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Lead Counsel for Plaintiffs

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

In re MGM MIRAGE SECURITIES  
LITIGATION

\_\_\_\_\_  
This Document Relates To:

ALL ACTIONS.  
\_\_\_\_\_

) No. 2:09-cv-01558-GMN-VCF  
)  
) CLASS ACTION  
)  
) DECLARATION OF RICKEY HUMMER  
)  
) DATE: December 15, 2015  
) TIME: 9:00 a.m.  
) CTRM: The Honorable Gloria M. Navarro

I, Richard R. Hummer declare as follows:

1. I am the Pension Coordinator of the Luzerne County Retirement System (“Luzerne”). I respectfully submit this declaration in support of final approval of the \$75,000,000 proposed settlement of the above-captioned action (the “Settlement”), approval of the proposed plan of allocation, and approval of an award of 25% of the Settlement Amount in attorneys’ fees to Lead Counsel, plus costs and expenses incurred by Lead Counsel in litigating this case. I also submit this declaration in support of Luzerne’s request for reimbursement of \$5,075.00 in costs and expenses associated with the time spent by myself and other Luzerne staff and counsel monitoring and participating in the litigation on behalf of the Class. I have personal knowledge of the statements herein, and, if called as a witness, could and would testify competently thereto.

2. Luzerne, as an institutional investor charged with providing prudent and professional investment management of funds for the benefit of current and former employees of Luzerne County, Pennsylvania, has an interest in issues related to the integrity of the stock market. Luzerne made the decision to participate in this litigation as a lead plaintiff and class representative only after determining that it was a matter of importance to institutional and individual investors. In acting as a Lead Plaintiff and class representative, Luzerne understood its responsibility to serve the best interests of the Class.

3. On October 25, 2010, this Court appointed Luzerne, together with Arkansas Teacher Retirement System, the Philadelphia Board of Pensions and Retirement and Stichting Pensioenfond Metaal en Techniek, to serve as Lead Plaintiffs. In fulfillment of its responsibilities on behalf of all Class Members, Luzerne, including myself: (i) engaged in numerous meetings, phone conferences, and correspondence with my fellow Lead Plaintiffs and Lead Counsel; (ii) participated in the litigation and provided input into the prosecution of the case; (iii) kept fully informed regarding case status; (iv) reviewed documents filed in this action, including the Consolidated Class Action

Complaint for Violations of Federal Securities Laws and the First Amended Complaint for Violations of Federal Securities Laws, motion to dismiss briefing and class certification briefing; (v) produced documents and provided information in discovery; (vi) provided deposition testimony in connection with class certification discovery; (vii) consulted with counsel and provided input regarding litigation and settlement strategy; and (viii) monitored and was kept informed about the scheduling and progress of mediation and settlement negotiations.

4. Luzerne authorized Lead Counsel to settle this action for \$75,000,000. In this regard, Luzerne reviewed, considered, and evaluated the merits of this case, including the law governing the allegations and facts developed through discovery, was kept apprised of the scheduling of and progress of the case and approved the proposed Settlement on behalf of Luzerne. In making its determination that the \$75,000,000 Settlement represented a fair, reasonable, and adequate result for the Class, Luzerne weighed the substantial benefits to the Class against the significant risks and uncertainties of continued litigation. After doing so Luzerne believes that the Settlement represents an excellent recovery for the Class and a recovery that would not have been possible without the diligent efforts of Lead Counsel who aggressively litigated this case. Luzerne believes the Settlement represents a fair, reasonable, and adequate recovery for the Class, and that its approval is in the best interest of each Class Member.

5. While I recognize that any determination of fees is left to the Court, after deliberation and consultation with Lead Counsel, and consistent with our retainer agreement entered into at the outset of the litigation, Luzerne has approved the request for a 25% attorneys' fee award, plus costs and expenses not to exceed \$2,500,000. In determining that the proposed 25% fee is reasonable, Luzerne assessed Lead Counsel's high-quality representation and diligence in prosecuting and resolving this litigation. Lead Counsel was instrumental in investigating and pleading the alleged



fraud, litigating and arguing matters related to motions to dismiss, discovery, and class certification, and conducting extensive discovery.

6. Additionally, I understand that in cases such as this, the Court may make an award of reasonable costs and expenses (including lost wages) directly relating to the representation of the Class to any representative serving on behalf of the Class. As a consequence of the services performed by Luzerne in its efforts rendered in the best interests of the Class, Luzerne has incurred expenses associated with my time, as well as that of various Luzerne staff and counsel, monitoring and participating in the litigation. In total, Luzerne spent 175 hours on the litigation, time that would otherwise have been spent focused on the daily activities of Luzerne, reviewing major pleadings and filings in this case, participating in conferences and corresponding with counsel, searching for and producing documents, designating and preparing a witness for deposition, and participating in mediation and settlement discussions. Based on an hourly rate of \$29.00 per hour, the unreimbursed expenses for time expended on the litigation reasonably and necessarily incurred in connection with Luzerne's services to all Class Members in the case is \$5,075.00. I believe this award is both fair and reasonable.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 1 day of November, 2015, at Wilkes-Barre, PA.

  
\_\_\_\_\_  
RICKEY HUMMER

CERTIFICATE OF SERVICE

I hereby certify that on November 3, 2015, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 3, 2015.

s/ Brian O. O'Mara

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### Manual Notice List

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