certiorari and the case was reversed three years later by the Illinois Supreme Court.

- In re: Wire Harness Cases, No. 2:12-cv-00102-MOB-MKM (E.D. Mich.) (pending antitrust class action, resulting in a recovery to-date of over \$346 Million for a class of automobile dealerships)
- Miner v. Philip Morris: Pulaski County Circuit Court (Arkansas), Case No. 60CV03-4661– He represented a class of Arkansas consumers who were defrauded by Philip Morris' advertising that Light Cigarettes were less harmful than regular cigarettes. The case resulted in a class action settlement of \$45 Million, one of the largest settlements in Arkansas history.

- Maddox v. Alltel Communication, Circuit Court of Saline County, Arkansas, Case No. 98-776 (class action settlement)

Represented Plaintiffs in fraud claim and violation of Arkansas Deceptive Trade Practices Act against Alltel - Improper rounding up of consumer airtime - Improper charges

- Purdue v. Country Mutual Insurance Company and Country Casualty Insurance Company, Circuit court of Monroe County, Illinois (class action settlement)

Represented Plaintiffs in Breach of Contract and Consumer Fraud - Use of aftermarket car parts

- O'Brien v. Liberty Mutual Insurance Company, Ontario Canada Superior Court of Justice, Case No. 99-CV-182436 (class action settlement)

Represented Plaintiffs in Breach of Contract and Consumer Fraud

- Blachandran v. American International Group, Inc., Supreme Court, County of New York, State of New York, Case No. 99-604275 (class action settlement)

Represented Plaintiffs in Breach of Contract and violation of Deceptive Acts and Practice Act against AIG

- Foultz v. Erie Insurance Exchange, Court of Common Pleas of Philadelphia County, Pennsylvania, February Term 2000, No. 3052 (class action settlement)

Represented Plaintiffs in Breach of Contract and Consumer Fraud

- Couch v. Brunswick, Circuit court of Washington County, Tennessee, Case No. 19646 (class action settlement)

Represented Class Plaintiffs in Anti-Trust Claim against Brunswick

- Gustafson v. Bridgestone/Firestone, Inc., United States District Court for the Southern District of Illinois, Case No. 00-612-GPM (class action) Multi District Litigation - Master File No. IP 00-9373-C-B/S MDL No. 1373;

- Wallis v. Firestone, Hot Springs County, Arkansas (class action)

Represented Plaintiffs in Nationwide Breach of Warranty and Fraud Claim (Firestone tire defects/Ford Explorer defects)

- Dorries, et al vs. State Farm Mutual Automobile Insurance Company, Circuit Court for the Twentieth Judicial Circuit, St. Clair County, Illinois, Case No. 99-L-394A

Represented Plaintiffs in Nationwide Breach of Contract and Consumer Fraud Claim - failure to pay Diminished Value of vehicles

- Fen-Phen ("Diet Drug") Litigation, In September 1997, the "Fen-Phen" diet drugs Fenfluramine (sold as Pondimin) and/or dexfenfluramine (sold as Redux) were withdrawn from the market. He represented individuals pursuing personal injury claims.
- Sims, et al vs. Allstate Insurance Company, Circuit Court for the Twentieth Judicial Circuit, St. Clair County, Illinois, Case No. 99-L-393A (class certified). Co-Lead Counsel in three week trial. The jury ruled in favor of Allstate.

Represented Plaintiffs in Nationwide Breach of Contract and Consumer Fraud Claim - failure to pay Diminished Value of vehicles

- Vioxx Products Liability Litigation, MDL No. 1657 (E.D. La.). He represented patients that suffered heart attacks or strokes, and the families of loved ones who died, after having being prescribed the arthritis and pain medication Vioxx. In individual personal injury lawsuits against Merck, the manufacturer of Vioxx, the claims alleged that Merck falsely promoted the safety of Vioxx and failed to disclose the full range of the drug's dangerous side effects.
- Rice v. American Abstract, Circuit Court of Pulaski County, Arkansas (class certified/class action settlement)

Fraud and deceptive trade practice claims - charging unlawful document preparation fees.

- Welding Fume Litigation, MDL 1535, Cleveland, Ohio. He represented welders who had suffered from manganese poisoning from welding fumes. In individual personal injury lawsuits against manufacturers of welding rods (such as Lincoln Electric, Hobart, Westinghouse, General Electric and others) claims are brought for failure to properly warn the welders of the known dangers associated with exposure to welding fumes.
- Burial Insurance Litigation, Life of Georgia and American General – He represented individuals who were deceived and defrauded in the sale of burial insurance policies in Arkansas. Many cases were resolved through successful settlements.

