

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

IN RE: GENERAC SOLAR POWER
SYSTEMS MARKETING SALES
PRACTICES AND PRODUCTS LIABILITY
LITIGATION

Case No. 23-md-03078

THIS DOCUMENT RELATES TO ALL CASES

**DECLARATION OF MARK P. CHALOS IN SUPPORT OF
PLAINTIFFS' MOTION FOR ATTORNEYS' FEES, COSTS AND EXPENSES, AND
REPRESENTATIVE PLAINTIFF SERVICE AWARDS**

I, Mark P. Chalos, declare under penalty of perjury:

1. I am an attorney duly licensed to practice law in the State of Tennessee and am admitted to practice before this Court. I submit this Declaration in support of Plaintiffs' Motion for an Award of Attorneys' Fees, Costs, and Representative Plaintiff Service Awards.

2. I have personal knowledge of the facts set forth in this Declaration based on active participation in all aspects of the litigation and proposed resolution of this Action. If called upon to testify, I could and would testify competently to the truth of the matters set out in this Declaration.

3. On July 18, 2023, the Court appointed myself of Lieff Cabraser Heimann & Bernstein, LLP; Ian J. Barlow of Kershaw Talley Barlow PC; Scott C. Harris of Bryson, Harris, Suciu & Demay PLLC; and James J. Rosemergy of Carey & Danis LLC to serve as Interim Co-Lead Counsel for the putative class. Dkt. 11.

4. On January 13, 2026, the Court appointed as Settlement Class Counsel ("Class Counsel"): myself of Lieff Cabraser Heimann & Bernstein, LLP; Ian J. Barlow of Kershaw Talley

Barlow PC; Scott C. Harris of Bryson, Harris, Suciu & Demay PLLC; James J. Rosemergy of Carey & Danis LLC; and Harper T. Segui of Lee Segui PLLC. Dkt. 81 at 3.

I. SUMMARY OF COUNSEL'S WORK

5. Class Counsel—with the assistance of Liaison Counsel and the Plaintiff Steering Committee—have dedicated substantial time, effort, and resources to prosecuting this MDL. This work has been performed on an entirely contingent basis.

6. Following their appointment as Co-Lead Counsel, Class Counsel filed a Consolidated Class Action Complaint, which required time-intensive vetting of potential class representatives. Settlement Class Counsel conducted hundreds of interviews and initial screenings, and after vetting, thirty-one Representative Plaintiffs brought thirty causes of actions on behalf of a nationwide class and sixteen state-based subclasses in the Consolidated Class Action Complaint. The causes of action and underlying facts were extensively investigated and researched prior to and over the course of this litigation.

7. The Parties negotiated and entered into four protocols governing discovery, including a Protective Order (Dkt. 16), ESI Protocol (Dkt. 22), Inspection Protocol (Dkt. 28), and a Preservation Protocol (Dkt. 62). Extensive factual discovery followed. The Parties exchanged initial disclosures, interrogatories, requests for production of documents, and corresponding written responses for all thirty-one Representative Plaintiffs, which was accompanied by nearly 20 hours of meeting and conferring by the Parties. Tens of thousands of custodial and non-custodial documents were produced by Defendants and reviewed by Plaintiffs, and substantial additional productions were likely had the Parties not successfully resolved this litigation. Moreover, thousands of pages of documents were produced by Plaintiffs, which is substantial relative to typical consumer class cases.

8. The Parties further conducted all-day, cross-country, in-person inspections of each of the thirty-one Representative Plaintiffs' Systems, with each side overseeing multiple experts at the inspection.

9. To further assess the scope of the alleged failure, Class Counsel and their consulting experts traveled to Portland, Maine on June 12, 2025, to inspect Snaps in Generac's possession. Class Counsel and their consultants selected exemplars to take into custody for subsequent joint inspection and destructive testing. This visit required a subsequent visit to Boston for evidence chain of custody purposes.

10. Plaintiffs also took two 30(b)(6) depositions covering several of the noticed areas of inquiries. Class Counsel deposed the witnesses on Generac's data collection, management, and retention policies. These depositions facilitated Plaintiffs' understanding of Generac's data management systems and document productions to date, and drove resolution of disputes over outstanding document requests.

11. Plaintiffs also served subpoenas on, and met and conferred with, several of Generac's third-party manufacturers, product testing companies, and installers.

12. This case also involved extensive expert work due to the relatively novel product defect at issue. Plaintiffs' experts provided critical input at all stages of the litigation. It was necessary to work with two different types of experts (i.e., an electrical engineer to ascertain the design of the allegedly defective System component, and a mechanical engineer with solar expertise to understand the functions and use of the Systems as a whole, including whether installation or other issues were to account for lost electricity production as opposed to the alleged defect) to diagnose and assess the alleged defect. The experts were present at the in-person

inspections of Plaintiffs' systems, which were situated all over the country, and also conducted extensive independent research, testing, and analysis on System components.

13. Since the Court first granted preliminary approval on January 13, 2026, Counsel have been working closely with the Settlement Administrator to implement the Notice Plan and respond to inquiries from the Administrator and Settlement Class Members. Class Counsel will continue to work closely with the Settlement Administrator and respond to Settlement Class Members as necessary to effectuate the proposed Settlement.

14. On May 12, 2026, the Settlement Administrator implemented the Notice Plan, including the Settlement Website and Direct and Indirect Notice, informing Class Counsel of the progress of the notice campaign.

15. Class Counsel has worked with the Settlement Administrator and Generac to confirm Class Member contact information and prequalification, reviewing final materials before publication or transmission, and consistent contact with the Settlement Administrator to track the effectuation of the notice plan.

16. As of July 2, 2026, the Claims Administrator has informed Class Counsel that there have been 6,679 claims already submitted.

II. CLASS COUNSEL'S TIME AND EXPENSE REPORTING

17. Class Counsel had the responsibility of managing case-staffing, timekeeping, cost reimbursement, and related common benefit issues. Plaintiffs' counsel was directed to record and maintain detailed, contemporaneous time records for all work performed and expenses incurred.

18. Plaintiffs' counsel's combined hours exceed 5,800 for the period from the formation of the MDL through June 30, 2026.

19. Class Counsel will continue dedicating time through the full resolution of the settlement, and the total lodestar will be at or above the requested fee of \$5,000,000.

20. Plaintiffs' counsel's combined expenses total \$557,556.67 for the same period.

21. Based on the information provided to me, I believe the time expended and expenses incurred were reasonable and necessary for the effective and efficient prosecution of this case. Based on the information provided to me, I also believe the expenses reported are of a type normally charged to and paid for by fee-paying clients.

22. Plaintiffs are seeking an attorneys' fee award of \$5,000,000.

III. SETTLEMENT CLASS REPRESENTATIVES' CONTRIBUTIONS TO THE LITIGATION

23. The Representative Plaintiffs' help and ongoing involvement were instrumental for prosecuting this litigation. The Representative Plaintiffs performed valuable services for members of the Settlement Class by bringing their claims to Plaintiffs' counsel for investigation, serving as representative plaintiffs, reviewing the complaints, remaining available to consult Class Counsel when necessary regarding the progress of the litigation, and reviewing the progress of the litigation. Additionally, the Representative Plaintiffs searched for and produced documents and responded to Generac's written discovery requests, verified interrogatories, and made their homes available for the day-long inspections of their Systems by opposing counsel and their experts. The Representative Plaintiffs' cooperation and participation in this litigation was beneficial to the members of the Settlement Class

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

Executed on July 2, 2026.

/s/ Mark P. Chalos
Mark P. Chalos