

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS

ROBERT MURRAY, on Behalf of Himself  
and All Others Similarly Situated,

Plaintiff,

vs.

EARTHLINK HOLDINGS CORP., et al.,

Defendants.

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) No. 4:18-cv-00202-JM

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) CLASS ACTION

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) DECLARATION OF ROBERT MURRAY IN

) SUPPORT OF SETTLEMENT MOTION

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I, ROBERT MURRAY, hereby declare as follows:

1. I submit this declaration to provide the Court with a description of my efforts in pursuit of the above captioned action (the “Action”), and to express my support for the proposed settlement of the Action.

2. As set forth below, I fully support the proposed \$85 million Settlement of the Action and believe that it is an outstanding result for the Settlement Class.

3. I have personal knowledge of the matters set forth in this Declaration, as I have been directly involved in monitoring the prosecution of the Action, as well as the negotiations leading to the Settlement.

4. I have been involved in this Action since March 19, 2018, when I authorized the filing of the initial complaint in the above-captioned action by my attorneys. On June 22, 2018, the Court appointed me as Lead Plaintiff in this Action.

5. I understand the requirements and responsibilities of Lead Plaintiff in a securities class action. As Lead Plaintiff, I understand that it is my duty to monitor the progress of the litigation, in consultation with counsel. Throughout this case, I have complied with those duties.

6. I frequently corresponded with Lead Counsel at Robbins Geller Rudman & Dowd LLP, as well as Additional Counsel at Johnson Fistel LLP (together with Lead Counsel, “Plaintiff’s Counsel”) throughout this case. They kept me up to date on the developments in the Action. This included my review of updates regarding all significant events in the Action, as well as my review of quarterly reports throughout the Action’s duration.

7. I participated in discovery in the Action. I provided Plaintiff’s Counsel with records of my trades and holdings in Earthlink Holdings Corp. and Windstream Holdings, Inc. common stock, which were produced to Defendants in the Action. With the assistance of counsel,

I provided responses and objections to a set of written interrogatories served on me by Defendants. In addition, I spoke to and emailed with Plaintiff's Counsel extensively to respond to Defendants' discovery requests and to prepare for my deposition.

8. I was deposed by Defendants on November 8, 2023, in connection with my seeking appointment as class representative for the Action. My deposition took place in Little Rock, Arkansas and lasted from 9:21 a.m. to 2:30 p.m. Defendants' counsel introduced and questioned me regarding a total of 17 exhibits during my deposition.

9. I reviewed the key filings in the Action that I received from Plaintiff's Counsel, including the initial and amended complaints, briefing and the Court's order on Defendants' motion to dismiss, briefing on Plaintiff's motion for class certification and appointment as class representative, and briefing on Plaintiff's motion for partial judgment on the pleadings, among other case materials that Plaintiff's Counsel sent to me. In addition, I conferred with Plaintiff's Counsel on multiple occasions in connection with the mediations and about whether to agree to the Settlement.

10. I have monitored the progress of the litigation in consultation with Plaintiff's Counsel. In fulfillment of my responsibilities on behalf of all Class Members, I:

(a) participated in numerous phone calls and email communications with Plaintiff's Counsel, including reviewing quarterly reports regarding the status of this case throughout its duration, reviewing and responding to dozens of emailed updates, and participating in two in-person meetings with Plaintiff's Counsel in Little Rock, Arkansas;

(b) provided my input regarding the prosecution of the case during those communications and meetings;

(c) searched for and provided responsive information pursuant to Defendants' discovery requests, including searching my emails and personally producing over 150 documents;

(d) extensively prepared for and provided several hours of deposition testimony in an all-day deposition from 9:21 a.m. to 2:30 p.m.;

(e) received and reviewed certain material filed in the case and opinions of the Court, some of which I reviewed before they were submitted to Court;

(f) consulted with Plaintiff's Counsel and provided input regarding mediation and settlement strategy through multiple conversations with Plaintiff's Counsel throughout the mediation and potential settlement process; and

(g) considered and approved the proposed Settlement in light of all circumstances concerning the litigation.

11. As a Court-appointed Lead Plaintiff, I devoted significant time overseeing the progress of the Action, reading case-related documents, producing documents, preparing for and providing my deposition testimony, and staying abreast of factual and procedural developments. I therefore devoted significant time to representing the Class in my capacity as Lead Plaintiff in this Action, which was time that I otherwise would have spent working in my regular job as a superintendent of turbine and generator millwrights and mechanics. I estimate that I have expended a total of approximately 100 hours pursuing the claims in the Action since the Spring of 2018.

12. I am respectfully requesting reimbursement in the amount of \$20,000 for the time I devoted to participating in the Action, which was necessary to help achieve this recovery for the Settlement Class. I believe that this amount is fair and reasonable for the amount of time and effort

that I devoted to this litigation, especially considering my qualifications, experience, and compensation in my professional life.

13. I fully support the Settlement. This is an excellent result achieved by Plaintiff's Counsel, when considering the strengths and weaknesses of the claims and the risks and considerable costs in time and expenses if the Action were to continue. I support the requested award of attorneys' fees in an amount not to exceed 32% of the Settlement Amount. I take seriously my role as Lead Plaintiff to ensure that the attorneys' fees are fair in light of the result achieved for the Settlement Class and reasonably compensate Plaintiff's Counsel for the work involved and the substantial risks they undertook in litigation this Action.

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

Executed: 12/18/2024

DocuSigned by:  
*Robert Murray*  
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ROBERT MURRAY