

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION**

**IN RE:**

**LOUISIANA SAFETY ASSOCIATION OF  
TIMBERMEN—SELF INSURED FUND**

**CASE NO. 15-81004**

**DEBTOR**

**CHAPTER 7**

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**T. BRETT BRUNSON AS TRUSTEE FOR  
LOUISIANA SAFETY ASSOCIATION OF  
TIMBERMEN—SELF INSURED FUND**

**ADV. PROC. NO. 17-08003**

**vs.**

**ASCENSION READY MIX, INC., O’NEALGAS, INC.,  
E.A. HINTON WELL SERVICING INC., and  
ALFORD MOTORS, INC.  
(On behalf of themselves  
and others similarly situated)**

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**DECLARATION OF W. L. WEST IN SUPPORT OF  
JOINT MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

I, W. L. West, hereby declare under penalty of perjury as follows:

1. I am a partner with the law firm of Roedel, Parsons, Blache, Fontana, Piontek & Pisano, APC (“Roedel Parsons”). Roedel Parsons serves as co-Class Counsel for the Class certified in the above-captioned adversary proceeding (the “Class Action”). I submit this declaration in support of the Joint Motion for Final Approval of Class Action Settlement (“Motion for Final Approval”).

I have personal knowledge of the matters set forth herein.

2. Roedel Parsons has extensive experience in complex litigation in general and in class actions in particular, as indicated below:

- *Daily Advertiser v. TransLA*; 15<sup>th</sup> Judicial District Court, Lafayette Parish, State of Louisiana

- *Delaney v. Entergy Louisiana*; Civil District Court, Orleans Parish, State of Louisiana
- *Gordon v. Entergy New Orleans*; Civil District Court, Orleans Parish, State of Louisiana
- *Lowenburg v. Entergy New Orleans*; Civil District Court, Orleans Parish, State of Louisiana
- *State of Mississippi v. Entergy Mississippi*; U.S. District Court, Southern District of Mississippi
- *Glynn v. TransLA*; 18<sup>th</sup> Judicial District Court, Iberville Parish, State of Louisiana
- *Livingston Parish Police Jury v. Illinois Central Gulf Railroad*; 21<sup>st</sup> Judicial District Court, Livingston Parish, State of Louisiana and U.S. District Court, Middle District of Louisiana
- *Kent Acosta v. Master Maintenance & Construction, Inc.*; 18th Judicial District Court, Iberville Parish, State of Louisiana, and U.S. District Court, Middle District of Louisiana
- *In re Gramercy Plant Explosion at Kaiser*; 23<sup>rd</sup> Judicial District Court, St. James Parish, State of Louisiana
- *Alexander v. Norfolk Southern Corp.*; Civil District Court, Orleans Parish, State of Louisiana
- *Cole v. General Motors*; U.S. District Court, Western District of Louisiana
- *Francois v. Norfolk Southern Railway Corp.*; Civil District Court, Orleans Parish, State of Louisiana
- *In re Evans Industries*; 24<sup>th</sup> Judicial District Court, Jefferson Parish, State of Louisiana
- *In re Chemical Release at Bogalusa*; 22<sup>nd</sup> Judicial District Court, Washington Parish, State of Louisiana
- *In re Bayou Sorrel*; U.S. District Court, Western District of Louisiana
- *In re United Companies Financial Corp. ESOP Litigation*; U.S. District Court, Middle District of Louisiana

3. In addition, Roedel Parsons has a team of attorneys, led by Wayne Fontana, with extensive experience in workers' compensation defense. Those attorneys have regionally and nationally recognized expertise in the field of workers' compensation defense and have provided representation in workers' compensation matters for major insurers, self-insured funds, small businesses, Fortune 500 companies and a variety of governmental entities and agencies.

4. Mr. Fontana has served as a legal adviser to the Office of Workers' Compensation Administration and, through various gubernatorial appointments, has sat on that office's Advisory Board for multiple terms. He edited the Louisiana Association of Business and Industry (LABI) Workers' Compensation Desk Book, the "Bible" of workers' compensation law in Louisiana. In addition to drafting LABI's workers' compensation initiatives and major reforms, he serves on LABI's Board of Directors, and, on multiple occasions, has chaired each of its committees (Labor Management Council, Employee Relations Council, and Workers' Compensation Task Force) that deal directly with workers' compensation law. Mr. Fontana has been recognized by various courts as an expert in the field of Louisiana workers' compensation law. Additionally, Mr. Fontana is called upon at times to mediate complex workers' compensation disputes.

