

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAVID F. POLLOCK, *et al.*; on Behalf of
Themselves and All Others Similarly Situated,

Plaintiffs,

vs.

ENERGY CORPORATION OF AMERICA,

Defendant.

Civil Action No. 2:10-cv-01553-RCM

Magistrate Judge Robert C. Mitchell

[PROPOSED] ORDER

Upon hearing and consideration of Plaintiffs' 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 $\frac{1}{3}$ % 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 the Class Members, and after adequate notice being provided to all class members of said motion and hearing, it is hereby ORDERED that:

1. This Court's Order entered on March 19, 2015, [ECF No. 238] which entered total judgment against the Defendant entered in the amount of \$1,148,018.44, shall be amended to increase the amount of judgment against the defendant by adding post judgment interest of \$49,194.09, and the Clerk, shall hereby enter Judgment on behalf of Plaintiffs for a total Judgment in the amount of \$1,197,212.53;
2. This Court amends its prior order dated June 29, 2015, [ECF 276] which awarded attorney's fees in the amount of 30% with no expense reimbursement, Counsel's reasonable request for approval of an increase in Attorneys fees from 30% to 33 1/3% plus payment of expenses of \$72,197 to be deducted from the total Judgment gross amount, IS GRANTED;
3. ECA shall provide to plaintiffs' counsel within sixty (60) days, a full and complete accounting of all interstate pipeline services/transportation charges deducted from each class member's royalties in sub-class one, and, all marketing fees that were deducted from each class member's gas royalties in sub-class two during the period of November 22, 2006, through and including March 26, 2012; and
4. In the alternative, this Court has considered the proposed pro-rata formula of distribution of the net proceeds of the judgment amount to the class members as set forth in Plaintiffs motion, and finds that it meets the requirements of F.R.C.P. 23 (e), and approves the same.

Robert C. Mitchell
United States Magistrate Judge