- Johnson v. Progressive, Circuit Court of Union County, Arkansas (class action settlement)

Fraud, deceptive trade practice and unjust enrichment claim - overcharging of policyholders.
- Wilkins v. Geico, Circuit Court of Jefferson County, Arkansas (class action)

Fraud, deceptive trade practice and unjust enrichment claim - overcharging of policyholders.
- Fowler v. Allstate, Circuit Court of Grant County, Arkansas (class action)

Fraud, deceptive trade practice and unjust enrichment claim - overcharging of policyholders.
- Asbestos Litigation, He represented laborers in the State of Arkansas who had suffered from asbestos exposure in individual personal injury product liability lawsuits against manufacturers of the asbestos materials. Many cases have been resolved through successful settlements.
- Katrina Litigation. He represented several hundred homeowners against insurance companies for damages to homes caused by Hurricane Katrina.
- In Re: Light Cigarette: MDL 2068, Bangor Maine – He represented a Class that was defrauded by false advertisements of Light Cigarettes.
- In Re Toyota: Sudden acceleration MDL. He represented a Class of individuals who purchased Toyota vehicles and suffered diminished value of their vehicles and economic damages (class action settlement).
- In Re Neurontin Litigation, MDL 1629, New Jersey – He represented individuals in the State of Arkansas who purchased the Neurontin drug for uses not authorized or approved by the FDA. Claims were made against Pfizer, the drug manufacturer, for promoting the unauthorized and unapproved use of the Neurontin drug. He was also counsel in the class action in the MDL, which resulted in a classwide settlement.
- Gray v. AIG, Circuit Court of Jefferson County, Arkansas (class action settlement)

Fraud, deceptive trade practice and unjust enrichment claims - overcharging policy holders

- Radican v. Stewart Title, Circuit Court of Saline County, Arkansas (class action settlement)
Fraud, deceptive trade practice - charging unlawful document preparation fees.
- Raglon v. ChartOne, Circuit Court of Jefferson County, Arkansas (class action settlement)
Fraud, deceptive trade practice, unjust enrichment – overcharging for medical records
- Walls v. Sagamore, United States District Court, El Dorado Division (class action)
Breach of contract, unjust enrichment, fraud – insurance company – improper termination of insurance policy
- Harris v. Sagamore, Circuit Court of Phillips County, Arkansas (class action pending)
Fraud, deceptive trade practice, breach of contract – failure to obtain written waiver of coverage
- Miller v. SourceCorp, Circuit Court of Shelby County, Tennessee (class action settlement)
Fraud, deceptive trade practice, unjust enrichment, and Breach of Warranty
- Staples v. Batesville Casket, United States District Court, Eastern District of Arkansas (class action)
Fraud, deceptive trade practice, unjust enrichment – overcharging for medical records
- Barton v. Travis Boats, Circuit Court of Garland County, Arkansas (class action settlement)
Fraud, deceptive trade practice, unjust enrichment – unauthorized practice of law – charging document preparation fee.

- Feldman v. Travelers, U.S. District Court, Eastern District of Arkansas, Case No. 08-cv-4140. (class action settlement)

Fraud, deceptive trade practices act, unjust enrichment – unauthorized practice of law – charging excessive premium by insurance company.

Thomas P. Thrash has experience in litigating claims of the nature presented here in the Circuit Courts of the State of Arkansas and the United States District Courts located in the State of Arkansas and in Courts outside the State of Arkansas.

Marcus N. Bozeman

Marcus N. Bozeman is licensed to practice law in Arkansas, Missouri, and Tennessee. In 1995, Mr. Bozeman graduated first in his class from the University of Arkansas at Little Rock – Bowen School of Law, where he also served as Editor in Chief of the school's law review, and at that time he commenced a two-year legal clerkship for the Hon. Floyd R. Gibson of the United States Court of Appeals for the Eighth Circuit. Marcus N. Bozeman entered private practice as a litigation associate upon the completion of his federal judicial clerkship in 1997, and since that time he has successfully prosecuted and defended class action lawsuits. For example, while an associate at the Memphis office of Baker Donelson Bearman Caldwell & Berkowitz, PC, Mr. Bozeman was actively and closely involved in the successful defense of State Farm Fire & Casualty Company in the class action litigation reported at *State Farm Fire & Cas. Co. v. Ledbetter*, 355 Ark. 28, 129 S.W.3d 815 (2003).

For the last ten years, Mr. Bozeman's legal practice has concentrated on the representation of Plaintiffs in class action lawsuits. During that time, he has assumed a prominent role in the following matters, among many others:

- *Spinelli v. Capital One Bank (USA), N.A.*, No. 8:08-cv-00132-VNC-EAJ (M.D. Fla.) (over \$100 million settlement for class);

- *In re Cent. Park Corp. Sec. Litig.*, No. 3:30-0546 (M.D. Tenn.) (\$4.85 million settlement for class);
- *In re BISYS Sec. Litig.*, No. 1:04-cv-03840-JSR-GWG (S.D.N.Y.) (over \$65 million settlement for class);
- *Miner v. Philip Morris Cos.*, No. 60CV-03-4661 (Pulaski County, Ark. Cir. Ct.) (\$45 Million Settlement for Class);
- *In re: Wire Harness Cases*, No. 2:12-cv-00102-MOB-MKM (E.D. Mich.) (pending antitrust class action, resulting in a recovery to-date of over \$346 Million for a class of automobile dealerships);
- *Asher v. Baxter Int'l, Inc.*, No. 02 C. 5608 (N.D. Ill.) (securities class action);
- *Sheet Metal Workers Local 28 Pension Fund v. Office Depot, Inc.*, No. 07-81038 (S.D. Fla.) (securities class action);
- *Webb v. Exxon Mobil Corp.*, No. 4:13-cv-00232-BSM (E.D. Ark.) (class action regarding Exxon's Pegasus Pipeline)

Marcus N. Bozeman has experience in litigating claims of the nature presented here in the Circuit Courts of the State of Arkansas and the United States District Courts located in the State of Arkansas and in Courts outside the State of Arkansas.