



August 5, 2022

VIA HAND DELIVERY

Judge John R. Adams
2 South Main Street, Suite 510
Akron, Ohio 44308

Re: *Miller v. Anderson, et al.*, Case No. 20-CV-1743 (N.D. Ohio)

Dear Judge Adams,

I write in follow-up to my July 22 letter and in regard to the Court's July 13, 2022, order in the above-referenced action.

We write to notify the Court that a lawyer formerly in our firm's District of Columbia office, while the lawyer was still at our firm, advised a former employee of FirstEnergy in connection with certain matters related to the subject matter of the above-referenced action. That former employee is no longer represented by Boies Schiller Flexner. The former employee is not a defendant in this action; however, we understand the employee is a defendant in the parallel action captioned as *Employees Retirement System of the City of St. Louis v. Jones, et al.*, C.A. No. 20-cv-04813, pending in the Southern District of Ohio.

Under the facts as we understand them, we believe that there may not be a disqualifying conflict under rules applicable in the District of Columbia. However, we understand that under the rules in Ohio it would not be sufficient to have other conflicts counsel be responsible for any discovery or other issues relating to this former FirstEnergy employee that might arise in this action. Accordingly, we regretfully withdraw our application to serve as counsel to pursue relief on behalf of FirstEnergy in this action, and express our appreciation to the Court for its consideration of us, and its dedication to protecting the interests of FirstEnergy's shareholders.

Respectfully submitted,

/s/ David Boies
David Boies
BOIES SCHILLER FLEXNER LLP
333 Main Street

BOIES SCHILLER FLEXNER LLP

BSF

Armonk, New York 10504
Phone: (914) 749-8200
Fax: (914) 749-8300
Email: dboies@bsflp.com