

NOTICE OF HEARING
ON PROPOSED DISTRIBUTION OF JUDGMENT TO THE CLASS
POLLOCK v. ENERGY CORPORATION OF AMERICA

Class Counsel has filed a motion pursuant to F.R.C.P. Nos. 60, 54(d)(1)&(2) and 23(e) to amend judgment to tax post-judgment interest; (2) for approval of corrected expense report; (3) for approval of 33 1/3% attorney's fee with reimbursement of expenses; and (4) for an accounting or, in the alternative, approval of formula for disbursing net judgment proceeds to class members, in the class action of *Pollock v. Energy Corporation of America*, Civil Action No. 10-1553, pending in the United States District Court for the Western District of Pennsylvania before the Honorable Robert C. Mitchell, United States Magistrate Judge. The full motion may be found on the court docket and on the class action website at: <http://www.pollockecagasroyaltyclassaction.com>

The Court will hold a hearing to consider the proposed distribution on **June 13, 2017 at 1:00 p.m.** in Court Room 9B, U.S. Courthouse, 700 Grant Street, Pittsburgh, PA 15219. Any Class Member objecting to the proposed distribution may (1) file objections with the Clerk of the Court and/or (2) attend and participate in the June 13, 2017 hearing. Please do not telephone Judge Mitchell's Chambers.

The Proposed Distribution

The total judgment was \$1,148,018.44 on March 5, 2015. With post-judgment interest of \$6,081.80 (\$6.919/day × 879 days), the total judgment will be \$ 1,154,100.24 on July 31, 2017.

On July 31, 2017, Energy Corporation of America ("ECA") will pay Class Counsel a 33 1/3% attorney's fee of \$ 384,700.04 and will set aside \$71,382.51 to reimburse Class Counsel its litigation expenses on October 31, 2017. Because Class Counsel had to defend the jury verdict in a two-year appeal taken by ECA to the U.S. Court of Appeals, Class Counsel has proposed to increase the attorney's fee from 30% to 33 1/3% and to have expenses of \$71,382.51 reimbursed from the gross total judgment, not the attorneys' 33 1/3% share.

ECA will distribute the \$ 698,017.69 balance of the judgment to the Class Members as follows:

August 31, 2017	100% payment to Class Members whose share is \$100.00 or less. 50% payment to Class Members whose share is greater than \$100.00.
September 29, 2017	50% payment to Class Members whose share is greater than \$100.00.

ECA has used the methodology described in Exhibit A to calculate each Class Member's share of the net judgment, which will be calculated based on each Class Member's interest in the total net volumes produced during the applicable time period. All Class Members will receive reimbursement of marketing fees deducted from their natural gas royalties and those Class Members whose gas was transported on the interstate pipeline system will also receive reimbursement of interstate transportation charges.

ECA is distributing the judgment as a convenience and will bear no liability for claims by Class Members. If a Class Member is deceased, payment will be made to the rightful heir to the extent ECA has that information. Any amounts paid that are not claimed within six (6) months will be returned to Class Counsel.

Questions regarding this Notice should be directed to Class Counsel: David A. McGowan, Esquire, Caroselli Beachler & Coleman LLC, 20 Stanwix Street, 7th Floor, Pittsburgh, Pennsylvania 15222. Telephone: (412) 391-9860.



EXHIBIT A

ECA'S METHODOLOGY OF CALCULATING CLASS MEMBER SHARES

- ECA will allocate the proceeds to be paid to Class Members based on the Opinion filed 10/24/2016 as follows, with actual final payments including interest:

<u>Class Category</u>	<u>Settlement \$</u>	<u>Settlement %</u>
Interstate Transportation	\$ 105,188	12%
Marketing Fee	806,735	88%
	<u>\$ 911,922</u>	<u>100%</u>

- ECA will generate a file containing net volumes paid to all Class Members, by class category, during the applicable period (November 22, 2006 to March 26, 2012). Note: net volumes for the Interstate Transportation category will be gathered for only those wells involving Interstate Transportation charges.
- ECA will calculate each Class Member's net distribution based on their share of net volumes as a percentage of the total net volumes for the class. The following represents an example of the detailed calculations:

<u>Interstate Transportation</u>	<u>Mcf</u>	<u>% Share Of Settlement</u>	<u>\$ Share Of Settlement</u>
Class member A	248	81.31%	\$ 85,529.63
Class member C	57	18.69%	19,658.02
Total Class Mcf Volumes	<u>305</u>	<u>100.00%</u>	<u>\$ 105,187.65</u>

<u>Marketing Fee</u>	<u>Mcf</u>	<u>% Share Of Settlement</u>	<u>\$ Share Of Settlement</u>
Class member A	1,032	47.98%	\$ 387,052.54
Class member B	254	11.81%	95,262.93
Class member C	865	40.21%	324,419.04
Total Class Mcf Volumes	<u>2,151</u>	<u>100.00%</u>	<u>\$ 806,734.51</u>

<u>Total Payment</u>	<u>Settlement Payment</u>
Class member A	\$ 472,582.17
Class member B	95,262.93
Class member C	344,077.06
	<u>\$ 911,922.16</u>