5. Roedel Parsons' attorneys have chaired task forces on workers' compensation under four governors and have participated in drafting all major business-initiated workers' compensation reforms in Louisiana since 1983.

6. Roedel Parsons serves as general counsel for LASIE, the Louisiana Association of Self-Insured Employers, which represents the workers' compensation and other self-insured interests of Louisiana's employer community.

7. I am the Roedel Parsons attorney primarily involved in the Class Action. I received an A.B degree with high honors from the College of William and Mary, followed by a J.D degree

from the University of Virginia School of Law in 1979. I have practiced law in Louisiana since graduation and engaged in a diverse commercial litigation and administrative law practice throughout his career. For example, I was a member of the trial team that handled approximately 75 cases in state and federal courts in Louisiana, Texas and Oklahoma to defend interstate natural gas pipeline companies against "take-or-pay" litigation.

**8.** I participated in the defense of a Louisiana intrastate pipeline against a class action and administrative claims by a group of consumers and the Louisiana Public Service Commission alleging rate irregularities and overcharges and antitrust violations.

**9.** In addition, I was part of the team that represented Illinois Central Gulf Railroad in the class action and related litigation resulting from a derailment, explosion and environmental contamination in Livingston, Louisiana. Claims asserted by plaintiffs individually and as class members included business losses, disruptions of and damages to public services and property, personal injuries and psychological and emotional damages. I led the team that was in charge of developing and presenting evidence with real estate experts to demonstrate that the train derailment had resulted in the little or no property devaluation in the area.

**10.** I defended the natural gas supplier to Georgia Gulf Corp. in the class action by workers, families and area residents arising from alleged exposures to a mustard agent.

**11.** I represented Kaiser Aluminum in the class action and related litigation by plant workers and others who alleged they had been injured in a plant explosion at its plant in Gramercy.

**12.** I have an extensive administrative law background, both as a regulatory practitioner and litigator.

**13.** Of particular significance to this class action matter, I represented Southern Research Co., Inc. ("SRC") as a member of Employers' Self Insurance Fund ("ESIF") in the United States

Bankruptcy Court for the Middle District of Louisiana, Case No. 12-11512, in which I negotiated one of the first member settlements in that proceeding with the Chapter 7 Trustee that released my client from potential solidary liability for all claims against ESIF for the years in which SRC was a member of the fund and from claims by ESIF against SRC for additional premiums filed in a state court before the bankruptcy case.

**14.** I have resolved additional legal disputes through arbitrations or mediations before the National Association of Securities Dealers, the American Arbitration Association and other panels.

**15.** I am licensed to practice in all state and federal district courts of Louisiana, the U.S. Court of Appeals, Fifth Circuit and state courts in Virginia. I am a member of the Baton Rouge, Louisiana State and Virginia State Bar Associations.

**16.** Roedel Parsons has committed considerable resources to the Class Action and have diligently defended the claims asserted therein, through, among other actions, conducting extensive investigation of the Trustee's claims, reviewing substantial discovery, consulting with an expert in the field of forensic accounting involving self-insurance trusts and licensed insurers, and litigating the extent of potential liability of Class members including through the claims administration process of the Bankruptcy Case.

**17.** In negotiating the terms for the Settlement, we evaluated, among other things, the various possibilities for judgments that could be rendered against Class members, including the possibility of class member(s) being found solidarily liable for up to \$30 million, the likelihood of such potential judgments; and, weighed same against the fixed liability amounts assigned to Class members through the Settlement, none of which exceed \$13,000. In addition, we examined the estimated *pro rata* share of litigation costs to be borne by Class members and the strong likelihood

that such shares of litigation costs would be far less than any Class member would incur for defense of the Trustee's claims or even attempting to negotiate a settlement with the Trustee.

**18.** Based upon my experience and familiarity with the facts and procedural history of this case, I believe that the Settlement is fair, reasonable and adequate and provides a beneficial result for Class members.

**19.** I have reviewed the Motion for Final Approval and all of the information contained therein is true and correct to the best of my knowledge, information and belief.

**20.** Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 2, 2022.

/s/ W. L. West  
W. L. West