

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA

JOHN CECIL,  
on behalf of himself and all others similarly  
situated,

Plaintiff,

vs.

BP AMERICA PRODUCTION COMPANY  
(f/k/a Amoco Production Company)  
(including BP Amoco Corporation, ARCO,  
BP Exploration, Inc., BP Corporation North  
America, Inc., and BP Energy Company),

Defendant.

Civil Action No. 16-CV-00410-KEW

**DECLARATION OF DANIEL E. SMOLEN**  
**IN SUPPORT OF PLAINTIFF'S ATTORNEYS' FEES**

I, Daniel E. Smolen, under penalty of perjury, declare as follows:

1. I am an attorney for Plaintiff in the above-referenced case. I submit this Declaration regarding the qualifications of Smolen, Smolen & Roytman, PLLC, to represent Plaintiff and the Settlement Class in this case and to provide the Court with the time and expenses that Smolen, Smolen & Roytman, PLLC, has invested in the prosecution of this action. The statements in this Declaration are based on my personal knowledge, the contemporaneously maintained business records of Smolen, Smolen & Roytman, PLLC, and my review of those records.

2. Attached hereto as **Exhibit 1** is the professional resume of Smolen, Smolen & Roytman, PLLC, identifying its experience in oil and gas class actions. Smolen, Smolen

& Roytman, PLLC, has been approved as class counsel in the following royalty underpayment class actions:

Circuit Court of Conway County, Arkansas

CV-2010-126

Eldridge Snow, Individually and as Class Representative on Behalf of All Similarly Situated Persons v. SEECO, Inc.

3. To date, Smolen, Smolen & Roytman, PLLC, has invested 27.80 hours in the prosecution of this Litigation.

4. To support the reasonableness of Smolen, Smolen & Roytman, PLLC, 's fee request, it incorporates the analysis of the *Johnson* factors in the Joint Declaration of Plaintiff's Counsel in Support of Plaintiff's Application for Plaintiff's Attorneys' Fees, Litigation Expenses, Case Contribution Award, and Administration, Notice and Distribution Costs and the exhibits thereto ("Joint Counsel Declaration") at paragraphs 64-65, 75-80 and 93-107.

**I declare under penalty of perjury that the foregoing is true and correct.**

**Executed on October 5th, 2018.**



---

Daniel E. Smolen

**SMOLEN SMOLEN & ROYTMAN**

701 S. Cincinnati Avenue  
Tulsa, Oklahoma 74119  
(918) 585-2665

**Daniel E. Smolen**

University of Tulsa (B.A. 2000)

University of Tulsa (J.D. 2003)

Admitted to practice before the Oklahoma Supreme Court, the United States Court of Appeals for the Tenth Circuit, United States District Courts for the Northern, Eastern, and Western Districts of Oklahoma.

**Donald E. Smolen, II**

University of Tulsa (B.A. 2000)

University of Tulsa (J.D. 2003)

Admitted to practice before the Oklahoma Supreme Court, the United States Court of Appeals for the Tenth Circuit, United States District Courts for the Northern, Eastern, and Western Districts of Oklahoma.

**Oleg Roytman**

University of Tulsa (B.S. 2001)

University of Tulsa (J.D. 2004)

Admitted to practice before the Oklahoma Supreme Court, the United States Court of Appeals for the Tenth Circuit, United States District Courts for the Northern, Eastern, and Western Districts of Oklahoma.

**LEGAL EXPERIENCE IN CLASS/COLLECTIVE ACTIONS**

Smolen Smolen & Roytman was founded in 2004 and concentrates primarily on complex federal litigation, including class/collective actions. The firm has been appointed class counsel or counsel in collective actions in the following cases:

*Hart, et al., v. Sandridge Energy, Inc., et al.*, No. 14-178-R (Western District of Oklahoma – July 1, 2014)

*Snow, et al., v. SEECO, INC., et al.*, No. CV-2010-126 (Circuit Court of Conway County, Arkansas, State of Arkansas – May 7, 2010)

**OTHER NOTABLE FEDERAL CASES**

*Robbie Emery Burke, as Special Administratrix of the Estate of Elliot Williams, deceased, v. Glanz, et al.*, No. 4:11-CV-00720-JED-PJC (Northern District of Oklahoma – November 17, 2011)

*Robbie Emery Burke, as Special Administratrix of the Estate of Eric Harris, deceased, v. Glanz, et al.*, No. 16-CV-7-JED-FHM (Northern District of Oklahoma – January 6, 2016)

*Henderson v. Glanz*, 813 F.3d 938 (10<sup>th</sup> Cir. 2015)

*Poore v. Glanz et al.*, No. 11-CV-797-CVE-TLW (Northern District of Oklahoma – December 23, 2011)

*Rife v. Oklahoma Department of Public Safety*, 854 F.3d 637 (10<sup>th</sup> Cir. 2017)