



**IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE**

IN RE KINDER MORGAN )  
ENERGY PARTNERS, L.P. ) CONSOLIDATED  
CAPEX LITIGATION ) C.A. No. 9318-VCL

**TRANSMITTAL AFFIDAVIT OF  
DAVID M HAENDLER IN SUPPORT OF LEAD PLAINTIFF'S  
REPLY IN SUPPORT OF MOTION FOR FINAL APPROVAL OF  
SETTLEMENT, CLASS CERTIFICATION AND APPLICATION FOR  
AN AWARD OF ATTORNEYS' FEES AND  
REIMBURSEMENT OF EXPENSES**

I, David M. Haendler, being first duly sworn, do hereby depose and say:

1. I am an associate with the law firm of Grant & Eisenhofer P.A., counsel to Lead Plaintiff Jon Slotoroff.

2. I submit this affidavit in support of Lead Plaintiff's Reply in Support of Motion for Final Approval of Settlement, Class Certification and Application for an Award of Attorneys' Fees and Reimbursement of Expenses.

3. Attached to this affidavit are true and correct copies of the following documents:

Exhibit A: Letter from Deborah A. Elman, Esq. to Ms. Corinne Rivituso regarding her objection to the settlement

Exhibit B: Letter from Deborah A. Elman, Esq. to Joseph C. Blanks, Esq. regarding objections to the settlement of behalf of himself and PatusanPartners, Ltd.

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

Dated: November 18, 2015

*David M. Haendler*

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David M. Haendler (DE Bar 5899)  
GRANT & EISENHOFER P.A.  
123 Justison Street  
Wilmington, DE 19801  
Tel.: (302) 622-7000  
Fax: (302) 622-7100

SWORN TO AND SUBSCRIBED  
before me this 18<sup>th</sup> day of  
November, 2015.

*Frank Edward Gillen*

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Notary Public

My commission expires:

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FRANK EDWARD GILLEN  
Notary Public - State of Delaware  
My Comm. Expires Dec. 12, 2015



# Exhibit A



Grant & Eisenhofer P.A.

123 Justison Street  
Wilmington, DE 19801  
Tel: 302-622-7000  
Fax: 302-622-7100

485 Lexington Avenue New York, NY 10017 Tel: 646-722-8500 Fax: 646-722-8501

30 N. LaSalle Street, Suite 2350  
Chicago, IL 60602  
Tel: 312-214-0000  
Fax: 312-214-0001

WRITER'S DIRECT DIAL NUMBER

(646) 722-8534

November 10, 2015

**VIA OVERNIGHT MAIL**

Ms. Corinne Rivituso  
159-47 87th Street  
Howard Beach, NY 11414

Re: KMP Class Action

Dear Ms. Rivituso:

I write on behalf of the Lead Plaintiff in the KMP class action. We received your objection to the settlement. We take every objection seriously so I wanted to respond.

I've enclosed a copy of our brief in support of the proposed settlement, which includes additional information on some of the issues you raised, including the methods for calculating class members' proceeds, the claims at issue, the size of the class, and the commonality of factual and legal issues among class members. I hope this answers some of the questions you have raised. If after you have reviewed the brief, you still have any questions, please feel free to call me at 646-722-8534.

Sincerely yours,

Deborah A. Elman

cc: Nicholas Cravotta, Esq.

# **Exhibit B**



Grant & Eisenhofer PA.

123 Justison Street  
Wilmington, DE 19801  
Tel: 302-622-7000  
Fax: 302-622-7100

485 Lexington Avenue New York, NY 10017 Tel: 646-722-8500 Fax: 646-722-8501

30 N. LaSalle Street, Suite 2350  
Chicago, IL 60602  
Tel: 312-214-0000  
Fax: 312-214-0001

WRITER'S DIRECT DIAL NUMBER

(646) 722-8534

November 16, 2015

**VIA OVERNIGHT MAIL**

Joseph C. Blanks, Esq.  
Post Office Drawer 999  
Doucette, TX 75942

Re: KMP Class Action

Dear Mr. Blanks:

I write on behalf of the Lead Plaintiff in the KMP class action. We received the objections to the settlement you lodged on behalf of yourself and on behalf of PatusanPartners, Ltd. We take every objection seriously so I wanted to respond.

I've enclosed a copy of our brief in support of the proposed settlement, which includes additional information on some of the issues you raised, including a history of the litigation and the claims and defenses, as well as the benefits achieved through this settlement. I hope this addresses some of your concerns regarding insufficient notice. If after you have reviewed the brief, you still have any questions, please feel free to call me at 646-722-8534.

Sincerely yours,

Deborah A. Elman

Enc.