

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

Robert Cothran, as the representative of a class of similarly situated persons, and on behalf of the Electric Supply Employee Stock Ownership Plan,

Plaintiff,

v.

George M. Adams Jr., Sandra Brock, Shaker Brock, Kelly A. Pound, and Harold Irwin,

Defendants.

Case No. 8:23-cv-00518-CEH-CPT

**DECLARATION OF MARK E. THOMSON IN SUPPORT OF PLAINTIFF'S
MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

I, Mark E. Thomson, declare and state as follows:

1. I am a partner at the law firm of Engstrom Lee LLC, and I am one of the attorneys previously appointed by the Court to serve as Class Counsel in the above-captioned action (Dkt. 62). I submit this declaration in support of Plaintiff's Motion for Final Approval of Class Action Settlement.

2. Pursuant to Prohibited Transaction Exemption 2003-39 (PTE 2003-39)¹ and Paragraph 3.1 of the Settlement Agreement (Dkt. 2.2), an Independent Fiduciary reviewed the Settlement on behalf of the Electric Supply Employee Stock Ownership Plan (the "Plan"). I provided all documents and information requested by the

¹ See 68 Fed. Reg. 75,632 (Dec. 31, 2003), as amended 75 Fed. Reg. 33,830 (June 15, 2010).

Independent Fiduciary and discussed the Settlement with the Independent Fiduciary by telephone. The Independent Fiduciary issued a letter after its review. The Independent Fiduciary deemed reasonable (1) the \$1.1 million Settlement amount, (2) the scope of the release of claims, and (3) the amount of any attorneys' fee award or any other sums to be paid from the recovery. Accordingly, the Independent Fiduciary authorized the Plan's participation in the Settlement.

3. The deadline to submit objections to the Settlement was August 29, 2024. Dkt. 62 ¶ 8. No class member objected to the Settlement.

4. For the reasons stated in my earlier Declaration in support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement (Dkt. 56), I believe that the Settlement is fair, reasonable, and adequate.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 5, 2024

/s/Mark E. Thomson
Mark E. Thomson

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of September, 2024, the foregoing was electronically filed using the CM/ECF system, causing a Notice of Electronic Filing to be transmitted to all counsel of record.

/s/Mark E. Thomson
Mark E. Thomson