

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: AMARANTH NATURAL GAS
COMMODITIES LITIGATION

MASTER FILE NO. 07 Civ. 6377 (SAS)

ECF CASE

This Document Relates To:

ALL ACTIONS

DECLARATION OF LOUIS F. BURKE

LOUIS F. BURKE declares pursuant to 28 U.S.C. §1746:

1. I am a principal of the firm Louis Burke, PC, co-lead counsel to Plaintiffs in the above-captioned matter. Lead Plaintiff Roberto Calle Gracey retained my firm to represent him in this matter in the beginning of February 2007. My firm, one of the law firms appointed by the Court to act as co-lead counsel for the class, filed the initial complaint herein on behalf of Mr. Calle Gracey on July 12, 2007. Dkt. No. 1, 07-cv-6377.

2. I recently learned that Mr. Calle Gracey passed away in Peru in late 2015. Accordingly, I respectfully submit this declaration on behalf of Mr. Calle Gracey in support of class counsel's application to the Court for a class representative incentive award for the contributions Mr. Calle Gracey made in connection with this action as a proposed class representative. I have personal knowledge of the statements herein and, if called as a witness, could competently testify about such statements.

3. Mr. Calle Gracey was actively involved in significant aspects of the litigation from the time of filing the initial complaint in July 2007 through the final settlement in December 2011. Mr. Calle Gracey traveled to New York in 2007 and 2009 to work with me in

person. He performed important work as a proposed class representative that included, but was not limited to, the following: pre-complaint work and investigation, detailed review of Court filed complaints and motions (including drafts), review of thousands of pages of documents produced by defendants and third-parties, review of deposition transcripts both in this action and the related FERC proceedings against Amaranth, detailed review of Amaranth trading records, preparing and appearing for a deposition, and other work.

4. Mr. Calle Gracey's extensive commodity futures markets experience put him in a unique position to make substantial contributions to this case, which involved allegations that Amaranth manipulated certain New York Mercantile Exchange ("NYMEX") natural gas futures contracts. His experience includes, but is not limited to, trade execution, trade settlement and clearing, fundamental market analysis, technical market analysis, trading strategies, exchange rules and regulations, Commodity Futures Trading Commission ("CFTC") rules and regulations, commodity trading advisor fund structures, and commodity pool operator structures.

5. During approximately July, 2007 through December, 2011, I estimate that Mr. Calle Gracey spent at least 175 hours performing work as a proposed class representative. If Mr. Calle Gracey had contracted to perform work similar to the work he did on behalf of the Amaranth class, I would estimate his compensation at a rate of \$400 per hour.

6. I respectfully request that the Court approve an incentive award in an amount commensurate with Mr. Calle Gracey's contributions, time and experience in all the circumstances detailed herein, which I believe helped result in the \$77.1 million settlement of the action that conferred a substantial benefit to the class.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed on June 24, 2016

/s/Louis F. Burke
LOUIS F. BURKE